

**European Master's Degree in Human Rights and
Democratisation
Co-ordinating University: University of Padova
February- July 2003**

**“The Media and the treatment of the violation of
International Law during the Intervention in Kosovo”**

Supervised by Prof. Antonio Papisca,
Professor of International Law in the University of Padova

Research conducted by: Manolia Alimpanaki
EMA Student 2002-20003

To my family with gratitude

ABSTRACT

On March 24, 1999, the NATO launched a bombing campaign against the Federal Republic of Yugoslavia, after the failure to reach a political solution on the Kosovo crisis. This paper examines how mainstream media in Italy, the United Kingdom and Greece treated the question of the violation of international law.

Mainly, it analyses three major dailies from the above mentioned countries, through the “sample” of five controversial events that took place during the war in Kosovo. The analysis focuses on what is said and what is omitted about these events, in terms of international law. Moreover, it examines them in terms of stories published on Kosovan refugees and, on the other hand, stories on damages in Serbia. The final element of the analytical scheme is how much the daily publicises its country’s or other countries –dissenting- public opinion.

The study finds that, independently on whether they kept a pro-interventionist or anti-interventionist approach, all three media omitted or neglected serious questions of international law involved in the issue. They rather preferred the “info-tainment” technique, mixing information with entertainment. Finally, it concludes that they more or less mirrored their countries’ public opinion. Furthermore, it finds that, during crises, mainstream media are rather unlikely to press themes that their political and economic leaders would not like. Thus, one realises that information is nowadays an activity and the citizens themselves have an obligation to have an active rather than a passive attitude towards the information they receive.

ACKNOWLEDGEMENTS

This research was conducted during the second semester of the Academic Year 2002-2003 in the University of Padova, Italy, co-ordinating University of the European Master's Degree in Human Rights and Democratisation. The author of the present paper is Ms. Manolia Almpanaki, Student of the European Master's Degree, under the supervision of Prof. Antonio Papisca. The author would like to thank Prof. Papisca for his valuable guidance and help. Furthermore, I owe special thanks to Prof. Giuseppe Gangemi from the Department of Historical and Political Sciences of the University of Padova for his precise methodological advice. Dr. Sophia Kaitatzi-Whitlock, a lecture in Communication in the Department of Journalism and Mass Media in the Aristotle University of Thessaloniki, Greece and a former professor of mine kindly provided me with copies of all the articles she had published on the media and the war in Kosovo. These documents proved to be very useful for the present research. Consequently, I would humbly like to express my appreciation to her. Above all, I express infinite thankfulness to my family and friends for all kinds of support they gave in order for me to be able to complete this piece of work.

Table of contents

A. Introduction.....	1
A.1. Hypothesis.....	1
A.2. Structure.....	3
A.3. Methodology.....	4
 B. Legal Arguments For and Against the War- Different Interpretations of the International Law.....	9
 C. Analysis of the newspapers.....	18
C.1. Corriere della Sera.....	18
C.1.a. March 24-25, 1999: Initiation of the bombings.....	18
C.1. (b) April 24-25, 1999: Bombs on the studios of the Serbian Radio Television (RTS).....	23
C.1. (c) May 8-9, 1999: Bombs on the Chinese Embassy of Belgrade.....	27
C.1 (d) May 14-15, 1999: Bombs found in the Adriatic Sea.....	29
C.1. (e) May 31- June 1, 1999: Bombs on a bridge.....	31
 C.2. The Times.....	33
C.2.a. March 24-25, 1999: Initiation of the bombings.....	33
C.2. (b) April 24-25, 1999: Bombs on the studios of the Serbian Radio Television (RTS).....	37
C.2. (c) May 8-9, 1999: Bombs on the Chinese Embassy of Belgrade.....	40
C.2. (d) May 14-15, 1999: Bombs found in the Adriatic Sea.....	42
C.2. (e) May 31- June 1, 1999: Bombs on a bridge.....	45

C.3. Ta Nea.....	47
C.3.a.March 24-25, 1999: Initiation of the bombings.....	47
C.3. (b) April 24-25, 1999: Bombs on the studios of the Serbian Radio Television (RTS).....	51
C.3. (c) May 8-9, 1999: Bombs on the Chinese Embassy of Belgrade.....	54
C.3 (d) May 14-15, 1999: Bombs found in the Adriatic Sea.....	58
C.3. (e) May 31- June 1, 1999: Bombs on a bridge.....	61
 D. COMPARISON OF THE THREE DAILIES- CONCLUSIONS-SUGGESTIONS.....	 63-69
Bibliography- Articles.....	70-74

Declaration against plagiarism

"I certify that the attached is all my own work. I understand that I may be penalised if I use the words of others without acknowledgement"

Manolia Almpanaki

A. INTRODUCTION

A. 1. Hypothesis

The 1999 crisis of Kosovo can be seen as a result of the dissolution of the State of Yugoslavia. Yugoslavia was a “*sui generis*” State that tried to unite under the same flag different ethnicities, with different history and tradition. For centuries, Kosovo has been the locus of tensions between Albanians and Serbs. Albanians consider it as their ancient heritage, while Serbia focuses on the 1389 battle of Kosovo against the Ottoman Turks and sees it as a vital part of its history. For many years, demography was changing in Kosovo, mainly due to expulsions of the Albanian or the Serb element of the region. In 1974, General Tito granted autonomy to Kosovo. By 1987 the Albanians represented a majority of 90% in the region. In 1989, the Yugoslav President Milosevic suspended Kosovo’s autonomy. Violent episodes started taking place. In 1996, the Albanians organised the Kosovo Liberation Army (KLA). The Serbs saw them as terrorists and claimed that the KLA was harassing the Kosovo Serb population. The Serb police replied with an escalation of violence, which resulted to the adoption of a Security Council Resolution, calling Serbia to withdraw its forces from Kosovo (1998). Another Resolution demanded the implementation of verification missions. Afterwards, Ministers of the Contact Group met in Rambouillet with KLA leaders and the FRY government, in order to negotiate a political solution to the crisis. For different reasons, an agreement was never reached and on March 23, 1999, NATO Secretary General order air strikes against Yugoslavia.

When the North Atlantic Treaty Organisation (NATO) launched the bombing campaign against the Federal Republic of Yugoslavia on March 24, 1999, “politicians in the NATO bloc maintained that, reluctantly, they had taken action because

diplomacy had failed; because there was an impending ‘humanitarian catastrophe’¹. Based on this moral argument, the war in Kosovo was supported by a significant part of the international community. The operation was conducted by “a coalition under the authority and the commands, ‘supranational’ in this case, of a Regional Military Organisation”². Thus, although the use of force was not authorised by the United Nations Security Council, NATO politicians claimed it was not unilateral, as the decision was taken by a supranational organisation. Moreover, they made an extensive use of the argument of the “human rights war”³. “With very few exceptions Western journalists uncritically framed the conflict in these terms: NATO was trying to help”⁴.

The present paper is an endeavour to find out to which extent three different newspapers from three different NATO countries –Italy, the United Kingdom and Greece- paid attention to legal arguments and issues in the case of the intervention in Kosovo. The paper reports findings from a study on the above discourse, after having applied the same analytical and comparative scheme to all three dailies under examination. The study is trying to prove that although each one of these media interpreted differently the question of the crisis and the violation of the International Law, in all of them the references to the latter are not sufficient. The journalists do not explain that International Law can have different interpretations; on the contrary, their arguments are usually not legally founded, but they are rather sentimental judgements. This way they contribute to the creation of a partially informed and fanatic public opinion.

A number of factors determine what communication scientists call “gate-keeping theories”. This means that “who says what, to whom, why and to what aim” and who does not say what, to whom and to which aim” may vary, especially when we are dealing with different countries’ media. International Law can be interpreted in a different way, according to the country’s interests or public opinion.

¹ P. Hammond, E.S. Hermann, *Introduction*, in P. Hammond and E.S. Hermann (Eds), *Degraded Capability: The media and the Kosovo Crisis*, London and Sterling, VA, USA, Pluto Press, 2000, p.1.

² A. Papisca, *L’ ONU e il (futuro del) diritto alla cosiddetta ingerenza umanitaria*, in “Seminarium”, n. 2, 2000, p. 377.

³ Idem.

⁴ P. Hammond, E.S. Hermann, *Introduction*, in P. Hammond and E.S. Hermann (Eds), *Degraded Capability: The media and the Kosovo Crisis*, London and Sterling, VA, USA, Pluto Press, 2000, p.1.

With regards to the extent national interests set the rules for what mainstream media present, many analysts concluded that the media have provided “aggressive support and promotion of war [...] pressing political leaders to do what they otherwise would not do. [...] This has been labelled the ‘CNN effect’”⁵. This piece of work rather agrees to Philip Hammond’s opinion that “the mainstream media rarely, if ever, press themes that the dominant political and economic leaders of their respective countries do not favour (although there may be divisions of opinion, with some sectors of the elite unhappy with the publicity and pressures)”⁶.

Referring to the public opinion’s role, the Greek journalist Pavlos Tsimas, on April 24, in his article in *ta Nea* wrote:

*“Our media, exactly like the ones of the other countries, tried to align with the atmosphere, the sensitivities and the prejudices of their public opinion, filoserbic here, antiserbic in other countries”.*⁷

Communication scientists call this “the mirror theory”, meaning that media often function as a mirror of the society. A newspaper has to sell; for this reason, the public opinion often has to be gratified⁸. In order to do this, the different media chose an “info-tainment”⁹ approach, to the expense of explaining facts also under their legal dimension. The latter approach would be much more preferable: providing reasonably objective information would contribute to the public debate and, in effect, promote democracy.

A.2. Structure

The present piece of work is divided into four chapters, the contents of which are hereby briefly presented.

The first chapter, titled “Introduction” is a brief description of the issue and the working hypothesis of the present paper. Furthermore, I present its structure and

⁵ Idem, p. 207.

⁶ Ibidem.

⁷ P. Tsimas, “Journalists and War” (Dimosiografoi kai polemos), *Ta Nea*, Athens, 31/4/1999, p. 04.

⁸ G. Maletzke, *Massenkommunikations theorien*, Translated in Greek by P. Zeri, Athens, Editions Papazisi, 1991, pp. 46-48.

⁹ This is a relatively new communication science term, made up by the first component of the words *information* [info-] and the last component of the word *entertainment* [-tainment]. Communication scientists use it to describe the technique of mixing the two things that is often used by the media.

the methodology followed for the construction of each chapter. With regards to the methodology, I analyse why I chose to work with the three particular newspapers of the three particular countries and briefly give some remarks about the problems I faced during the research.

The second chapter, titled “Legal Arguments for and Against the War- Different Interpretations of the International Law”, I refer to the current status of the International Law that was involved in the intervention in Kosovo. Different legal scientists interpreted differently the intervention in Kosovo, based on different law provisions. This analysis is necessary in order to show that the newspapers examined in this paper, omitted or scarcely published the legal issues that were not according to their main directive- pro-interventionist or anti-interventionist.

The third chapter is the analysis of three different mainstream newspapers from three different countries. Namely, the newspapers utilised for this purpose are the *Corriere Della Sera* (Italy), the *Times* (United Kingdom) and *Ta Nea* (Greece).

The fourth chapter is the comparison of the three newspapers, the conclusions drawn and some suggestions for a more objective and coherent future coverage of crises.

A.3. Methodology

With regards to the juridical part of this paper, the main methodological tool was the study and comparison of different opinions on the legitimacy of the NATO war in Kosovo. The opinions were mainly found in juridical materials and literature, such as the American and the European Journal of International Law. Moreover, I stated opinions of different scholars that had written on the subjects.

Concerning the second part of the present paper, the main methodological tool of this paper is the analysis of three different mainstream newspapers from three different countries¹⁰. The dailies chosen are the “Corriere della Sera” from Italy, “the Times” from the United Kingdom and “Ta Nea” from Greece. These dailies are quite big in circulation, considered to have a high degree of independence and to express moderate opinions.

¹⁰ All translations in English needed are made by the author of the present paper.

The reason why I chose to work with newspapers of the above mentioned countries is that, although all three countries are members of the European Union and the NATO, each one of these media interpreted differently the question of the crisis and the violation of the International Law, possibly depending on the country's geopolitical position and interests and according to its public opinion.

The United Kingdom, one of the NATO's "major players", was "'at the forefront' of efforts to bring about a resolution to the crisis in Kosovo from September 1997 onwards"¹¹. British officials stated that they supported neither the independence of Kosovo, nor the maintenance of the status quo. The country backed the threat of use of force for obtaining a resolution. When finally the attacks were launched, the British Prime Minister Mr. Tony Blair stressed out that the motive of the intervention was to prevent a humanitarian catastrophe and a spill-over of the war in neighboring countries, such as Greece and Turkey. The leader of the opposition, Mr. William Hague, supported the government's action. Some analysts express the opinion that Britain was trying to play a prominent role during the Kosovo crisis in order to prepare the ground for its future role as a leader of a European pillar within the NATO that would not have a heavy reliance on the United States¹². With regards to the British media, one should stress that "although every British paper except the *"Independent on Sunday"* took a pro-war line in its editorial column, there were, broadly speaking, two types of press support for the NATO attack. Politically conservative newspapers [...] voiced their customary stout support for the British military. At the same time, however, these papers expressed a certain caution about the wisdom and goals of NATO action, particularly in the early days of the war". [...] By contrast, for the more liberal section of the press [...], to whom a pro- military stance is not such a traditional reflex response, it was NATO's proclaimed moral mission that captured the imagination"¹³. As far as the British public opinion is concerned, polling results of a multi-nation survey conducted between 25 March and

¹¹ S. Duke, H.G. Ehrhart, and M. Karadi, *The major European Allies: France, Germany, and the United Kingdom*, in A. Schabel and R. Thakur (Eds.), *Kosovo and the Challenge of Humanitarian Intervention; Selective Indignation, Collective Action, and International Citizenship*, Tokyo- New York- Paris, United Nations University Press, 2000, p.136.

¹² Idem, p. 141.

¹³ P. Hammond, *Third Way War: New Labour, the British Media and Kosovo*, in P. Hammond and E. S. Herman (Eds.), *Degraded Capability: The Media and the Kosovo Crisis*, London, Sterling VA USA, Pluto Press, 2000, p. 124.

17 April, 1999 showed that 68% of the British people supported NATO's decision to carry out air and missile attacks against Serb military installations¹⁴.

Italy and Greece are States belonging to the NATO's Southern Flank. However, their reactions to the crisis differed. "Italy assumed a crucial role in the bombing campaign from the start, by providing the airfields for NATO's raids and by contributing planes and crews"¹⁵. The centre- left coalition government had to undertake the country's duties as a member of the NATO, although not without criticism, also from within the governmental coalition. Some analysts think that another incentive for Italy's reaction was the fear of a mass refugee influx in the country. Moreover, Italy has always had interests in Albania, whose stability was at stake. If Italy did not support the intervention, it would not be able to strengthen its role within South- Eastern Europe, the EU and the NATO¹⁶. In the same poll mentioned in the above paragraph, the Italian public opinion appeared equally divided (47% to 47%) in its attitude towards the NATO action.

Finally, Greece is a marginal, small NATO country located in the Balkans, physically peripheral to the rest of the European Union. The Greek Government "tried to keep a relatively low profile on controversial issues, although it had made clear from the start that it would not contribute troops to any enforcement operation. [...] Greece also concentrated on the provision of humanitarian assistance to both the Kosovo refugees forced out of their homes and the Serbs suffering under the NATO attacks"¹⁷. Greece had interests in the demographic stability of Albania and Macedonia and tried to help these countries in caring the refugees that otherwise would have streamed into Greece. Moreover, Greece was fearful of any changing of the borders that would favor the union of ethnic Albanians in Albania, Kosovo and

¹⁴ S. Livingston, *Media Coverage of the War: An empirical assessment*, in A. Schabel and R. Thakur (Eds.), *Kosovo and the Challenge of Humanitarian Intervention; Selective Indignation, Collective Action, and International Citizenship*, Tokyo- New York- Paris, United Nations University Press, 2000, p. 376-377.

¹⁵ G. Kostakos, *The Southern Flank: Italy, Greece, Turkey*, in A. Schabel and R. Thakur (Eds.), *Kosovo and the Challenge of Humanitarian Intervention; Selective Indignation, Collective Action, and International Citizenship*, Tokyo- New York- Paris, United Nations University Press, 2000, p. 167.

¹⁶ Idem.

¹⁷ G. Kostakos, *The Southern Flank: Italy, Greece, Turkey*, in A. Schabel and R. Thakur (Eds.), *Kosovo and the Challenge of Humanitarian Intervention; Selective Indignation, Collective Action, and International Citizenship*, Tokyo- New York- Paris, United Nations University Press, 2000, p. 167.

Macedonia; this could cause trouble to the interior of the country, as in the recent years many Albanians moved to Greece as economic immigrants. After the crisis, Greece tried to assume a role as a status-quo power in the Balkans. With regards to the Greek population, one has to point out that it has had painful experiences with leading NATO powers in the recent past –especially the United States- that supported oppressive right-winged regimes in the country. Other people sympathised with their fellow Orthodox Serbs. As a result, the public overwhelmingly opposed the NATO bombing campaign; the media, almost as a whole, kept an attitude of serious doubts against the NATO.

The paper focuses on five major events of the war in Kosovo. These are the initiation of the bombings (March 24, 1999), the bombing of the studios of the Serb Radio Television RTS (April 24, 1999), the bombing of the Chinese Embassy of Belgrade (May 8, 1999), the cluster bombs found in the Adriatic Sea (May 14, 1999) and the bombing of a bridge (May 31, 1999). I examine the dates mentioned above, as well as the following day of each event, as the journalists then had more time to think about the issue more cold- bloodedly and publish more elaborate opinions. I had to focus on specific issues, as the bombing lasted about three months and it was practically impossible to examine the whole coverage. The reason why I chose these specific events was because all of them were controversial from a legal point of view. It was interesting to see the differences in their presentation in the three dailies.

It is evident that the Kosovo crisis occupied much of the space of all three dailies. Thus, a common analytical scheme had to be applied. For this reason, the analysis is mainly focused on the parameters of international law, the damages caused in Serbia as opposed with the stories about the refugees in Kosovo, and, finally, the reactions of the public opinion. This means that I do not analyse the whole content of the dailies that referred to the Kosovo issue on each particular day examined. In the analysis of the initiation of the bombings, I firstly analyse the parameter of the international law, as the parameter of damages was not yet so evident. In the analysis of the following events, I mention first the coverage of the stories on Kosovan refugees and damages in Serbia, so as to arrive to what has been omitted and what has been said in terms of international law.

I have to clarify further that the same news is sometimes given one day after, especially from “the Times” and “ta Nea”, probably due to circulation reasons. This is

why the dates analysed in each newspaper do not always correspond to each other. As pointed out before, I also worked with the following day of each event. However, some events happened on a Saturday, as, for instance the bombing of the Chinese Embassy. This posed another problem to the research. The Greek newspaper publishes a double “weekend” edition on Saturdays, but is not published on Sundays. For this reason, it was practically impossible to analyse some events’ following days from the Greek daily’s point of view. I overcame this problem by showing some elasticity and using the Monday edition of the newspaper, that is to say two days after the actual event. Regarding the last event- the bombing of a bridge- I examine only one day of coverage (Monday, June 1); as it happened on a Sunday, “ta Nea” couldn’t have possibly published it, as the daily does not circulate in Sundays and, of course, there was no meaning for me to examine Saturday’s edition, as it would not contain this specific piece of news. Similarly, because “the Times” is not published on Sundays, I replaced it with the equivalent “Sunday Times”.

Finally, it is necessary for a reader to keep in mind that this is a survey on three prestigious mainstream newspapers said to express a centrist view. This is why they were judged to be an adequate sample. Although these are not the only media of the countries examined so, probably not the only existing opinions, it is understandable that a survey has to have a sample, which would make it possible for the researcher to draw some general conclusions. In the future, more precise information could be drawn if the research is focused on more events of the war in Kosovo or if the analysis combines more media, possibly from non- NATO countries. There, the differences would probably be more acute and the research could be richer.

B. LEGAL ARGUMENTS FOR AND AGAINST THE WAR- DIFFERENT INTERPRETATIONS OF THE INTERNATIONAL LAW

On 24th March 1999 the NATO started a bombing campaign against the Federal Republic of Yugoslavia. The NATO claimed that the reason for this intervention was humanitarian. Its main target was to stop the practice of ethnic cleansing performed by the Yugoslav President Milosevic's regime against the Kosovo Albanians. Albeit widely supported, NATO's intervention by military force also caused many legal and ethical questions. These mostly have to do with whether the intervention was justified under the UN Charter and International Law. In brief, Kosovo offered a new challenge on examining what humanitarian intervention means, what the law should be and if it should be "construed or modified to be what it ought to be"¹⁸.

When examining all the above, the first thing that comes in one's mind is Article 2(4) of the United Nations Charter. This prohibits "the threat or use of force against the territorial integrity or political independence of any state". Moreover, Article 2(7) states that nothing shall authorise the United Nations to intervene in matters which are essentially in the domestic jurisdiction of any state; but this principle shall not prejudice the application of enforcement measures under Chapter VII of the UN Charter. Thus, an exception permitted to Article 2 (4) is Article 51 of the Charter, which is about the right to self-defence if an armed attack against a UN member state or its allies occurs. If so, the UN Security Council "after having

¹⁸ L. Henkin, *Kosovo and the Law of Humanitarian Intervention*, in "American Journal of International Law", vol. 93, no4, 1999, in www.asil.org/ajil/kosovo.htm.

determined that *a threat to peace*¹⁹, breach of the peace, or act of aggression has occurred, may, if necessary, take military enforcement action involving the armed forces of the Member States”²⁰.

The next step for the examination of the issue is Chapter VII of the UN Charter (Regional Arrangements). More specifically, Article 53 (1) specifies that the Security Council can indeed use regional arrangements for enforcement action, but “no enforcement action shall be taken under regional arrangements or by regional agencies without the authorisation of the Security Council [...]”. This is meant to prohibit unilateral intervention but it does not “reflect a conclusion that the ‘sovereignty’ of the target state stands higher in the scale of values of contemporary international society than the human rights of its inhabitants to be protected from genocide and massive crimes against humanity. [...] [It] rather reflects the judgement of the community that the justification for humanitarian intervention is often ambiguous, involving uncertainties of fact and motive, and difficult questions of degree and ‘balancing’ of needs and costs”²¹. This is why, in the cases of Somalia and Iraq, some form of collective intervention for humanitarian reasons was pursued.

The case of Kosovo is rather complicated from a legal point of view. Those who argue in favour of the NATO military action say that the international Community could not just stand by and watch while human rights violations were occurring; Vaclav Havel argued that “the leaders are acting in the name of principles and values”. When NATO was accused that it was being selective with regards to where and when it intervened, its defenders said that Rwanda, for example should be taken as “a lesson of the type of international nonfeasance that should never again be allowed to occur”²². As for the question whether the human rights violations in Kosovo were “bad” enough to trigger an international intervention, the supporters of the intervention reply that “fortunately, an event of the scale of the Holocaust has not become the minimum requirement for the exercise of international concern”²³. The NATO probably did not ask for the Security Council’s permission for fear of the veto;

¹⁹ Emphasis added.

²⁰ B. Simma, *NATO, the UN and the Use of Force: Legal Aspects*, in *European Journal of International Law*, vol.10, 1999, p.4.

²¹ L. Henkin, *Kosovo and the Law of Humanitarian Intervention*, in “*American Journal of International Law*”, vol. 93, no4, 1999, in www.asil.org/ajil/kosovo.htm.

²² W.M. Reisman, *Kosovo’s Antinomies*, in “*American Journal of International Law*”, vol. 93, no4, 1999, in www.asil.org/ajil/kosovo.htm.

²³ *Idem*.

something had to be done for the defence of human rights and the veto should not stand in the way. Ruth Wedgwood²⁴ argued that

The war over Kosovo may mark the end of the Security Council classicism - the common belief that all necessary and legitimate uses of force outside the Council's decision can necessarily be accommodated within the paradigm of interstate self-defence. It may also mark the emergence of a limited and conditional right of humanitarian intervention, permitting the use of force to protect the lives of a threatened population when the decision is taken by what most of the world would recognise as a multilateral organisation and the Security Council does not oppose the action.

The above statement shows that one can argue that the NATO action was not actually unilateral, although not authorised by the Security Council²⁵. It might have never authorised the NATO, but never ordered it to stop either, as Wedgwood points out. The UN Secretary-General Kofi Annan can be said to have moved at this wavelength when, in one of his speeches, he regretted for the failure of diplomacy, but recognised that “there are times when the use of force may be legitimate in the pursuit of peace”²⁶. Another important element is that “twelve (out of fifteen) members of the Council voted to reject the Russian Resolution of March 26, thereby agreeing in effect that the NATO intervention had been called for and should continue. And on June 10, the Security Council, in Resolution 1244, approving the Kosovo settlement, effectively ratified the NATO action and gave it the Council’s support”²⁷. Prof. Antonio Cassese has argued that, thanks to this Resolution, human

²⁴ R. Wedgwood, *NATO's Campaign in Yugoslavia*, in “American Journal of International Law”, vol. 93, no4, 1999, in www.asil.org/ajil/kosovo.htm.

²⁵ It is noteworthy that four years later, in 2003, Anglo-American forces attacked Iraq. The attack was called “Iraqi Liberation” and the Angloamericans claimed it was an effort to liberate Iraqi people from the Iraqi dictator Saddam Hussein. This time, the humanitarian scope of the intervention was widely doubted. However, there was a striking difference: this time the intervention took place with no Security Council Resolution, but was not signed by the majority of NATO member States either. When comparing the two cases, one can not help wondering whether the “end of the Security Council classicism” affirmed a new role for the world’s superpower, the US, rather than for the NATO.

²⁶ *Secretary General's Statement on NATO military action against Yugoslavia*, M2 Presswire, Mar. 25, 1999, available in LEXIS, Market Library, Iacnws file in R. Wedgwood, *NATO's Campaign in Yugoslavia*, in “American Journal of International Law”, vol. 93, no4, 1999, in www.asil.org/ajil/kosovo.htm.

²⁷ L. Henkin, *Kosovo and the Law of Humanitarian Intervention*, in “American Journal of International Law”, vol. 93, no4, 1999, in www.asil.org/ajil/kosovo.htm.

rights are “becoming the main concern of the world community”²⁸ and that the mistreatment of minorities is not solely an internal matter. Thus, according to Cassese, SC Resolution 1244 marks an important change in the International Law.

In total, three Security Council Resolutions²⁹ defined the Kosovo conflict as an international crisis and not simply an internal matter. One of them had actually authorized the use of force under Chapter VII of the UN Charter in order to protect OSCE verifiers. All the above could be seen as the legal basis of the NATO action. Furthermore, “the lesson of Kosovo”, according to Henkin, is that the Charter can and should be modified in order to become a “living” one; this means that the Kosovo action might be a “part of the quest for developing ‘a form of collective intervention’, beyond a veto-bound Security Council [...] a desirable change [...] achieved without formal amendment of the Charter (which is virtually impossible to affect)”³⁰.

On the other hand, many jurists doubt about the legality of the action and are very sceptical about any changing in the law because of the Kosovo action, among others. Some of them think that the NATO was not morally at fault when it intervened in Kosovo, but they do believe that “as now conceived, the so-called doctrine of humanitarian intervention can lead to an escalation of international violence, discord and disorder and diminish protection of human rights worldwide”³¹. The anti-interventionists do not accept the justification that the NATO could not ask for a Security Council Resolution for fear of the veto, because this says that the “NATO is superior in morality to the Russians and the Chinese”³². Some anti-interventionists acknowledge that there have been UN Resolutions concerning human rights violations in the FRY, but “they did not authorise the use of force by any outside entity”³³. According to this opinion, the bombing of a country can not be taken as a liberal interpretation of Article 2(4), that talks about “territorial integrity” and “inconsistent

²⁸ A. Cassese, *Ex inuria ius oritur: Are We moving towards international Legitimation of Forcible Humanitarian Countermeasures in the World Community?* In “European Journal of international Law”, vol. 10, 1999, p. 23 in T. M. Franck, *Lessons of Kosovo*, in “American Journal of International Law”, vol. 93, no4, 1999, in www.asil.org/ajil/kosovo.htm.

²⁹ SC Res. 1119, preamble (Sept.23, 1998); SC Res.1203, preamble (Oct. 24, 1998); SC Res. 1244, preamble (June 10, 1999).

³⁰ L. Henkin, *Kosovo and the Law of Humanitarian Intervention*, in “American Journal of International Law”, vol. 93, no4, 1999, in www.asil.org/ajil/kosovo.htm.

³¹ J. I. Charney, *Anticipatory Humanitarian Intervention in Kosovo*, in “American Journal of International Law”, vol. 93, no4, 1999, in www.asil.org/ajil/kosovo.htm.

³² Pr.R. Hayden, *Humanitarian Hypocrisy*, in Kosovo and Yugoslavia: Law in Crisis, a presentation of JURIST: The Law Professors’ Network, available in <http://jurist.law.pitt.edu/hayden.htm>.

³³ J. I. Charney, *Anticipatory Humanitarian Intervention in Kosovo*, in “American Journal of International Law”, vol. 93, no4, 1999, in www.asil.org/ajil/kosovo.htm.

with the purposes of the Charter”. This specific article, if read in conjunction with Article 52, provides that the NATO cannot use force against another UN member State without its government’s consent, if the action is not itself in defence of another UN member state, unless the action is specifically authorised by the UN Security Council. In the present case, there was no UN member state to be defended. Furthermore, Charney argues that another reason for which Article 2(4) cannot be liberally interpreted is that in the *travaux préparatoires* of the Charter, it is stated that the above mentioned phrases of this particular Article were added “to close all potential loopholes in its prohibition of the use of force, rather than to open up new ones”³⁴.

Moreover, anti- interventionists argued that human rights could not be named as a basis for the war, as they are an objective of the United Nations, only if they are subjected to the purpose of the limiting of war. Furthermore, strictly legally speaking, humanitarian intervention is not an exception to the prohibition of the use of force, especially because we cannot be sure about the real motives of any intervention. This means that we can never be certain, so as to characterise it “humanitarian”³⁵.

Those arguing in favour of the war claimed that Kosovo’s sources are unimportant to the West; this proves that the intervention was indeed humanitarian. Noam Chomsky, though, rejects this opinion. In his book “The New Military Humanism: Lessons from Kosovo” (1999, p.136), Chomsky claims:

The issues were consistently different. One persistent concern is to establish “credibility”, a requirement that becomes still more urgent if there is a perceived danger that the “rotten apple” might “spoil the barrel”, that the “virus” of independence might “infect” others [...].

This mostly means that what is important about the Balkans is their strategic position. According to Chomsky, the United States were trying to control Greece and Italy and Turkey with the ultimate goal of being able to control Europe, West and East, but also the Middle East. “Proximity to Turkey, Washington’s major military base in the region along with Israel, is also presumably a factor in planning. As long as Serbia is not incorporated within the U.S. dominated domains, it makes sense to

³⁴ Ibidem.

³⁵ According to some views, this is why the General Assembly adopted Resolutions to condemn India’s allegedly humanitarian intervention in East Pakistan in 1971.

punish it for failure to conform-very visibly, in a way that will serve as a warning to others that might be similarly inclined”³⁶.

Another element that opposes the opinion that Kosovo is an unimportant place for the West is the “Rambouillet agreement” itself. If economy had nothing to do with the whole intervention, then there remains the question of why Chapter 4, article 1 of the peace agreement wanted to ensure that Kosovo would be opened to “free market principles” and that “the parties will agree to reallocate ownership and resources”. Moreover, the Trepca mining- complex of Kosovo is particularly rich in production of gold, silver, lead, zinc and cadmium. The area is also very rich in coal; its coal deposits would keep Denmark supplied for two thousand years. But, according to Rambouillet, a Claim Settlement Commission would be set up, with experts from Kosovo, Serbia and three more designated by a NATO commander. This way, the ultimate decisions would virtually be taken by the NATO; the international companies would certainly get in to exploit Kosovo’s resources. It is worthwhile noticing that “the Rambouillet Agreement did not contain any provisions regarding the KLA and no information on how the NATO force- which was to be deployed solely against the Serbs-would be withdrawn. [...] Kosovo’s immediate fate was according to the Rambouillet agreement, neither independence, nor autonomy within Yugoslavia, but a protectorate under NATO”³⁷.

Furthermore, one retired lieutenant that previously had a high position in the NATO sent a letter to the Greek daily “TA NEA”, claiming more or less that the NATO intervention was also motivated by...unemployment reasons³⁸. He states that, nowadays, thousands of people in Europe and in the US face unemployment. He goes on by enumerating some reasons for that; after the collapse of the Warsaw Pact, all Western European Governments reduced drastically their defence budgets; thousands of working places have been made redundant; central and Northern European Armies are not national but depend on the NATO; the Americans that are nowadays in Europe are less than half the number of the ones that were here during the previous decade. With the NATO intervention, for the first time attack- and not only defence- troops

³⁶ N. Chomsky, *The New Military Humanism: Lessons from Kosovo*, Monroe (ME), Common Courage Press, 1999, p.137

³⁷ R. Engelbreth Larsen, *The Staging of War and Peace* in Faklen Magazine, www.faklen.dk/en/info/docs/stagingofwar.shtml.

³⁸ the lieutenant asked the newspaper not to publish his name, but his letter was published by columnist Pantelis Kapsis, on May 10th, 1999, in the Greek daily “TA NEA”, under the title “Provolis: I syntechnia tou poleμου” (i.e.: Projectors: the syndicate of war)

are introduced and new command houses are being created. As a result, thousands of new working places are created. He says that it is very suspicious that 40% of the working places of the British Ministry of Defence were at risk. He also states that the plans for intervention were ready since 1993, long before any problem was created.

Despite the connection to politics and economy, many jurists think that sooner or later, one way or another the doctrine of humanitarian doctrine will prevail. J. I. Charney argues that proof, notice, exhaustion of remedies and a UN role are elements that could balance the interests of a new international law. He also says that, if not prohibited by the UN, a regional organisation could take action. However, there should be some limitations to this, such as previous warning to the target state and consent for international Court jurisdiction. Moreover, the purpose and means of the use of force must be completely clear: force should be limited and targets well-defined; finally, the withdrawal of the forces should also be clearly spelled out. According to this scheme, Charney proves that the NATO intervention had many blur points and thus deems it an unfortunate precedent for the international law.³⁹ Christine M. Chinkin deems the bombings inadequate and disproportionate and accuses the United States of being “prepared to bomb in the name of human rights but not to join institutions to enforce them” [i.e. the ICJ].⁴⁰ In order for her to strengthen her opinion, she criticizes the “selective” intervention, as no intervention has occurred in Sudan or Ethiopia; in the cases that intervention did happen, “the instances [...] that are most frequently cited as evidence that humanitarian intervention is evolving as a doctrine of post-Charter international law were initiated by the West and involved non-Western protagonists (Iraq, Somalia and Haiti)”⁴¹, while this was not the case for analogous non-Western States’ actions⁴². She concludes that Kosovo only helped to highlight the chasm between human rights rhetoric and reality. Other scholars add that NATO did not act out of concern to prevent a humanitarian catastrophe, because “it is clear that the wide Serbian offensive against Kosovo Albanians began after NATO’s

³⁹ J. I. Charney, *Anticipatory Humanitarian Intervention in Kosovo*, in “American Journal of International Law”, vol. 93, no4, 1999, in www.asil.org/ajil/kosovo.htm.

⁴⁰ C.M.Chinkin, *Kosovo: A “Good” or “Bad” War?*, in “American Journal of International Law”, vol. 93, no4, 1999, in www.asil.org/ajil/kosovo.htm.

⁴¹ *idem*.

⁴² *Ie India invading Pakistan. See also T. M. Franck, Lessons from Kosovo*, in “American Journal of International Law”, vol. 93, no4, 1999, in www.asil.org/ajil/kosovo.htm.

attacks began [...]. This result [...] was in fact predicted by military and CIA analysts; [So,] Albanians were [...] leaving mainly because of the NATO bombing”⁴³.

Other scholars, although sceptical themselves, appear more optimistic about Kosovo’s contribution to international law. In R.Falk’s opinion, flexible diplomacy was not only not pursued, but not even attempted. He also wonders whether the thousands of civilians killed do not prove that “the primary motives for intervention were other than those publicly held upon, such as keeping NATO alive and testing new weaponry and war-fighting doctrine. An additional subtext was to demonstrate that, contrary to the teaching of ‘the Vietnam syndrome’, internal wars can be fought and won at acceptable costs”⁴⁴. In the end, though, he keeps the faith that maybe the Kosovo case will contribute in the future seeing of the war as a last resort and to the upholding of the humanitarian character of an intervention.

Another legal problem about the intervention in Kosovo is whether the way it was carried out was violating international humanitarian law. NATO spokesmen assert the NATO did not deliberately target civilians, but collateral damage is inevitable. Bridges and other targets destroyed can be seen as legitimate targets under Article 52 of Additional Protocol I of the Geneva Conventions, when they make an effective contribution to military action. This is also, more or less, the argument of the NATO spokesmen when the studios of the Radio Television Serbia (RTS) were bombed. They said it was the main theatre of the Serbian propaganda and thus deemed it a legitimate military target.

On the other hand, the anti-interventionists do not agree with this reasoning. Professor Robert Hayden wrote that bridges that were destroyed in Novi Sad could not be described as military targets under Article 52 of the Additional Protocol I of the Geneva Conventions. He strengthens his position by mentioning that “NATO generals told the *Philadelphia Inquirer* on May 21 that ‘Just focusing on fielded forces is not enough [...]. The people have to get to the point that their lights are turned off, their bridges are blocked so they can’t get to work’”⁴⁵. Hayden also argues that Article 54 of Additional Protocol I of the Geneva Conventions clearly states that

⁴³ Pr.R. Hayden, *Humanitarian Hypocrisy*, in Kosovo and Yugoslavia: Law in Crisis, a presentation of JURIST: The Law Professors’ Network, available in <http://jurist.law.pitt.edu/hayden.htm>.

⁴⁴ R. A. Falk, *Kosovo, World Order, and the Future of International Law*, in “American Journal of International Law”, vol. 93, no4, 1999, in www.asil.org/ajil/kosovo.htm.

⁴⁵ Pr.R. Hayden, *Humanitarian Hypocrisy*, in Kosovo and Yugoslavia: Law in Crisis, a presentation of JURIST: The Law Professors’ Network, available in <http://jurist.law.pitt.edu/hayden.htm>.

objects indispensable to the survival of the civilian population should be protected⁴⁶. This means that bombing water or electricity installations is not acceptable. Furthermore, Pr. Hayden does not doubt about the RTS being a civilian target, as “NATO spokesman Jamie Shea had stated [...] in a [...] letter to the general secretary of the International Federation of Journalists, noting that ‘television and radio towers are only struck if they are integrated into military facilities’”⁴⁷. Finally, he opposes the view expressed by some that the Serbs as a nation were guilty⁴⁸; he firmly believes that many of the cities attacked were actually centres of opposition to Milosevic’s regime. He concludes that supposing a whole nation was guilty is a good excuse when civilians are being killed.

One final legal question-not of international law nature, though- is whether some NATO countries acted in accordance to their Constitutions. Article 11 of the Italian Constitution, for instance states that “Italy shall repudiate war as an instrument of offence against the liberty of other peoples and as a means for settling international disputes; it shall agree, on conditions of equality with other states, to such limitations of sovereignty as may be necessary to allow for a legal system that will ensure peace and justice between nations; it shall promote and encourage international organizations having such ends in view”. An Article that can be seen as equivalent to this is the Article 27 (2) of the Greek Constitution. That states that “without a law, voted by the absolute majority of the deputies, no foreign military force is accepted in Greek territory, nor can it reside in it or pass through it”. During the Kosovo war, there were some voices in these countries that recalled these Articles, so as to argue against the war⁴⁹. Depending on the country’s view of the international law and its view on the “ends in view” of international organizations-and, of course, its political interests, these Articles can be used as arguments both for and against the intervention in Kosovo.

⁴⁶ It is worthwhile noting here that it is still a major legal problem whether the two Additional Protocols to the 1949 Geneva Conventions can apply as customary law. Moreover, more legal riddles can be caused if one thinks that the United States have not ratified these Protocols.

⁴⁷ Idem.

⁴⁸ See footnote 35 in Pr.R. Hayden, *Humanitarian Hypocrisy*, in Kosovo and Yugoslavia: Law in Crisis, a presentation of JURIST: The Law Professors’ Network, available in <http://jurist.law.pitt.edu/hayden.htm>.

⁴⁹ It is worthwhile noticing here that these voices were many more in 2003, during the intervention in Iraq, especially because the NATO was anything else but unanimous in this decision.

C. Analysis of the newspapers

C. 1. Corriere della Sera (Italy)

Corriere della Sera is an Italian newspaper printed in Milan. It is among the country's eldest ones. Its circulation in January-December 2000 was of 614,000 and it is characterised as Italy's leading newspaper. It is embodied in the Rizzoli group, now named RCS (Rizzoli- Corriere della Sera). RCS is one of the biggest media concerns in Europe. "The group is aligned with the Agnelli family, whose holding company, Giovanni Agnelli & C, has extensive interests in the FIAT industrial conglomerate [...] and other businesses"⁵⁰. With regards to its main opinion directive, it is often called "centrist".

C.1 (a) March 24-25, 1999: Initiation of the bombings

On the first day of the bombings (March 24, 1999), Corriere della Sera devoted pages one to five to the Kosovo crisis. On that day's agenda, the newspaper has only one publication that has to do with *international law*, only partially, though: there is no clear mention of the fact that the NATO intervened without a Security Council authorisation. The author of the opinion, Franco Venturini probably expresses an opinion that can be said to mirror the newspaper's main directive. He seems to express some bitterness about the fact that this was the first NATO's war against a sovereign European State. Nevertheless, he thinks that nationalism has grown

⁵⁰ Data available at "European Media Ownership: Threats on the Landscape. A Survey of who owns what in Europe; RCS Editori", available in www.ifj.org/publications/download/mediaownership/rcs.htm.

dangerously in the Balkans, especially because of Milosevic, whom he characterises a dictator. The journalist thinks that the West cannot remain a mere spectator to this.

Moreover, the daily's main news ("Milosevic says no, the NATO orders the attack") judge Milosevic guilty for not accepting the "Rambouillet Agreement". The article on the initiation of the bombings stresses out Mr. Clinton's official reasoning of the war; he said there was nothing left to do, the Kosovans had to be saved and a spill-over to Greece and Turkey should be prevented.

As far as the damages in Kosovo and Serbia are concerned, there are two reports in the daily's second page. There one can also see a photograph of NATO militaries at the borders of Kosovo. It is double in size than the column it is accompanying. The report about Belgrade describes that, almost unrealistically, life was normally going on in Belgrade; everybody is queuing in the cinemas to watch "Saving Private Ryan". On the other hand, in Pristina "everybody is barricaded in the houses, waiting for the solution of the deals". It is noteworthy that strong wording is used; for instance, the report from Pristina is announced as: "Pristina, in the roads of hate". Within the article, the wording is also very sentimental; it is mentioned, for instance, that "hopes melt together with the snow, here in Pristina". The report from Belgrade also uses very striking titles. The title talks about general mobilisation and its subtitle says that the Serbs warned the Italian ambassador that they would fight till the last blood drop. These last words cause a tensed feeling. The same is valid with regards to the photos published. A big picture of Albanian refugee children leaving Kosovo, in the centre of the page, strengthens this feeling. For the Serb side, now, instead of children, a Serb military, holding a gun is presented. It is also worthwhile noticing that the two-column report from Belgrade at the left of the page does not transmit the climate of general mobilisation; the title within it stresses, as in the first page, that the cinemas are full of people waiting to see a war movie. Moreover, it is mentioned that the Serb offensive has caused more refugees than victims; this is something that, logically, could not have yet been verified. What's more, there is no story covering the Serb opinion that it all started as "a response to the KLA terrorist actions".

Finally, one can find the parameter of the *reactions of the public opinion* in the last pages of the daily that have to do with the Kosovo issue (page 5). The articles there are linked to Italian internal politics, but also to the Italian economy, which was

running economical risks, in terms of hosting the refugees and of damages to its tourism. People working in the tourism section are mainly scared that the foreseen influx of refugees will damage the Italian economy and tourism; it also expresses the official position of the government, which was reassuring that there was no danger.

In my opinion, these articles are not enough. Geopolitical, strategic and economic analyses should be part of the coverage of the news. It is normal that reports on the spot are emotionally charged, on the one side or the other. Nevertheless, cold-blooded and in-depth analyses and researches should accompany these reports. One realises this need, when he/she notices that most of the articles lack spherical information. For instance, the daily's main news judges Mr. Milosevic guilty for not accepting the "Rambouillet Agreement". However, the legal doubts about the particular agreement are not mentioned: The Vienna Treaty on the Law of Treaties (1969) prohibits the threat of use of force as a means of coercion⁵¹. Furthermore, the Helsinki Final Act (1975) guarantees the integrity of all European Countries. The UN Charter prohibits the use of force against a sovereign state that has not attacked another state. Finally, Article 3 of the NATO Treaty states that member countries will "maintain and develop their collective and individual capacity to *resist* armed attack"⁵².

One can say that these elements are missing because the newspaper directive was a pro-interventionist one. However, even from this point of view, the articles published are not illuminating. This is particularly obvious in the report mentioned above on Mr. Clinton's speech. The article has no reference to whether the NATO decision could be seen as not violating the UN Charter or any other international law question. The counterargument would be that this is a report, so it is supposed just to state the freshest news. This is why an in-depth analysis, for or against the war, is needed. This might be a good way to avoid turning information into a war show, too emotionally charged, demonising one side or the other.

On March 25, 1999, *international law and human rights* issues appear since the front page. There one can find a comment titled "Italy, a Balkan country". This

⁵¹ Article 52 of the Vienna Convention states that "A Treaty is void if its conclusion has been procured by the threat or use of force in violation of the principles of international law embodied in the Charter of the United Nations.

⁵² emphasis added.

article is one of the first touching the issue of human rights. The author also focuses on the problems the refugee influx would cause to Italy's economy. Mainly, he believes that if the real motives were humanistic, then the NATO should have intervened in Rwanda and Sierra Leone. He thinks that it is the national interests that pushed Italy in this intervention. He mostly focuses on the fact that if the repression of the Kosovans was not opposed, then millions and not hundreds of refugees would be pushed to Italy; this would create financial and logistical problems to Italy and the issue of the migration would become even more acute. On the same subject, the daily publishes in a small column an opinion that mainly argues that the European Prime Ministers discover that it is always the US to decide (page seven). In the same page, the Italian newspaper publishes an interview of Mr. De Mistura, a UN Representative in Rome, who overtly poses international law issues. De Mistura stresses out that a SC Resolution is normally required, but the repression of the Kosovo Albanians was so acute that an intervention was demanded. On the contrary, in the ninth page, Italian left-winged scholars and politicians recall that the Italian Constitution repudiates the war. The Catholic Church considers the recourse to violence a loss for the humanity. The right party "Lega" is also against the war. By giving all these opinions, "Corriere della Sera" at least cannot be accused of not giving talking floor to many different voices.

Damages caused both in Kosovo and Serbia occupy the biggest part of that day's news coverage. One can find four relevant reports, one opinion, one interview, one explanatory scheme and different photos (pages two, three and five). The front page subtitle states that military targets were hit in the FRY, but, according to Belgrade women and children were also hit. This is a good effort to keep a balance, but the title can be characterised as misleading; it talks about a "rain of missiles on the cities of Milosevic". This might be seen as trying to stress Milosevic's power; on the other hand, one can not claim that the cities hit belonged to Milosevic, rather than to the Serbian people.

Almost in the same climate as the previous day's equivalent, the report from Belgrade says that when the alarms rang "the illusions disappeared"; the one from Pristina describes the dark that reigned in the city after the bombing. So, it is true that the daily gives space to reports both from Kosovo and Serbia. However, it seems to mistrust Belgrade sources. It is only a small title that mentions the contrasting

information of the NATO, that only military targets were hit, and of the Yugoslav government. On the contrary, the report mainly describes Mr. Clinton's speech on the war. In one of the third page's titles the Yugoslav allegations that they destroyed two NATO jets are put into brackets, while this is not the case when reporting the NATO's allegations. Another element that contributes to the creation of a sentimentally tensed atmosphere is the photos. Those who are published in the second and third page are almost the same size as the reports. Moreover, they are in the centre of the page, so as to attract attention and they help creating an emotional atmosphere. The one of the second page shows young Serb soldiers crying at the funeral of one of their friends and the one at the third shows a big fire in the bombed Belgrade. At the bottom of the same page, one can also find the Yugoslav opposition leader Vuk Draskovic's declaration that the Serbs will fight till the end and that these bombs are like those of Hitler's. In page four, there is another article gives the Serb side; sportsmen Danilovic and Mihajlovic declare pride for being Serbs. This mostly presents a nationalistic image of the Serbs, while only within the article one can read the opinion of the sportsmen that they do not agree with Milosevic's actions, but they think that the "Rambouillet Agreement" was unacceptable for the Serbs.

The report from Pristina appears in the fifth page. It describes in a sentimental way that "Pristina was in the dark after the attack", alarms are ringing and a ball of fire over the city can be seen in the horizon. At the top of the page, there is a big photo of the remains of the statue of an Albanian national hero and another one of an elderly refugee. The title ("ruins of a lifetime") is not informational, but, again, rather targets the sentimentality of the public. The next report is something between a report and a human interest story, that one would expect it to appear rather on television. It is a young Kosovo Albanian girl's view to the problem, as she describes it to through e-mail to an American student. Strengthening the aspect of the refugee drama, one can notice that in the seventh page, there is an interview dealing with the legitimacy of the intervention, which is accompanied by a big picture of a young refugee crying in her mother's arms. Moreover, in the same page, a diplomatic interest story ("the EU Summit becomes a War Council") is accompanied by a photo of Kosovo Albanian young children. The daily could have avoided sentimentalisms by publishing a photo of the EU Summit or something more relevant to the political aspect of the problem.

As a conclusion, one can say that during the first two days of the war, the Italian daily tried to keep a balance. There were reports from both Belgrade and Pristina. There were both Serb and Kosovo Albanian opinions. However, the daily seems to show some mistrust to the Serb side. It is characteristic, that the editors use brackets for Belgrade's allegations concerning what was lost in the war. More importantly, there are many pictures of Kosovo Albanian refugees, even published together with not so relevant articles (De Mistura's interview and the report about the EU Summit); on the contrary, there are some pictures of Serb militaries. Moreover, with regards to international law, the newspaper gave floor to both the pro-interventionist and the anti-interventionist opinions. However, the anti-interventionists belong to a minority in the Italian Parliament. Their opinions are mentioned way after those agreeing to the intervention. Of course, one can justify the fact that they are only in the ninth page, as the daily has a policy of placing the internal affairs issues in the last pages dealing with the issue. What is more, since the anti-interventionists belong to a minority, it is maybe normal that the paper does not stress their opinions; after all, this is what mainstream media is all about.

In my opinion, if the newspaper really wanted to equally stress the other side of the coin, some important parts of the "Rambouillet Agreement" should have been published. This way, the readers would draw their own conclusions on Serbia's refusal to accept it. Sportsmen Mihajlovic and Danilovic's expressed their opinions on the subject, but they are rather not a reliable source. Together with this, political and economical analyses should have been made on the terms of this Agreement, presenting both sides' opinions; this way, a serious matter of international law would be addressed: whether all diplomatic means were really exhausted before the recourse to violence. Instead, there are mainly pro-interventionist opinions stressing that there are humanitarian catastrophes that impose the intervention. However, if the newspaper does not refer to the relevant international law provisions, the reader can difficultly recognise that saving the oppressed –even if this was the real motive– involves many legal loopholes. If one is not well informed on the issue, he/she can not draw adequate conclusions.

**C.1. (b) April 24-25, 1999: Bombs on the studios of the Serbian Radio
Television (RTS)**

The main news on April 24, 1999 is the destruction of the Serbian television studios in Belgrade by a missile. Concerning *the damages this event caused in Serbia*, “Corriere della Sera” publishes two full reports, one small article about the journalistic federations’ reactions and four photos of the damages and the injured people. It also publishes two stories that do not deal with the destruction of the television studios, but with other damages caused in Serbia by NATO missiles. The reports from Belgrade are mostly descriptive, full of emotionally charged phrases. The reporter calls the RTS “Milosevic’s TV” and expresses the opinion that the value of this attack remains to be seen; he believes that the misinformation given by this television will now as a reaction become even harder. It concludes that journalistic federations worldwide disapproved of the attack. It is worthwhile noticing that the next day’s edition does not avoid sentimentalisms either⁵³. Some Serbian opinions are given in a small column at the right of the page. Concerning other damages the NATO caused in Serbia, the Italian daily gave a story about the destruction of an electricity station by NATO missiles. In another page the reader can read a report about “desperate” Serbs that return to Sarajevo “among the enemies”.

Referring to *pictures and stories about the refugees leaving Kosovo*, now, the Italian daily publishes one report (page nine) and one interview in favour of them. However, it is striking that the picture is much bigger than the one that depicts the destruction of the Serbian Television. It is also very sentimental, as it shows tired babies sleeping in a refugee camp. Thus, one can not say that the “Corriere della Sera is partial against the Serbs”. In terms at least of reporting and space devoted to them and to the Kosovo Albanians, the editors are paying attention to being politically correct⁵⁴.

⁵³ In the fifth page of the daily, the main title is that “Belgrade’s television will be hit again”. This is what was announced by the NATO spokesperson Jamie Shea. The reporter publishes the opinions of the Serbian journalists against the NATO’s argument that RTS was an instrument of Milosevic’s propaganda. The daily publishes pictures of people lighting candles in front of the destroyed building, as a “no to the darkness”. However, the reporter comments that “colleagues, with whom we had recited the tragedy of Kosovo together, now seem distant. It is not a difference of journalistic models, but it is the difference of the Western to Eastern Europe that is now open in front of us”. There is no further comment on this opinion, though.

⁵⁴ The same is valid for the next day’s edition.

However, *international law and human rights reporting* is rather overwhelmed by sentimentalisms. Thus, as mentioned above, the reports from Belgrade are mainly descriptive. They do give both the NATO and the Serbian opinion. The author of the relevant Italian report seems to agree with Jamie Metzl's opinion that "while we must grieve for the people who were killed in that bombing [...] there was some justification for that targeting decision. [...] If there had been more widely available alternative media sources within Serbia, it would have been more difficult to make a case for targeting one of them"⁵⁵.

First of all, one has to notice that the reports contain no explanation of the current humanitarian law status. The Additional Protocols to the Geneva Conventions apply to International Armed Conflicts, but the US has not ratified them. Moreover, it is still questionable whether they apply as customary law. Consequently, this is what first had to be examined. However, the Geneva Conventions is recognised by Article 2 (a) and (c) of the ICTY Statute. If all the above was mentioned, the reader would be able to draw his/her own conclusions on whether there is any basis for talking about military targets or not. Since the paper introduces such a discourse (by publishing statements that mention those terms), it is logical for one to expect an analysis of the Articles that could be recalled in the particular case. Article 52 (2) of the Additional Protocol I to the Geneva Conventions is not even mentioned⁵⁶. That Article states that "Attacks shall be limited strictly to military objectives. In so far as objects are concerned, military objectives are limited to those objects which by their nature, location or purpose or use make an effective contribution to military action and whose total or partial destruction, capture or neutralisation, in the circumstances ruling at the time, offers a definite military of advantage". The relevant report gives the NATO's reasoning that this was a legitimate target; its use as a propaganda vehicle made it one. It would be illuminating for the reader if there was an analysis on whether it can be considered so and on whether its destruction indeed offered a definite advantage.

Moreover, there is no mention of the fact that the "Rambouillet Agreement" was negligent in the issue of media: "Like Dayton, the Rambouillet document recognised international standards of freedom of expression without providing for

⁵⁵ M. Thompson, *Defining Information Intervention: An interview with Jamie Metzl*, in M.E. Price, M. Thompson (Eds), *Forging Peace; Intervention, Human Rights and the Management of Media Space*, Bloomington Indiana, Indiana University Press, 2002, p.45.

⁵⁶ As mentioned again, the US has not ratified the Additional Protocols to the Geneva Conventions, so there could be doubts on whether they are customary law.

media reform and development”⁵⁷, something that makes the NATO action somewhat suspicious. A legal analysis would also be helpful with regards to the striking of electricity stations. Article 54 (2) of the above mentioned document prohibits the attack and destruction of objects indispensable to the survival of the civilian population. It mainly refers to foodstuffs, but the damage one could possibly analyse whether electricity stations can fall within the category of the objects “indispensable to the survival of the civilian population”.

The Additional Protocol I to the Geneva Conventions can also be recalled in relation to a small article in the “Corriere”, which reports Greenpeace’s warning that the Italian ports are risking pollution, because of recent bombings of Serbian petrochemical installations. Together with this article, there is no mention of Article 55 that prohibits the use of methods or means of warfare that are intended or may be expected to cause such damage to the natural environment and thereby to prejudice the health or survival of the population. The absence of any kind of legal analysis characterises also the reports on the main diplomatic evolutions.

Finally, this is the first day the Italian daily really takes into consideration the factor “*public opinion*”. There are stories that report some confusion reigning in demonstrations that took place in Rome. There, the demonstrators expressed their opposition both to the ethnic cleansing, as well as to the long-lasting bombings. As stressed before, the daily mainly devotes its space to diplomatic evolutions. Thus, the news pieces about the public opinion only appear in the bottom of the seventh page.

As a conclusion, one could say that the Italian daily is putting an effort on being politically correct. For this reason, it uses the technique of giving both the NATO and the Serbian opinion in subtitles. Moreover, it devotes almost the same space to damages that occurred in Serbia and to stories concerning Kosovo Albanian refugees. However, it does not avoid the use of sentimental and strong wording and pictures; reports are mixed with personal judgements. Normally, though, a report is not the space where a journalist expresses his/her own opinion. Thus, it is striking, in this case, that there is no analysis whatsoever about the military or not use of the

⁵⁷ J. Mertus, M. Thompson, *Media Development in Kosovo*, in M.E. Price and M Thompson (Eds), *Forging Peace; Intervention, Human Rights and the Management of Media Space*, Bloomington Indiana, Indiana University Press, 2002, p.261.

television studios and the legitimacy of this target. This is the main type of argumentation provided, while legal analyses and different interpretations of international law are very scarce.

C.1. (c) May 8-9, 1999: Bombs on the Chinese Embassy of Belgrade

On May 8, 1999 the breaking news is the bombing of the Chinese Embassy in Belgrade. The daily devotes three different reports on damages *caused by the NATO missiles in Serbia*. One can notice bitterness in the newspaper's attitude; the upper title of the front page is talking about "other tragic NATO mistakes". The main title describes bombed Belgrade as "hell". The relevant report is in the second page, together with a photo of burning Belgrade and a small map of the area where the Chinese Embassy of Belgrade was situated. The reporter mainly mentions Serbian sources. They are raged because that was a residential area; so, according to them, the attack was actually against diplomacy. With regards to other collateral damages caused in Serbia, one of the main news pieces concerns the bombing of a Serbian hospital in the city of Nis. In another article, the Serb opposition is cited convinced that Milosevic's regime is about to surrender, while in the meantime it is trying to eliminate them.

On the other hand, "Corriere della Sera" publishes five articles on *Kosovo Albanian refugees and KLA guerrillas*. To begin with, there is an article about the suffering of the KLA guerrillas, due to the Serbian fires (page two). This can be viewed as giving some objectivity to the whole issue, as half of the page is devoted to the damages in Belgrade and the other half to the pain of the Kosovo Albanians. At the same time, "Corriere della Sera" publishes an article about the Kosovo Albanian political leader Rugova's visit to Italy and the Vatican. Finally, there are three articles about the Kosovo Albanian refugees arriving in Italy and their welcoming in Sicily. Thus, one can draw again the conclusion that the Italian daily publishes stories related both to the Serb and the Kosovar side.

Nevertheless, in terms of *international law*, there is no further analysis to the NATO opinion that it was not actually a residential area, or to the opposing position that it was indeed an attack to the diplomacy. It is understandable that a reporter is limited by the time pressure and a report is not necessarily an analysis. However, a legal analysis or more in-depth reports would be helpful. More precisely, journalists should see whether the Alliance did everything feasible to verify that the objectives to be attacked are neither civilians nor civilian objects and took all feasible precautions to avoid incidental loss of lives (Article 57 of Additional Protocol I). The need for this suggested analysis becomes even more evident on the next day, if one accepts the NATO statement that it was a tragic mistake, as they thought it was a Serb office. Instead, the NATO's Secretary General Javier Solana's affirmation that the NATO is trying to make the Serbs push their leadership to surrender occupies a prominent space.

One has to notice that there are two analyses openly referring to international law. The first one is given in the first page by Massimo Nava, called "The Balkans and the third road", that mainly wonders whether there still was diplomatic space "between Milosevic's cynicism and the muscles of NATO". Moreover, on the seventh page there is an interview of Pr. A. Giddens, who was the mastermind of the "third road" strategy. He mainly expresses the opinion that sovereignty should not serve as a cloak to hide some tyrants' crimes.

On May 9, again the international law issue is only smoothly touched upon; Chinese and Russian fonts blame the NATO for endeavouring to change the world order. In order to justify or reject this position, there could be an article on whether the legal vacuums of this war could in reality conceal such endeavours. In parallel to this, there could be a reference to the Tien An Men Square demonstration, reminding that the Chinese government has not always stuck to the ideals of peace and democracy. This could also serve as a reminder that China might have been protesting for the Human Rights of the Serbs, but politics had more to do with that than actual humanistic interest. From this point of view, an interview published by the Italian daily is very interesting. Mr. Minnitti, the Vice Secretary of the Presidency of the Council says that it was the worst mistake that could have ever been committed. It might be more valuable though to notice that Mr. Minniti stresses out that the NATO's goal was not to eliminate Mr. Milosevic, but the return of the refugees to their homes. Another opinion published is more critical of the NATO: it is an

analysis, by Sergio Romano, in the front and seventh page of the daily, called “inexcusable mistakes”.

Again, the coverage gives space both to what happened in Serbia and in Kosovo, but legal questions involved are very partially presented. Thus, the reports mainly refer to the NATO spokespersons’ opinions. Moreover, where questions of International Law are openly mentioned, such as in Mr. Minniti’s interview, not all sides of the International Law are given. In the above mentioned interview, for instance, the interviewer does not touch the question of whether the means used for this purpose were appropriate under the international law principles of proportionality and adequacy. Sergio Romano’s analysis does give another point of view, but it is also negligent; it does not refer to the legitimacy of the targets hit, but analyses their diplomatic cost, in terms of changing the world order. Furthermore, there is no report or in depth analysis of whether the humanitarian purpose of the war could actually be achieved, after some questionable mistakes had taken place and the war was going on for more than a month.

C.1 (d) May 14-15, 1999: Bombs found in the Adriatic Sea

On May 14, 1999 the latest news about Kosovo has moved to the centre of the front page. This means that they now form the second title of the day’s news. “Hundreds of bombs” were found in the sea of the Italian region of Veneto. According to the subtitle, an aeroplane returning from the Balkans might have dropped them; the NATO cannot exclude this possibility. The report mainly expresses the fishermen’s worries. It is noticeable that this is the first time the Italian daily does not place this NATO position in the report’s title, as it used to do until that day. Another report in the same page is called “the precedents” and talks about six explosives that fell in the nearby Lago di Garda. The daily’s position is clear; it does not believe that they actually fell in the lagoon; the word “fallen” is put into brackets, thus expressing some defiance on the official explanation. The reports are accompanied by a scheme that explains the function of the cluster bombs found. The next day’s reports treat the issue in the same sceptical mood. Within the news piece, one can find the NATO explanations, but the reporter expresses defiance to the NATO’s reassurances that controls are on the way; “in general, they will let us know” says the reporter in a slightly ironical tone.

At that point, the Balkans war was not any more first-row news. Relevant issues start on page eleven and they are much less numerous than some days ago. Thus, there is *no story about the refugees or for the damages caused in Serbia*. However, with regards to the latter point, there is a report that states the NATO's decision to strike again in Belgrade, in order to press the Serbian leadership to surrender. On the issue of collateral damage, there is an interview of the NATO General Wesley Clark; he says that there have been thousands of attacks but just twelve mistakes. The reporter should have stated Belgrade's opinion or, even better, try to make an inquiry, through different sources of information. Thus, the reader would know both sides, while like this one can only see a big title with the NATO's version of the number of casualties.

The next day the scenery changed: there were four stories on *the refugees* leaving Kosovo. That day's most important news is the bombing of a refugee convoy that caused a hundred deaths. The NATO claimed that Serbian cannons were aiming at the bombed area; it also called the people not to forget the Serbian atrocities, before accusing the NATO. A journalist interviews the American anti-interventionist intellectual Noam Chomsky. He states that this was an announced catastrophe and that the refugees were left alone. Finally, Sergio Romano expresses the opinion that everything is in the hands of Clinton and criticises the Western reluctance to use ground forces; "the West considers the lives of its own people more important than the ones of the refugees", he claims.

As far as *international law* is concerned, there is no article overtly referring to it. However, it is interesting to stress out the points where it was not mentioned, while it would be very illuminating if it was. First of all, the issue of the bombs in the Adriatic Sea is relevant to the Geneva Conventions' Protocols. The legitimacy of using cluster bombs is doubtful, as it might cause incidental loss of life and injury to civilians [article 51(5) b] and could cause damage to the natural environment and thereby to prejudice the health or survival of the population (Article 55). Again, it should be specified that claims that this NATO act can be seen as illegal can be seen as null if the interpreter of humanitarian law does not accept that the particular crisis

can be seen as a conflict. Nevertheless, there is no mention whatsoever of any way the incident could be interpreted.

Secondly, an international law aspect is linked to the NATO mistakes and the bombing of a refugee convoy. Many were claiming that “since the bombing was outside the terms of both the UN Charter and NATO’s own constitutive Treaty, the constraints imposed by customary international law, including those of necessity and proportionality, assume greater importance”⁵⁸. The newspaper would help the reader schematise a clear idea if it had published some experts’ opinions on the issue. Furthermore, with regards to the striking of a refugees’ convoy, there should have been an inquiry on the opinion frequently expressed that “the NATO bombing was disproportionate for being both excessive in its impact on the human rights of one civilian population and inadequate by dint of the absence of ground forces to protect the other population”⁵⁹. One could also have a clearer idea on the issue knowing that Article 57 of the Additional Protocol I to the Geneva Conventions requires close verification of the targets to be attacked, so as they do not include civilians. Article 55 (5) b considers as indiscriminate an attack that might be expected to cause civilian casualties. However, Article 55 (5)a could justify the NATO strike, if it was verified that the target they actually wanted to hit was not clearly distinct of what they actually hit. Instead, as described above, the newspaper provides mainly descriptive reports that do not contribute to the realisation that international law has many interpretations. This would allow somebody to form his/her own opinion based on legal facts and not on sentimentalisms that, often, do not prevent the public from demonising one side or another.

C.1. (e) May 31- June 1, 1999: Bombs on a bridge

On May 31, 1999, the NATO dropped bombs on a bridge. Thus, the Italian daily devotes most of its space to *damages caused in Serbia*. The front page title is a sentimentally charged one (“Massacre of Civilians”). In the same climate, there is a photograph of people hugging each other in front of the ruins. It is noteworthy that the subtitle mentions the casualty toll given only by Belgrade. The relevant report is in

⁵⁸ C. M. Chinkin, *Kosovo: a Good or a Bad War?*, in “American Journal of International Law”, vol. 93, no4, 1999, in www.asil.org/ajil/kosovo.htm.

⁵⁹ Idem.

the third page. Its biggest part is covered by pictures of the destroyed bridge. The subtitle of the report puts in brackets the NATO's explanation that it was a legitimate military target. This is not the case for the casualty toll given by Belgrade. Within the report, though, the reporter expresses the opinion that the Serb Generals have a part of the responsibility, because "they are doing everything in order to use human shields".

It is noticeable that the above injunction- found again in a report and not in a comment- is directly linked to *international law*, as it can be considered a serious violation of the Geneva Convention for the Protection of Civilian population. However, one first has to notice that the injunction per se is not an adequate explanation that can sustain a pro-interventionist approach, if one supposes that this was the newspaper's purpose. A further inquiry of whether the persons were indeed used as human shields should accompany the report.

The striking of a refugees' convoy made the *international law* principles more relevant to the Kosovo issue than ever before. It is interesting again that there is no expert's opinion or analysis on the issue of the adequacy of the war, although it seemed urgent since the NATO bombed the very own people it was trying to save. The same is valid for the issue of the bombing of the bridge. First of all, the newspaper did not examine whether that particular bridge "by its nature, location, purpose or use" made an effective contribution to military action and thus being a legitimate military target, according to Article 52 of the Additional Protocol I of the Geneva Conventions. Moreover, the newspaper introduces no discourse on whether the disruption of communication routes was legitimate, especially since the critics of the intervention argued that "even the sweeping Security Council formula 'all legitimate means' must operate within the constraints of the laws of war and provision is made in the Charter to protect the interests of third states"⁶⁰.

Finally, since some criticisable NATO mistakes had taken place, one would expect some survey of the Italian *public opinion*, as it is possible that some change had taken place. However, the daily provides no such information. It is noteworthy, though, that the public opinion seems to be tacitly taken into account: after some

⁶⁰ Ibidem.

NATO mistakes, anti-American feelings started growing in Italy. In conformity to this, the title of the main news expresses bitterness for the occurrence of more “tragic NATO mistakes”.

C.2. THE TIMES (United Kingdom)

The Times is a British daily, with a circulation of 1, 3 million. It is owned by News International. News International is a “media group which has played an important role in both the media and politics of the UK through the activities of its proprietor Rupert Murdoch. [...] It is the UK-based arm of the global media group News Corporation. For many years, from 1979 to the early nineties, the Murdoch press enthusiastically supported the policies of ‘Thatcherism’ in the UK, but in the mid-nineties Rupert Murdoch sought to reposition his political support, and [...] began to support Tony Blair, then leader of the Labour Party and since 1997 Prime Minister of a Labour government [...]. From a democratic point of view commentators ask what right a newspaper proprietor has, who was an Australian, but became a neutralised American in order to build his US media empire, to use his media power to influence democratic processes”⁶¹. The News International owns four British newspapers and is also involved in book publishing, broadcasting⁶², technology and multimedia and UK newspaper distribution

C.2 (a) March 25-26, 1999: Initiation of the bombings

The Times publish the news about the initiation of the attacks on March 25, 1999. The relevant pages are marked as “The Balkans Conflict”. The daily’s directive seems to be pro-interventionist. The front page’s main title is “NATO allies pound the Serbs” and most of the articles and the photographs refer to NATO’s war apparatus. However, since the first day, there are three articles that make explicit reference to *international law*. All three of them are pro-interventionist. Already in the daily’s

⁶¹ Data available at “European Media Ownership: Threats on the Landscape. A Survey of who owns what in Europe; News International”, available in www.ifj.org/publications/download/mediaownership/news.htm.

⁶² BSkyB UK, Stream Italy, Balkan News Service Bulgaria.

second page, Marc Weller argues that humanitarian ends justify military means. In his opinion, the Security Council Resolution 1119 of October 1998 demanded an immediate cease fire. In fact, he believes that the UN had can be said to have endorsed NATO's action when it welcomed the adoption of the verification agreements "which had, after all, been obtained through the threat of force". The title "the UN accepts humanitarian ends justify military means" is misleading; the anti-interventionists could argue that since there was no effort to obtain the Security Council's authorisation, we can not be sure that it accepts it. The person that put the title would have been politically correct if he had said that the UN Resolutions show a tacit acceptance of the military means. The author of the newspaper's leading article (page 25) also makes use of the argument that the SC Resolution 1119 provides the legal basis for the NATO action. He also finds that one of the most powerful NATO arguments for the intervention is to keep Greece and Turkey away from the turmoil. Mr. Paddy Ashdown's article (page 24) openly says that the intervention in Iraq in 1991 created new rules: Humanitarian intervention is justified when the State flagrantly violates international law and it causes instability in the region. What is more surprising about Mr. Ashdown's article is that Kosovo will "have to pass through a transitional protectorate [...]. And while independence cannot be a short-term outcome, it cannot be excluded as a long-term destination".

Finally, the newspaper publishes a piece of news, linked to international law, that none of the two other newspapers under examination in this paper do. In its front page story, one can find a mention of the fact that Yugoslavia had asked twice the previous week "for an emergency meeting of the Security Council to address the threats against it by NATO, but its best friend on the council, Russia, refused to act until NATO started bombing".

This report is a good example of non interpretation of both sides of the international law. The Russian action described can have more than one interpretation, from an international law point of view. On the one hand, it can be seen as a tacit support of the action by the UN. On the other hand, it can be seen as a deliberate non-exhaustion of diplomatic means, before the recourse to violence. Similarly, the author of the leading article insists on the fact that the verification agreements were obtained through the threat of force, in order to prove that the UN had endorsed the NATO action. However, he omits the fact that the Vienna Treaty

prohibits the use of force as a means of pressure. In the same way, Mr. Paddy Ashdown's article insists that Kosovo could cause a spill-over of the war to neighboring countries. Nevertheless, it does not mention Greece's and Turkey's view on the subject. The Greek political leadership was outraged by the relevant declaration made by Mr. Clinton; Turkey commented that it was unlikely that something like that could happen, as it was unlikely that Greece withdrew its participation in the NATO. What's more important, Mr. Ashdown's article speaks about Kosovo becoming a NATO protectorate. This is something the main NATO governments had never said explicitly. Moreover, there is no comment or other analysis published on the question of the legitimacy or not of the recognition of secessionist regions, according to the International law. Mr. Ashdown's opinion practically opposes the 1975 Helsinki Final Act that guarantees the borders of all the countries. However, this news is not part of a legal analysis and it is not given the attention it merits.

In parallel to the reports and analyses of the bombings and their legitimacy, the Times also treat issues that deal *both with the Serbian and the Kosovo Albanian side*. As far as the *Kosovan side* is concerned, in the front page, reporter Anthony Lloyd testifies that he was brutally chased out of Serbia, under the accusation of spreading lies. With regards to the *Serbian side*, in the second page, there is a relatively small article about the Serbian Television propaganda that did not inform well the citizens of Belgrade and everything there seemed unrealistically calm. Another story sees as a myth the battle of Kosovo Polje against the Turks in 1459; this battle was the basis of many Serbs' argument that Kosovo is an area to which they feel closely attached. Another aspect of the Serb side is given by a report that stresses out that all the Serbs are sure to have the right to keep Kosovo; even "exiles support Belgrade right to keep Kosovo".

On March 26, 1999, the Times publish divergent opinions on the *legality of the NATO war*. General Sir Michael Rose argues that the NATO has the muscle and the rationale, but Serbia has patriotic zeal on its side. However, there is no legal argument on why the NATO indeed has the rationale. Peter Riddell, on the other hand, does not seem particularly convinced by a Foreign Office document that

guaranteed that the NATO attacks do not set a legal precedent and cast NATO in a new role of international enforcer. Norman Stone, writing in page 24, says NATO is playing a very dangerous game. The article is not directly linked to international law, but it is linked to the international world order. It is particularly interesting, as it stresses that Russia sees oil routes in Greece that pass through Yugoslavia and this is why “Russia is simply not going to let Yugoslavia be occupied by the Americans”. Moreover, Stone underlines that Turkey should agree with America about Kosovo, but it should also be aware that Kosovo might cause a domino effect for a possible Kurdish secession.

As far as the *damages caused by the bombings* are concerned, there is no accurate reporting. A small bulleted column at the right of the front page is the main description of the second night of the raids; one bullet mentions that the Yugoslav agency said that the first night of the raids killed ten civilians and injured another sixty, but the column mainly mentions the Pentagon statements. The absence of accurate reporting is probably due to the fact that Belgrade expelled Western reporters with the accusation of spying⁶³. Thus, the only thing that the Times could actually report on was the aircraft war. These news stories mainly underline that “superior pilot skills and technology won the day for NATO aircrafts. In addition to this, the Times report on the expulsion of Western journalists from Belgrade, describing it as propaganda war. However, the British daily tries to strike a balance by publishing some filo-Serbic stories. There is also a piece written by a British woman, married to a Serb, worrying about their relatives in Belgrade. The report is titled “On the wrong side of the war”. In parallel, the Times try to marry the Kosovo stories with stories close to the average British person. Thus, the daily publishes a story about peace hopes in Coventry; this is a British city, once bombed as well, twinned with Belgrade.

The British daily also reported on the *public opinion's reactions* in different countries. In its front page, there is an impressive big picture of Serb demonstrators burning the American flag in Skopje. Other reports concern anti-NATO demonstrations in Russia. However, the Times do not publish photographs of simple demonstrators, but one of the Russian nationalist leader Zhirinovsky. Finally, the

⁶³ M. Henderson, C. Midgley, *Balkans Conflict: Propaganda War; Belgrade steps up expulsion of press 'spies'*, in The Times, March 26, 1999, p.2

British opinions –official and unofficial- are given in an article on the Commons’ debate on the issue. The story is titled “We had no choice, Cook tells MPs”. However, the Times try to strike a balance of all the positions expressed: the picture published is almost as big as size as the article and it shows protestors gathered outside the Ministry of Defence to voice their opposition to the air strikes.

In my opinion, the British daily tries to be politically correct by publishing both pro-interventionist and anti-interventionist comments and stories both on the Serbian and Kosovan side. However, most of the reports show trust to the NATO spokespersons and distrust to the Serbian ones. International law arguments are often omitted. Sometimes, the title and subtitle given to some important comments⁶⁴ do not really stress out the importance of the economical factors of the conflict. This way the reader that does not know that some legal provisions can have different interpretations and is likely to believe the main NATO arguments, as they are the ones mostly emphasised, while the repercussions are often ignored.

C.2 (b) April 24-25, 1999: Bombs on the studios of the Serbian Radio Television (RTS)

On April 24, 1999, the controversial news about the bombing of the Serbian Television is not one of the main front page titles. The Times devote their front and second page to the *Kosovar refugees* that the UK would host. The British daily also publishes a big photograph of two Kosovar girls that were about to be hosted in the UK. The British daily published many more stories dealing with the refugees than stories that present the Serbian aspect. Thus, there is a report about the KLA’s leaders’ statement that the air campaign is not working. A picture of a refugee child covered under a plastic sheet while joining the queue for food causes the reader’s compassion for the refugee children. In the same page, all the stories are dealing with the refugees and the KLA fight: a Kosovo Albanian working in the UK went home to fight, the situation in the hospitals of Pristina is tragic, animalistic organisations warn that, except for the people there were also thousands of animals killed.

⁶⁴ *Two Cheers for Colonel Tony Benn, Norman Stone says NATO is playing a very dangerous game*

Regarding the *damages caused in Serbia*, the bombing of the Serbian TV appears in the fifteenth page of the daily. It gives priority to the official British position; its title is “Blair defends strategy as 10 die in TV centre attack”. However, one can notice some irony produced by the contradiction of the British Prime Minister defending a strategy which is proved to be lethal for civilians. The subtitle informs the public that this bombing angered journalists’ federations. The article provides the reader with the main NATO arguments. These are that the Serbian Radio Television was a constant stream of propaganda- thus, a legitimate military target- and that it was not targeting the media. On the other hand, this news piece presents the reactions of different journalists’ federations, as well as these of Serbian people. Moreover, the Times publish a caricature that depicts a NATO spokesperson saying that they exercised their freedom to bomb the press accompanies the article. Together with these, the newspaper publishes a quite big picture of the Serb soldiers trying to carry a body out of the ruins.

When examining how “the Times” treated the *international law* issues, one first has to emphasise on the international law issues that the British daily omits. Firstly, together with the reports about the situation in the hospitals of Pristina and the animalistic organisations’ protests for the killings of many animals, there is no parallel analysis, comment or opinion on the possible violation of international law this constitutes⁶⁵. More importantly, the report on the attack on the Serbian Tv should be accompanied by a legal analysis. There is no mention of the possible violations of the international law, such as Articles 51 (5) b and 52 of the Protocol I Additional to the Geneva Conventions, on the protection of the civilian population and the civilian objects.

Particularly Article 52 can be subject to different interpretations, as it states that “military objectives are limited to those objects which by their nature, location, purpose or use make an effective contribution to military action”. This means that there should be an in depth analysis or an inquiry of whether the Serbian TV was indeed propagandistic. By examining to which extent this can be considered as an effective contribution to military action, the daily could make the reader draw

⁶⁵ see Articles 55 and 57 (1)b of the Protocol I Additional to the Geneva Conventions

conclusions on whether the NATO allegations that the RTS was a military target can be justified. Furthermore, since that particular target was controversial, the sources should not be limited to what was stated that particular day only; for instance, “NATO spokesman Jamie Shea had stated as much as in an April 12 1999 letter to the general secretary of the International Federation of Journalists, noting that ‘television and radio towers are only struck if they are integrated into military facilities’. [...] NATO Spokesman David Willoughby had stated at NATO’s news briefing on April 8 1999 that RTS would not be bombed if it broadcast Western news broadcast for six hours per day, which indicates clearly that there was no concern that the studios were integrated into the military”⁶⁶.

Passing from what is not mentioned on international law issues, to what instead is, the reader notices that “the Times” is trying to keep a balance; it publishes two diametrically opposed opinions on the value of the NATO war. Firstly, the British daily publishes Matthew Parris’ article, called “Shame on you, Tony”. He has been against the NATO action since the beginning. Parris claims that the threat of use of force in the “Rambouillet Agreement” was a mistake. Moreover, he thinks that the war was neither proportional nor adequate, without, though, making it explicit that these are basic international law principles embodied in the UN Charter. Almost as a reply, the leading article in page 23 comments that necessity turned NATO’s birthday party into a council of war. The NATO Summit was probably going to confirm its capacity to undertake out of area tasks, but, according to the author, this will not create a legal precedent. He repeats that the intervention was realised in Kosovo and not in equally suffering regions, because Kosovo poses strategic risk of tormenting the Balkans. It is very interesting that, when talking about Bulgaria and Romania’s opinions, the non-NATO side is mentioned as “the wrong side”. It concludes that the worse would be a Greek or Turkish participation in the war.

As a conclusion, one would say that “the Times” paid little attention to the bombing of the Serbian TV, in comparison to the other countries’ dailies examined here. Instead, it gives clear priority to refugees’ stories and pictures. Furthermore, most of the stories and comments are in favour of the intervention, although they are not legally sustained. Possible violations of the international law provisions or

⁶⁶ R. Hayden, *Humanitarian Hypocrisy*, in Kosovo and Yugoslavia: Law in Crisis, a presentation of JURIST: The Law Professors’ Network, available in <http://jurist.law.pitt.edu/hayden.htm>.

principles are not mentioned in the reports. The comments given are indeed related to international law, although sometimes they are carried away by pro or anti-interventionist passion. For instance, the anti-interventionist journalist Parris makes no explicit mention to the legitimacy or not, under international law⁶⁷, of the threat of use of force that the “Rambouillet Agreement” used. Sometimes, the authors of opinions omit important parts of the story. The leading article emphasised that the nonfeasance in Kosovo could have caused a spill-over of the war in Greece and Turkey. However, it has not mentioned the official positions of these two countries. Non-official positions, such as *public opinion reactions* are not mentioned again; diplomatic and war evolutions occupy the biggest part of the newspaper’s space devoted to Kosovo⁶⁸. Thus, the reader mainly reads human interests stories, although human rights are far more relevant to international law provisions and principles, than to emotionally charged pictures.

C.2. (c) May 9- 10, 1999: Bombs on the Chinese Embassy of Belgrade

On May 9, 1999, “the Times” published an extensive report on the *damages in Serbia* caused by the bombing of the Chinese Embassy of Belgrade. The report characterizes it as NATO’s worst mistake, but it does give the Serbian opinions as well. The reporters had interviewed Serbian eye-witnesses. Some of them think it was intentional; otherwise one but no three missiles would have gone astray. The report mentions afterwards the NATO’s main explanation that they wanted to hit a government procurement centre. The report finishes up with the Serb paramilitary Arkan’s testimony. His hotel “Yugoslavia” was struck; according to him, there never were any soldiers there and if the CIA did not know that, then they are not doing their job correctly; thus, he concluded it was an intentional strike. With regards to China, it talks about its fury- in an official and unofficial level- than about a moderate reaction. It does, though, say that the Chinese media have not reported enough on the horror of

⁶⁷ Article 52 of the Vienna Treaty, 1980, prohibits the threat of use of force as a means of pressure

⁶⁸ The same is valid for the Times edition of April 25, where the news stories almost exclusively deal with diplomatic and war evolutions.

the Serbian actions and that China remained an oil supplier to Yugoslavia, until a few days ago.

As far as the *Kosovo Albanian side* is concerned, there is an extensive report about the KLA soldiers complaining that they were not receiving enough help from the NATO. Moreover, the Times publish Andrew Sullivan's opinion which is very critical of Mr. Clinton's suggestion for the appliance of a model similar to the Bosnian one; he characterises it a "sell out" for the West and the Kosovans.

"The Times" also publish two very different opinions on the NATO war and the striking of the Chinese Embassy and, thus, relevant to *the international law*. The "Sunday Times" leading article takes for granted that the bombing of the Chinese Embassy was a mistake. It says it is not excusable, but "China's moderate response reflects its recognition of the brute facts of war"⁶⁹. Saying it was a mistake is not understandable for a big percentage of the readers, if there is no mention of Article 57(2)a of the Additional Protocol I to the Geneva Conventions; according to that article those who plan on an attack shall do everything feasible to verify the targets to be attacked are not civilians. The need for such an information seems even more justified, since the next day the British daily publishes a report which explains that the bombing of the Chinese Embassy might have been a mistake, but it was not a result of a bomb going astray; thus, it was not the pilot's fault. The journalist Michael Evans explains that the "CIA planners failed to check in phone book". He argues that the target was a government procurement centre, close to the embassy and that it was the intelligence's mistake not to have double-checked. Moreover, the report from Belgrade states that one NATO military source was critical of the dropping of the bombs into an urban area, as it multiplies the possibilities of errors⁷⁰. However, if one is not aware of Article 51 (5) b of the above mentioned Protocol, he/she can not judge the value of this statement.

In an effort to keep a balance, the British daily publishes harsh comments against Mr. Tony Blair. Melanie Philips thinks Mr. Blair should not "cast himself as the high priest of the secular religion of human rights [...]". Playing on public

⁶⁹ It is noteworthy that the Italian Corriere Della Sera reports that Chinese authorities considered this as a calculated strike and an attack to diplomacy.

⁷⁰ The same is valid for the next day's edition, that states that the "Error angers NATO officials"

revulsion against intolerance and savagery, tends to confuse morality with sentimentality and refuses to face the hard choices that realism demands. [...] Human rights are best protected by the rule of law". This way, the journalist makes an implicit reference to the international law principles of proportionality and adequacy.

Finally, the factor "*public opinion*" is taken into account mainly on May 10. There are extensive reports from Beijing, where the British Embassy was under siege, during the second day of Chinese demonstrations. Furthermore, there is a report on the march that took place in Serbia, in front of the Chinese Embassy covers the bottom half of the same page. The photos published together with the reports are bigger than the reports themselves and very impressive; one of them depicts a demonstrator carrying the portraits of two Chinese reporters killed in the bombing of the Chinese Embassy. Its value is probably to charge the atmosphere sentimentally; the relevant report does talk about the demonstrations, but also makes it clear that "the Chinese have no voice and no freedom even to address their own unelected government. [...] In the case of Yugoslavia, they know nothing about the ethnic cleansing of Albanians and believe that NATO came along out of a dear blue sky and bombed the Danube bridges. The Chinese press largely ignores that side of the story". He also reports confusion within the demonstrators; among them there were people that were just swearing, not spelling out whom, and others were carrying portraits of Mao.

Consequently, one can say that "the Times" remains faithful to its usual policy. The British daily's reports hardly show any defiance to the NATO, without providing any legal arguments for this position. It publishes big-sized pictures, in order to attract attention, even if the picture can not sustain a pro-interventionist news story. This is the case of the picture of the dead journalists that accompanies the report on the overreacting -as described- Chinese demonstrations. Finally, the newspaper publishes both pro-interventionist and anti-interventionist opinions, all of them with little reference to international law status. This way, the reader receives numerous pieces of information that rather cause confusion than contribute to the schematisation of a full image of the conflict.

C.2. (d) May 15-16, 1999: Bombs found in the Adriatic Sea

On May 15, 1999, the British daily's front page news do not deal neither with the Serb nor the Kosovan side of the war. The news is about the bombs found in the Adriatic Sea ("Venice shaken by NATO bombs"). Richard Owen reports on anger in Italy after fishermen were hurt by dumped munitions. He gives the fishermen's and the doctors' opinions, as well as the ones of NATO spokesmen. The latter declared that did not exclude that these could be NATO bombs; for this reason, they declared to have opened an inquiry on the issue.

With regards to *damages caused to the refugees*, the Times publish three relevant news stories. One of them is about the Kosovo Albanian refugees that arrived in the United Kingdom. The report's title is "So happy to be safe over here". The big photo of two young refugees, hugging each other and looking happy is equally moving as the report. In the next page, there is an article about Hillary Clinton joining the "star trek". The report makes a list of all the stars and politicians that visited the refugees. A big picture of Hillary Clinton with the refugees and smaller ones of Tony Blair, Vanessa Redgrave and Richard Gere with them accompany the article. The article and a small drawing that is published together with it are slightly ironical about the stars that visit the refugees. The drawing shows a man of the Red Cross saying to a refugee that they cannot find her husband, but she can meet her husband instead.

Finally, there is a news piece on Serbian claims that cluster bombs hit Albanian refugees; it says that the NATO is investigating the case, but mainly, it rejects the Serbian claims; characteristically, it says that Serbian television broadcast harrowing scenes from the village in an area where Serbian forces are reported to have been forcibly evicting hundreds of people in the past few days. More importantly, the next day the Times' journalists reported on the killing of Albanian refugees in Korisa. They stated that NATO admitted it but said that military equipment was observed in the area⁷¹; NATO spokesmen also claimed these persons might have been used as human shields. In the second page of Eire News, Mrs. Robinson, the UN Commissioner for human rights, is reported to have expressed anger at the civilian death toll. With regards to the refugees again, another news story

⁷¹ A legal explanation is not provided: from the report one can draw the conclusion that, as Article 51(5)a of the Additional Protocol I to Geneva Conventions suggests, the attack can not be considered as indiscriminate if the civilian objects are not clearly distinct from the military ones. In this case, the adequate enquiry is missing.

comes from Macedonia, were Albanian ethnics host their Kosovan co-nationals in their houses.

The Times also publish another “damage” the war caused to the refugees: A report from Rome informs the public that the mafia smuggles women into sex slavery and another one from the Albanian border finds there clandestine action targeted to help the KLA. As far as dissenting opinions on the NATO action are concerned, a journalist comments the Russian media hardly report the slaughter of the Kosovars, so Russians “see a conspiracy to pick off Russia’s Slav brother”. One who closely examines the stories published on May 15 and 16 notices that there is no story giving the *Serb opinion*.

Clear references to International law are again absent. First of all, the story on the munitions found in the Adriatic Sea makes no reference whatsoever to the Articles 51 and 55 of International Humanitarian Law. Those prohibit attacks that could cause injuries to civilians or to the natural environment. Moreover, there is no legal analysis on the killing of refugees in Korisa. As mentioned above, the relevant report states that the NATO justified this action by saying that military equipment was observed on the area. This way, one can draw the conclusion that as Article 51(5)a of the Additional Protocol I to Geneva Conventions suggests, the attack can not be considered as indiscriminate if the civilian objects are not clearly distinct from the military ones. However, the reader could draw such a conclusion if he/she is aware of the international humanitarian law. Thus, it is reasonable that “the Times” should have mentioned the international law norms and it should have conducted an adequate enquiry on whether the targets were distinct.

Finally, the *public opinion* factor can only be found in the story about the bombs in the Adriatic Sea. There is a phrase that says that anti-American feelings are growing in Italy, as the Kosovo crisis had already before this incident affected the country’s tourism.

As the days went by and the Kosovo war did not seem to reach an end, the British daily paid even more attention to the Kosovo Albanian refugees and very little to the damages caused in Serbia. Sometimes, reports provide information on Serb police, without stating the sources. This is the case of the report that refers to Serbian

forces evicting hundreds of people from Kosovo. As far as international law is concerned, the reference to it is now completely absent. In my opinion, the above mentioned fact contributes to a concealed misinformation of the public.

C.2. (e) May 31- June 1, 1999: Bombs on a bridge

On May 31, 1999, “the Times” mention the bombing of a bridge in the eleventh page. It is not a report, but a short framed notice. Probably, it is not made a proper article, because it was only announced by the Yugoslav agency Tanjug, while the NATO had not confirmed. It appears at the centre-left of the page, among two quite big reports and an equally big picture. On the next day, the Times follow again the same strategy: a journalistic convoy was hit and one of the Times’ journalists was injured. What is more attractive about the report is the big photograph of the injured journalist.

As far as *damages in Kosovo and the refugees* are concerned, the daily publishes an article titled “camp diseases flourish in the sun”; at its right, there is a picture of a boat carrying refugees in Italy. The picture is double the size of the article. This way, the newspaper aims at the readers’ compassion, while it omits the aspect that this particular story proves the war to be inadequate, in contrast to a main international law principles: the very people it was trying to protect face different kind of problems, including diseases. Two more articles deal with the latest diplomatic evolutions and war scenarios in the region. Thus, one can notice defiance to the Serb voice⁷² and much more interest to the aspect of the Kosovo Albanian refugees’ drama. Touching photos and big titles accompany either side of the story, instead of international law explanations and analyses.

Again, the *international law* aspect is absent. The newspaper does not enquire whether the strike of the bridge can be said to be proportional and adequate. If it was a mistake, it could be in breach of Articles 51 and 57; these respectively prohibit the attacks that might cause injury to civilians and impose the responsibility for constant

⁷² This becomes even clearer on June 1, when it is explicitly mentioned that the West is cautious to Milosevic’s allegations that he accepts the G8 Peace Plan.

care to spare civilians and civilian targets. The same is valid for the report on the journalistic convoy hit. It focuses on sentimental pictures of the injured journalists, but there is no mention of the possible breaches of international law or international law principles this strike could constitute.

Finally, it is extremely important to stress out that, after some NATO mistakes and while two civilian populations were suffering one way or another, the British daily publishes no story on the *reactions of the public opinion*, neither in the UK or anywhere else. It is noteworthy that there is no measuring of the public opinion or presentation of foreign ones at a time where the Italian, American and German public opinion was really divided on the continuation of the raids.

C.3. Ta Nea (Greece)

Ta Nea (“The News”) is a mainstream Greek daily. “It is owned by Greece’s major media conglomerate, the Lambrakis Corporation, which is very powerful in both economic and political terms [...]. It regularly gets the highest readership, with circulations of 55,000-60,000 copies per day. Politically, Ta Nea provides support for the governing party, PASOK (Panhellenic Socialist Movement), and particularly for the group centred on its leader, Costas Simitis. It thus expresses a moderate, democratic centre voice”⁷³.

C.3. (a) March 26, 1999: Initiation of the bombings

Greek newspapers did not publish the initiation of the bombings on March 25, 1999, as that day is a national holiday. On March 26 the daily publishes some opinions on the *legitimacy of the bombings*. All of them are against the war. The editorial is ironical of the humanitarian scope of the NATO action. Furthermore, the front page title sees as a provocation Mr. Clinton’s statement that this was done in order to prevent a war that could spill over to Greece and Turkey. The Greek President of the Republic made an implicit reference to the international law principle of proportionality; he said that there are other humanitarian issues on earth, but the NATO did not act there and added that Greece and Turkey do have problems but he never thought the bombing of Yugoslavia would provide a solution. However, this distorts Mr. Clinton’s argument. An Ex Vice Minister of Defence mentions that the NATO acted against Article 5 of its Treaty and presented some Security Council Resolutions as an “alibi”, as he says. A Professor of International Relations argued that the NATO Act pushed Russia to choose its own way, while undermining its own

⁷³ S.A. Nohrsted, s. Kaitatzi-Whitlock, R. Ottosen, K. Riegert, *From the Persian Gulf to Kosovo-War and Propaganda* in European Journal of Communication, 2000, Sage Publications, London, Thousand Oaks, CA and New Delhi, vol 15(3), p.388.

mandate for collective security in Europe: according to the professor, this act would only bring insecurity to the region. What the professor does not mention is that Russia itself did not respond to the Serbian Peace counterproposal; it did not act until the bombings started.

One can easily conclude that what is missing here is the pro-interventionist counterarguments. The Security Council Resolutions are called “an alibi” for the intervention. Nevertheless, these Security Council Resolutions did ask for an immediate cease fire, which the Serbs did not do- and this is not mentioned. Furthermore, the NATO is a multilateral body, so the action can not be said to be unilateral. The Security Council did not authorise it to act, but did not order it to stop either. The Greek paper publishes no opinion on what would have occurred in a case of international nonfeasance. Finally, there is no publication explaining that Article 53 (1) of the UN Charter (on the authorisation of regional organisations for the use of force) can not be said to mirror a will of the international community to have sovereignty as a cloak for some tyrants. Furthermore, a strategic and economic analysis is also missing; for a start, such an analysis could prove that Russia also had interests in Serbia and, as the Times put it, “it simply would not leave Serbia to be occupied by the Americans”. The way things are presented here, they strengthen a general anti-American feeling that exists in Greece after the American-led junta in their country; it fails to make the public see that, except for America and the NATO, other countries, as well as their own are moved by interests and not always by pure pacifism.

With regards to what the reports do not mention, one notices that the report from Belgrade talks about strikes in residential areas. However, there is no explanation of what is a residential area, according to international humanitarian law or an explanation that residential areas can be considered as military targets if, by their nature, location or purpose make an effective contribution to the military act. Consequently, this is what should have been inquired.

In what concerns the *damages in Serbia and Kosovo*, the Greek daily keeps an unbalanced and full of emotionalism position since the first day. All the relevant pages are marked as “NATO attack against Serbia”, while the Italian daily had marked them as “Crisis in the Balkans”. At the centre of the front page, there is a big photograph of mushrooming smoke, after the bombings in Pristina. The title is equally

alarming: “Ta Nea’s envoy in Pristina’s hell”. The envoy from Pristina reports that the NATO dropped bombs in residential areas, as well as a map of Serbia and Kosovo.

All the other reports continue in the same way. There is a small report about the Serbian TV that was playing “patriotic songs”. It is noteworthy that the journalist does not use the word “nationalistic” and does not see it as a fault of misinformation of the Serbs, in an effort to keep them “unrealistically calm”, as the “Corriere della Sera” puts it. The only effort the journalist makes in order to keep a balance is that he describes the feelings both of a young male Serb, Bebic, and a female Kosovo Albanian. He also says that “every body” in Pristina knows that if the Serbs suffer many losses, they will reply with cleansing and this is why people are barricaded in their houses. He states both the Serb and the Kosovo Albanian side. The former says that the Serb police are only trying to get the “terrorists” away from the area and that they are not disturbing civilians. The latter is talking about mass and violent efforts to expel the Albanians from the region.

Another report on the bombings continues in the same sentimental way. Its title is “New NATO bombings in Serbian territory”. He says that “as a reply to the Serbian firm refusal to succumb to the martial threat, President Clinton sent for a second night in a row the NATO’s war apparatus, in order to finish up its disastrous work”. The upper title is talking about seventy dead and 220 injured people, two NATO aircrafts that were hit. It is also saying that the NATO struck military camps, an airport and other defence centres. Finally, the Greek daily publishes a translation of an article from the Times. It says that drug trafficking finances the KLA. The only news story that has something to do with the other side of the story, that is the one of the *Kosovo Albanian refugees*, is one that talks about the centres for the reception of the refugees in Northern Greece.

A general conclusion about the reports is that they do not mention the official NATO opinion on the different issues; they prefer to describe the incidents with sentimental phrases. Thus, the paper publishes a counting of the losses, which is only according to the Russians, the Serbian Agency Tanjug and some eye-witnesses, whose nationality is not mentioned. Only within the article can one be informed that the NATO did not verify the news about their two air crafts having been struck. Moreover, the author of the particular news piece puts into brackets the NATO spokesmen’s words that “the NATO action was completely successful”. This probably shows the reporter’s irony towards these declarations.

Dramatisations have a very important role within the reports. This is particularly obvious in the report from Pristina; the journalist, as mentioned, makes reference to a young male Serb and a young female Kosovan. He says that the latter is a very beautiful girl that, in other circumstances or in any other part of the world, she could be Bebic's girlfriend. The only thing this comment adds to the story is an element of love, that makes it more digestible, but, in my opinion, less professional, also. Furthermore, the reporter mentions that the girl stated that all the Kosovans want is their rights and tranquillity. He comments that patience and politeness characterise a typical Kosovan. He also says that most of the times the Kosovans avoid to specify the limits of their vindications, because "probably deep inside them, they believe in autonomy or even in the Greater Albania and maybe they think they have already made a step towards it, and, what's more, with the international community's support". All these are personal opinions and generalisations, which could only be supported only after the newspaper has classified such a publication as a comment, an opinion or a political analysis. It is noteworthy that the journalist does not use the term "ethnic cleansing". Finally, the Greek daily publishes translated foreign anti-interventionist articles, but there is no translation of any of the foreign articles that talk about the Serbian atrocities in Kosovo. Needless to say that there is no Greek article talking about this either or not being ironical about the humanitarian scope of the intervention, that was the NATO's main justification for it.

As far different *public opinion reactions* are concerned, what can be seen as relevant is a report from Skopje and a report from Berlin. The former deals with Serbian anti- NATO demonstrations in Skopje; the latter is titled "Europe is divided after having followed the USA". It is noteworthy that this is not at all the climate the foreign papers describe.

The most obvious conclusion with regards to how the Greek newspaper presented the two first days of the War is that it expresses almost a unanimous anti-NATO reaction. It published only a few and rather insignificant stories about refugees, while it rather insisted on the Serb side of the story, as both Greece and Serbia had interests in seeing the KLA Albanians as terrorists. Thus, the Greek daily also insisted in the illegitimacy of the war. However, especially the reports were very ironical and negligent towards the Alliance's official positioning. The texts and

photos published transmitted a feeling of compassion for the Serbian people that were under the bombs, but not something analogous for the Albanian refugees. What is more important, the reporters did not found their opinions on the international law principles and provisions and they did not even check the possibility that the NATO reasoning could actually be sustained under international law. This way, the Greek newspaper strengthened the fervent Greek anti- NATO reactions with mainly sentimentally-based and not well-found arguments or spherical information.

C.3 (b) April 24-25: Bombs on the studios of the Serbian Radio Television (RTS)

On April 24, 1999 the Greek daily devotes most of its space to *the damages the bombing of the studios of the Serbian Radio Television caused in Serbia*. The main report from Belgrade is called “The NATO imposed silence with three missiles”. The upper titles characterise the attack as “harsh” and says it took place only a few hours after Belgrade had given a new proposal for the solution of the crisis. Just as the title, the report is very dramatic in its descriptions. The lead sentence does not summarise the content of the report. Instead, it says that “the smile had faded yesterday from the faces of the beautiful Serbian boys and girls, for the first time since the beginning of the war”. The reporter adds that Serbian people are made of hard stuff, so as to appear “so...crazy in this war, under a ... missile-raining sky”. It is clear that the personal opinions are mixed with the report and the horror movie-like narration is mixed with the information. Within the article, the journalist characterises the attack as “criminal” and proceeds by describing people crying, as they could not find their colleagues under the rubble⁷⁴. Furthermore, it presents opinions of some Serbian officials that thought the NATO tried to convince the Western public opinion that a Peace Agreement was close, while they had already decide to harden their position. Finally, the reporter writes on the fact that many journalists’ syndications condemned the event. In its second page, the Greek daily publishes a sarcastic opinion on the subject, under the section “Opinions-Comments”. In this page, a nicknamed

⁷⁴ The same journalist uses the same ironical and sentimental narrative style on the next day’s report, which- mainly based on Serbian fonts- says that “the NATO ‘finished up’ the Yugoslav Telecommunications System, hardly twenty four hours before the funeral of the dead journalists”.

author always gives a sarcastic view on various actuality topics. That day, he wrote an ironical comment on the bombing of RTS. Specifically, he wrote: “Which is the cheapest way to turn off a television? With the remote control. And the most expensive one? With a Tomahawk missile”.

Except for this breaking news, the Serb side is strengthened by the Greek correspondence from the NATO Summit Meeting in Washington. Its title is “the KLA’s increasing power worries the Mr. Simitis”⁷⁵. The journalist explains that “well informed sources think that behind the guerrillas, there is American and German intelligence”. Many anti-NATO opinions strengthen the Serb side. For instance, under the “opinions” section, an economist expresses the view that behind this war, there is the need of the war industry to sell its new products, as well as the need for new market spaces. Some articles are indirectly anti-Albanian. For instance, on April 26, 1999 the Greek correspondent from Skopje reports fears that the Albanian refugees will join their co-nationals from Macedonia and the Albanian nationalism will be strengthened.

The only reference to the *Kosovo Albanian refugees* is the Greek Prime Minister stressing out that his country contributed a lot to the humanitarian aid offered to them. However, on the paper’s next edition (April 26), a famous Greek columnist, Mr. Pantelis Kapsis, tries to impede Greek people from being blindly anti-Western and to examine the drama of the Kosovo Albanians, together with that of the Serbs. He does not avoid strong wording; for instance, the title is “the door of the psychiatric clinic” and it is supposed to describe the situation in the Balkans. However, it is his own opinion and he can support it the way he prefers to. Most importantly, his goal is really important: he wants to warn his co-nationals that the country should not “burn down all its international political and military supports for the sake of a blur ethical support [to the Serbs], which everybody knows that it will have no practical result”.

As far as references to *international law* are concerned, it is worthwhile stressing again that international law provisions are not used as arguments in favour of the explicit anti-NATO opinions the reporter from Belgrade expresses in his stories. For instance, the reporter could mention Article 55 of the first Additional

⁷⁵ I.e: the Greek Prime Minister.

Protocol to the Geneva Conventions. According to this, the propagandistic use of the Serb TV could be considered as making an effective contribution to the military advantage; thus, it could be considered as a military target. The reporter is not the adequate person to judge that; the daily should have published experts' opinions. Instead, the reporter judges that it was a "criminal" action.

The correspondence from Skopje (p. 19) is also linked to international law, although there is no explicit reference to it. The reporter states in his report's title that the country's government imposed an "embargo" on any information or declaration on the pollution of the environment; In Skopje, there was extensive talk on damages to the environment, caused by the use of depleted uranium NATO bombs (against Article 55 of the Additional Protocol I to the Geneva Conventions, about the protection of the natural Environment). The upper title says that scientists think there is pollution, indeed. However, only within the report can one find the opinion of the Macedonian Ministry of Environment; it talks about completely natural environmental conditions.

"Ta Nea" also publishes some opinions and comments that make an explicit reference to the international law. All of them are against the NATO war. In an article translated in Greek, John Langland expresses doubts about the NATO's role in this war. One of his doubts concerns the support given to the KLA and not to the peaceful Albanian resistance under the moderate leader Rugova. He comments that the actual world order is based on sovereignty and the NATO treaty predicts the use of force only in if one of it s members has attacked another one. The concept of sovereignty is also the Yugoslav Ambassador's main argument, presented in a news piece about his statements. At the same anti-NATOist tone, the Greek correspondent from Washington reports that "the US hardens its attitude". He says that the NATO is going to try to extend its role so as to be able to undertake other humanitarian interventions. The reporter doubts the NATO's motive. Although he states that the document can be interpreted in different ways, he does not adequately stress the opinion that this would not be used as a precedent⁷⁶. Helmut Schmidt is also worried about a possible new NATO role, especially since no public discussion was ever made on this in the NATO countries.

⁷⁶ In the paper's next edition (April 26), the correspondence from Washington overtly says that the Washington text gives the NATO a new role: that of a World Police

Finally, with regards to the *public opinion*, a well known journalist expresses the opinion is talking about the results of a survey of the Greek public opinion on the way the Greek media treated the Kosovo issue. Most of them showed their trust to the media, although usually the Greeks swear at the media and the journalists. A left-winged Greek deputy praises the Greek public opinion for not aligning with the “NATO imperialism” and a journalist disapproves of the fact that most Europeans applause the bombings that cause the suffering of a population. Greek manifestations against the war are reported in the paper’s next edition.

Again the Greek newspaper stresses the anti-NATO side and shows compassion mainly to the Serbs. The public opinion is taken into account only when it is one that aligns with this attitude. The NATO is overtly criticised for attempting to overtake the role of the World Police. When one refers to international law, he/she must leave a margin of different interpretations. However, the Greek newspaper does not make explicit that this is how international documents should be read. The reports stress the anti-NATO point of view, without using legal arguments again, but mainly based on one-sided sentimentalism. This way, not only do they look much less professional, but also they contribute to the fanaticism of the readers, despite the Greek government’s efforts to ask for less fervent reactions.

C.3 (c) May 8- May 10: Bombs on the Chinese Embassy of Belgrade

On May 8, 1999, Ta Nea again emphasise on the *damages caused in Serbia*. It publishes the news about the bombing of the Chinese Embassy in Belgrade together with that about the bombing of a hospital in the centre of the city of Nis. Its title is very ironical: “They bombed hospitals...after the Agreement”. The report emphasises on the hospital incident and the bombing in the city of Nis. The correspondent probably sent his article before he had had the time to find out many details about the bombing of the Embassy; this is possibly why he is paying less attention to it. Information from the radio station of Pancevo and a Yugoslav Minister’s declaration informed the Greek journalist about the bombing of the Embassy. The reporter mentions that there have been injured people. It is probably too early for him to have found out that that the strike caused deaths as well. As proved by the absence of NATO fonts, this news piece was not yet double-checked at the time of its

publication; this opposes to all journalistic codes of conduct. Moreover, the report again uses dramatic language and the accompanying photograph of a dead man next to a car full of bullet holes in Nis is titled “Murderous attack”. According to the NATO the missiles were programmed to hit the airport of Nis, but there is a possibility that it went astray.

The report analyses the different scenarios on why the NATO stroke the Embassy. However, it emphasises on the view of the employees of the Chinese Embassy. Its lead line is taken from one of their demonstration placards, which doubted that the bombing was another mistake. The journalist says that, according to the most probable scenario, this all happened so that the US could cause confusion at the Security Council talks that were to soon to take place. The US wanted the bombings to go on; China’s pressure would cause tension and the permanent members would not easily conclude to a peaceful solution. In page ten, the reader can find a report called “China stops military relations with the US”. The report characterises the demonstrations in China as “dynamic”.

With regards to the reports, one can say that the Greek daily mainly gives views in favour of the Serbs. In the report about the striking of a hospital, the NATO reasoning is only given in the final paragraph with the following subtitle: “the bombs...missed their target!”. The reporter is constantly being ironic about the NATO arguments. Furthermore, the reporters judge as more credible whatever is anti-NATO. This is the case of the report about the striking of the Chinese Embassy, where the journalist says that the most probable scenario was that the USA did it on purpose to cause confusion. Nevertheless, the journalist does not mention the source of this scenario, neither does he justify why it is the most probable. The report about the Chinese demonstrations, again, can not be said to provide spherical information. Although it mentions that these demonstrations are the biggest ones after those in Tien An Men Square, it certainly does not embrace the foreign papers’ opinions that the Chinese do not know anything about the massacres of the Kosovo Albanians. Moreover, more space is given to the opinions of those who think it was a scheduled attack; for instance, the journalist mentions the opinion of Bertinotti, an Italian Communist. It is noteworthy that the “Corriere della Sera” pays more attention to other politicians’ opinions.

Other than the two reports, the Greek daily continues to give views in favour of the Serb side. One of the articles claims that the Americans and the British were cultivating a tensed climate in Kosovo, as there were plans for an intervention long before the whole conflict started. A second article stresses that initially the Americans had characterised the KLA as terrorists and in 1988 there were reports that the Kosovo Albanian majority guerrillas were harassing the Kosovo Serbian minority. A third Article talks about the UN High Commissioner for the Refugees' worries about trafficking of refugee women. The daily keeps the same attitude on its next edition as well: a report talks about new "NATO attacks" in Djakovica. The news is based only on the Yugoslav Press Agency; so, one can say that the title is more impressive than precise.

In what concerns the *Kosovan side*, now, the Greek daily, on May 8, publishes two stories, again not linked with the refugees, but simply against the Serbian side. One of the stories analyses the scenario that on the day of the bombing of the Serb TV, the Serbian leadership knew about the strike, but did not warn the workers, so as to use them as human shields. The story's punch line is that there were documents that can prove that, but no one would feel safe enough to talk, as long as Milosevic was still in power. The second story is a report translated from the "Independent" about Montenegro being at stake due to Belgrade's dictatorship. The next edition (May 10) sees the refugees as a cause of instability in the Balkan region; it is worthwhile that the title of the relevant report announces that a classified NATO document foresees the collapse of three Balkan countries, which is not exactly what the report says. Clearly, the title is exaggerated in order to attract attention. The only balanced approach is given in a report on the Greek Prime Minister's tour in Greece. In his speech, he said that the Greeks are sorrowed for the deaths caused by the bombings (he mentioned no nationality).

Arriving to the issue of *international law*, one has to notice again that, within the reports, it is rather overwhelmed by irony against the NATO arguments. Specifically within the article about the bombing of a hospital, instead of the irony used against NATO, a legal analysis and an enquiry would have been much more illuminating for the reader. Article 51(5)a of the Additional Protocol I to the Geneva Conventions specifies that an attack which treats as a single military objective a

number of clearly separated and distinct military objectives located in an area containing civilians shall be considered as indiscriminate. The reader, though, is not informed on such a possibility. Another reason why the journalist does not have the right of being sarcastic against the NATO is that his own arguments are ill-founded. He could have built a credible argument by basing his objections on paragraph (b) of the above mentioned Article; this way, he would have shown much more professionalism than he did by being ironical. Moreover, a good solution would be the publishing of different opinions of international lawyers on the legitimacy of the above target. The same is valid for the report of the daily's next edition (May 10) on the striking of the Chinese Embassy. With the omission of the relevant international law provisions, one can draw the conclusion that the Greek daily strengthened the already strong anti- NATOist Greek public opinion.

Moreover, "ta Nea" publishes various opinions that do refer to the international law, all of them stressing the war's illegitimacy. One columnist expresses the opinion that the NATO failed and it was referring again to the UN to legitimise its action. However, there is no international law act that prohibits this; on the contrary, the pro-interventionists based their arguments on the legitimacy of war on the Security Council Resolutions. Another article, translated from the "London Review of Books", criticises the power of the USA to have annihilated the UN. It is based on Article 51 of the UN Charter, which prohibits the use of force without a Security Council Resolution. This is the author's opinion and it is respectable. However, the Greek daily does not let the public know that there are pro-interventionist voices which believe that the different Security Council Resolutions, as well as the fact that the Security Council did not order the NATO to stop the attack provide the legal basis for the intervention in Kosovo.

Finally, the reader can find two news stories linked more to the international order rather than to international law. One of them an article in the "financial affairs" section and an interview of the Greek vice Foreign Minister are extremely important for the deep understanding of the problem. The former article states that "it is elf-evident that, although Greece sympathises for the Yugoslav people's suffering, the Greek government and entrepreneurs will try to [...] strengthen its presence in the Balkans". The Greek Minister stresses that the government has had to strike a subtle balance; it had to take care not to be marginalised from the rest of Europe, due to its sympathy to the Serbs-but not Milosevic's regime- while, at the same time, not to let

the public opinion down. He concludes that now it is the time for Greece to play a decent role in the reconstruction. In my opinion, the daily, up to the publishing of these articles, had not properly stressed the financial aspects of the crisis. The Greeks sympathised for the Serbs that were being bombed. However, Greece is a NATO member; before the end of the bombings, its government already had to start vindicating a role in Serbia's reconstruction. After all, rhetoric and praxis sometimes can not go together.

Referring to the *public opinion*, "ta Nea" publishes some news stories and comments, mainly on the Greek public opinion. Thus, there is a column on why the Greeks were the only Europeans to oppose so catholically (98%) to the war. A report on the Greek Department of Greenpeace that put an anti-war placard on the Parthenon is characteristic of this opposition. Finally, the daily publishes a translated article about the changing of the German public opinion and one about the new World Order the humanitarian intervention is about to create. On the next day, there is a report about growing opposition to the war in the US, Italy and Germany.

It is obvious that the newspaper publishes news pieces on the different countries' public opinion reactions if they somehow express an anti-NATO feeling, aligning to the Greek one. "Ta Nea's" reports stress the information obtained by Serbian fonts but, again, do not enquire the possibility that the NATO attacks could actually be seen as lawful. What is more important, the reporters do not base their anti- NATO opinions on legal arguments against the war, but rather on sentimentalisms. Impressive titles and photos might win in reading ratings, but they lose in credibility and professionalism.

C.3 (d) May 14-15, 1999: Bombs found in the Adriatic Sea

On May 14 and 15, 1999 the Greek daily does not mention the news about the bombs in the Adriatic Sea. This could be explained in different ways. The fact that the second basic value in the Western media is that of the proximity⁷⁷ could provide us with a logical explanation. Of course, the Adriatic Sea is not that far from Greece. The

⁷⁷ Mc Quail, Denis, *Mass Communication theory, an introduction*, translation in Greek: Papathanasopoulos, Stelios, Athens, Kastaniotis Publications, 1997, p. 414

Greek daily is mainly preoccupied with an international law issue: the Greek Prime Minister addressed a “dramatic warning about the Balkan borders”. Any redefinition of the borders would cause further tensions in the Balkans, something which is contrary to Greece’s interests.

It is obvious then that the Greek anti-NATOist opinions and comments serve their own interests, but also strengthen the *Serb side*. Except for the front page article, the Greek daily publishes other stories concerning the Serb view of the problem. On May 14, the Greek daily’s report from Belgrade is titled “the removal of the Serb troops did not stop the bombings”. The reporter criticizes the NATO for rejecting the Yugoslav announcement that the troops started leaving Kosovo “despite the television report” that showed military men leaving. In the same critical tone towards the NATO, the editors of the paper give the correspondence from Washington the following title: “Clinton: Harsh again towards Milosevic, compares him to Hitler”.

However, the above reports contain serious omissions. NATO being skeptical towards the Serb allegations that their troops withdrew from Kosovo, “in spite TV reports that showed this”, is completely understandable; the reporter does not explain that the NATO considered the Serb TV as a propaganda instrument. Similarly, the title of the correspondence from Washington (Clinton: Harsh against Milosevic) does not have any news value; the real news is only given in the first paragraph, which talks about the American decision to go on with the air strikes until Milosevic accepts the NATO’s five points. The partiality of the Greek paper is confirmed on May 15, when it publishes the casualty toll based only on Serbian fonts.

On the contrary, on May 14 the daily did not publish anything relevant to the *Kosovo Albanian refugees*. The next day, this changed, but only as the journalist had the opportunity to express again his anti-NATO feelings describing Serbian claims that cluster bombs fell in a Kosovo Albanian refugee camp and killed at least a hundred refugees. The wording is very strong and sentimental; the main title says that “the NATO hits civilians”. Only in the second paragraph, can one find out that this news has only been confirmed by the Yugoslav television and not the NATO⁷⁸.

⁷⁸ It is noteworthy that, on the same day, “the Times” had an equivalent report titled “NATO raids ‘kill 100 Albanians’”; since the Alliance has not confirmed the news, the editors put the phrase into brackets.

Again, one has to observe the absence of any *legal foundation* of the journalists' arguments. First of all, the report about the Greek Prime Minister's statements for the maintenance of the current borders, expresses his wish that the International Court of Justice takes over and that the international law prevails. For a reader that does not know that the Helsinki Final Act of 1975 guaranteed the borders of all European Countries, it is not clear what the Greek Prime Minister's wish means. For this reason, the Greek daily should publish an analysis or a specialist's opinion on the importance of the maintenance of the present frontiers. Secondly, concerning the report on the strike of the refugees' convoy, the reporter's views would have been more credible if, again, international law was mentioned. Thus, there should have been an analysis or an expert's opinion. These would provide arguments on the fact that the NATO did not pay close attention to the targets they were to be attacked but, instead, attacked the very civilians it was trying to save. Then one would be able to conclude that the NATO was in breach of Articles 55 (1) b and 57 of the Protocol I Additional to the Geneva Conventions, instead of letting himself/ herself be carried away by a report full of sentimentally charged phrases.

According to its usual policy, "Ta Nea" still publish opinions touching the issue of *legitimacy of the NATO war*. According to the newspaper's usual policy, only one article publishes the German Nobel Prize winner Gunther Grass' pro-interventionist opinion. All the other opinions and comments are extremely anti-NATOist. One of them says that the NATO leaders could face charges in an International Court. The author does not mention the specific Articles, but probably refers to the Additional Protocol I of the Geneva Conventions (Articles 51 and 52); that states that hitting civilians is prohibited, unless it offers a definite military advantage. Another one talks about the Serb refugees that came to Belgrade after they had been pushed away from Krajina, but the international community did not pay the same attention to them as the Kosovo Albanian refugees. The opinion of a Greek left winged University Professor is of particular value. He stresses that Greek officials should be very careful of what they say; firstly, because Greece has signed for the bombings together with the other Alliance members and, secondly, because he finds cynical what the Greek officials declare about the reconstruction of the FRY. One should read the above mentioned comment with relation to an article published on May 15, which criticises the NATO for not respecting the Universal Declaration of Human Rights (1948). Only this way can one understand that Greece is not purely pacifist herself, but has its own interests

as a NATO country. The only opinion that moves in this moderate wavelength is that of the author Michalis Michailidis who, although does not support the war, he declares that Orthodoxy does not necessarily mean filo-Serbism and thus anti-Albanianism.

C.3 (e) June 1, 1999: Bombs on a bridge

On June 1, 1999 the daily follows its usual policy: all the reports and stories concern the *Serb side*. The main news is the bombing of a bridge. The title of the relevant report is: “Raged NATO attack; 50 dead people”. According to the report, the strike on the bridge outside Krusevac killed 15-20 people. The same report refers to the striking of a journalists’ convoy, a sanatorium and a radio station in the city of Novi Pazar. One report considers unjust the continuing of bombings that NATO gave as a response to Milosevic’s “peace opening”. Apart from that report, the daily publishes different opinions-comments that see the war as a new form of colonialism and of imposing a filo-American government.

Instead of all these blindly anti-NATOist opinions and generalisations expressed, it would be useful if the arguments were found on *international law*. Instead, the arguments are mainly based on sentimentalisms. First of all, again, the information is mainly based on Serbian fonts, while, as usual, the reporter puts into brackets the NATO’s opinion that it hit military targets; thus, he is adding an ironical tone to the NATO opinions. Furthermore, he characterises the strikes in Novi Pazar as “tragic” and the cities as “martyrical”, causing a dramatisation of things.

It is obvious that the above journalistic style does not use well- founded legal arguments. There should have been an analysis on when bridges can be considered as military targets, according to protocol I, Additional to the Geneva Conventions. Based on this, such an analysis could examine different opinions on whether the bombing of this particular bridge was illegal or not.

On the other hand, the reader can find articles that explicitly refer to international law. However, they are –again- all against it. A translated article recalls Articles 2 and Chapter 7 of the UN Charter and concludes that, according to these and to the Nuremberg terms, the NATO bombings were illegal. One cannot help noticing

the absence of any stories or articles that would give the pro-interventionist interpretation of Article 2 and Chapter 7 of the UN Charter. On the contrary, there is another comment sees the attempted prosecution of Milosevic in the ICTY sets the whole Court under doubts. The author sees double standards between those who pay for the ICTY and those who don't; he says that "When the Serbs kill the Albanians, the right word is 'on purpose'. When the NATO kills civilians the right word is 'by mistake'".

Apart from the usual phenomenon about the Greek paper's attitude concerning the ill-founded and sentimentally charged arguments, one can remark that, from the beginning until approaching of the end of the raids, there are few -if any- articles in favour of the raids, just like there is nothing about the drama of the refugees. This way, the daily once more fails to keep a balance between the two sides, exactly what the Greek government was trying to exemplify the Greeks they should do.

E. COMPARISON OF THE THREE DAILIES- CONCLUSIONS-SUGGESTIONS

The war in Kosovo was a controversial issue, although, finally, there was large acceptance of the fact that the peoples of Kosovo and of the Federal Republic of Yugoslavia were inflicted by incredible sufferings. Not casually, several scientific communities denounced both the atrocities that were carried out by Ser authorities in Kosovo and the inadequacy of democratic governments to face the crisis in that territory in a peaceful way. What is more important- and is also the opinion of the author of the present paper- is that scientific communities denounced the attempt to “re-launch the International Law, aiming to re-instate a hierarchic world order resorting to the baleful institute of war. [...] This design of the world order is pursued in the name of ‘de-regulation’ and designed to function, not just in the economic field, but also in the legal and institutional one”⁷⁹. This means that the pro-interventionist argument for the need of a “living” UN Charter is not so convincing, as the prevention of crises can be better pursued through the strengthening and democratising of the United Nations⁸⁰.

After the separate analysis of the three newspapers, it is rather obvious that all the above elements were not adequately stressed. Each daily treated the subject very differently, from a pro or an anti- interventionist view. However, what is similar in all of them are the often ill-founded arguments and the omission of questions of international law. In order to clarify this, I hereby firstly summarise the main characteristics of each newspaper’s coverage of the issue and then proceed to the comparison and conclusions.

The Italian “Corriere della Sera” made an effort to be politically correct. However, the main type of argumentation provided is based on sentimentalisms and personal judgements, while legal analyses and different interpretations of international law are very scarce. It is true that the “Corriere” tried to report both on the Kosovo

⁷⁹ M. Dalla Costa, G. Ferrari Bravo, M. Mascia, E. Pace, A. Papisca, *For peace in the Balkans in the legality framework of the UN, Conclusions of the Seminar “the War in the Balkans; the case of Kosovo looking at the ‘papers’ and the ‘facts’*, Pr. A. Papisca’s archives, Padova, 1999, p.3.

⁸⁰ Idem, pp.1, 3.

Albanian refugees and on the damages the NATO raids caused in Serbia. For this reason, it uses the technique of giving both the NATO and the Serbian opinion in subtitles. Moreover, it devotes almost the same space to the above mentioned two sides of the story. Nevertheless, it does not avoid the use of sentimental and strong wording and pictures, mainly in favour of the refugees. A defender of the reporters could argue that it is normal that on-the-spot reports are emotionally charged, on the one side or the other. Actually, the reason why the present research also analysed the following day of each event was to see if the paper reacted differently after having cold-bloodedly re-examined the event. If it is very difficult for war reporters to maintain cold-bloodedness, then in-depth analyses and researches should accompany these reports. This might be a good way to avoid turning information into a war show, too emotionally charged, demonising one side or the other. Moreover, geopolitical, strategic and economic analyses should be part of the coverage of the news.

With regards to what the newspaper mentions on international law issues, one remarks that there are mainly pro-interventionist opinions stressing the moral motive of the war: preventing further humanitarian catastrophe. However, if the newspaper does not refer to the different interpretations that the relevant international law provisions can have, many readers can not possibly know that even a morally stimulated war involves many legal loopholes. In my opinion, if the newspaper really wanted to equally stress the other side of the coin, some important parts of the Rambouillet Agreement and the general historical background of the issue should have been published. Together with this, political and economical analyses should have been made on the terms of this Agreement, presenting both sides' opinions. This way, the readers would be more spherically informed on the issue and would be able to draw adequate conclusions.

The British "Times" held a generally harder pro-interventionist attitude. As Philip Hammond notices (Hammond and Herman, 2000), the "Times" belongs to the group of the British press that, although supported the NATO attack, also voiced some caution about its wisdom and goals. This way, the British daily tried to be politically correct by publishing both pro-interventionist and anti-interventionist comments and stories both on the Serbian and Kosovan side. However, as in the Italian case, international law arguments are often omitted; most of the stories and comments in favour of the intervention are not legally sustained. This way the reader

that does not know the existence or the different interpretations some legal provisions can have, is likely to believe the main NATO arguments, as they are the ones mostly emphasised.

The day of the bombing of the Serbian TV is a characteristic example of the clear priority to refugees' stories and pictures: the daily's front page publishes a big article and pictures of the refugees arriving in Britain, but announces the destruction of the Serb TV in a small framed column. It is usual that the pictures are bigger than the article in order to attract attention. Thus, the reader mainly reads human interests stories, although human rights are far more relevant to international law provisions and principles, than to emotionally charged pictures.

Consequently, one can say that "the Times" remains faithful to its usual policy. The British daily's reports hardly show any defiance to the NATO, without providing any legal arguments for this position. It publishes big-sized pictures, in order to attract attention, even if the picture can not sustain a pro-interventionist news story. This is the case of the picture of the dead journalists that accompanies the report on the overreacting -as described- Chinese demonstrations. From the beginning until the end of the raids, the "Times" paid growing attention to the Kosovo Albanian refugees but decreasing attention to the damages caused in Serbia. As the end of the war was approaching, references to international law were completely absent.

Finally, it is important to stress out that, after some NATO mistakes and while two civilian populations were suffering one way or another, the British daily publishes no story on the *reactions of the public opinion*, neither in the UK or anywhere else. It is noteworthy that there is no measuring of the public opinion or presentation of foreign ones at a time where the Italian, American and German public opinion was really divided on the continuation of the raids.

Contrarily to the two other dailies, the journalists of the Greek newspaper expressed an almost unanimous anti-NATO reaction. Since the beginning of the war, the Greek journal insisted on the illegitimacy of the war. There was no anti-interventionist opinion, that would argue that the war was legitimate, based on the Security Council Resolutions or on the need for a new vital Charter.

With regards to the reports, the Greek daily published only a few and rather insignificant stories about refugees, while it rather insisted on the Serb side of the story. Most of the reports were very ironical and negligent towards the Alliance's

official positioning. The texts and photos published transmitted a feeling of compassion for the Serbian people that were under the bombs, but not something analogous for the Albanian refugees. What is more important, the reporters did not found their opinions on the international law principles and provisions and they did not even check the possibility that the NATO reasoning could actually be sustained under international law. Some reports criticise the NATO for attempting to overtake the role of the World Police. When one refers to international law, he/she must leave a margin of different interpretations. Apart for the fact that such judgements can only be accepted in comments or opinions and not reports, the Greek newspaper does not make explicit that this is how international documents should be read.

The public opinion of different countries is only reported if they somehow express an anti-NATO feeling, aligning to the Greek one. All the above prove that “ta Nea” hardly made an effort to keep a balance between the two sides.

It is obvious that, despite the different positions kept, all three dailies neglected international law or presented mainly one interpretation. They all gave an emphasis to striking titles and big pictures. Few if any reporters’ arguments were well- founded on legal provisions. Most of the reports were descriptive and the legal implications- such as whether a target was military or civilian target- were not inquired; instead, according to each paper’s preference, priority was given to the explanation of the NATO or of the Serb officials.

In an attempt to briefly explain their attitude, one can firstly say that the media “projected their own environment”⁸¹. According to the Communication theory “of the mirror”, the media tends to report more what they think would be in accordance to the public’s preferences⁸², so as to sell more. Indeed, one realises that, among the three, the Italian daily was the one that more tried to keep a balance in covering stories, both about the refugees and the damages in Serbia. It is not maybe accidental that the Italian public opinion was equally divided in supporting or opposing the war (Livingstone, 2000). Correspondingly, the British newspaper mainly expressed the 68% majority of the British people that were in favour of the war. Finally, in the

⁸¹ M. Kondopoulou, *The Greek Media and the Kosovo crisis*, in “Conflict and Communication online”, vol. 1, No.2, 2002, p.1. Available in www.cco.regeer-online.de.

⁸² Of course we should not neglect the fact that the media also influences the public opinion by projecting more or less the interests that they want to project. However, this discourse would probably be more adequate about the coverage of the pre-war eras.

Greek case, 96% of the people were against the war; the Greek media tried to mirror this attitude and came in a clash with the mainstream pro-NATO media of other Western countries that resulted in international criticism of the Greek media. With regards to the “mirror theory”, the Greek journalist Mr. T. Tsigkas argued that this can be true, but not always. He mainly said that, in order for the media to mirror the public opinion, “there should be a situation like the one that exists in Greece, where 98% of the people are against the war and this way they oblige the media to be influenced [by the people] at the point that they are today. However, the media have kept the position they have kept, because the general political conditions allow them to, and the governmental position is the one it is. For instance, while 95% of the people are against the government providing facilities to the NATO, the media do not keep the same attitude on this issue⁸³, as they do on the opposition to the war”⁸⁴.

Exactly this opinion helps the researcher realise that the Greek media’s opposition was not actually so much contrary to the government’s moderate position. It is true, of course, that the Greek media presented an anti-NATO image, while the government was trying to keep a balance between the country’s commitments to the NATO and the public opinion. However, Mr. Tsigkas is right that the media did not share or adequately publicise the public opposition to the government letting the NATO troops pass through Thessaloniki. This is perfectly explainable if one recalls that Greece’s interest was indeed to keep a balanced approach. However, one also has to recall that Greece was also interested in Kosovo remaining a part of Serbia; the Greek Prime Minister made a “dramatic warning” for the maintenance of the present borders⁸⁵. Seen under this light the Greek media does not actually seem to disagree so much with the official governmental position, as one would see at a first glance.

This observation makes the researcher agree to P. Hammond’s opinion that the mainstream media, in times of war, are unlikely to press themes that the dominant political leaders of their respective countries do not favour (Hammond, 2000). In the cases of the Italian and the British dailies, this is even more manifest. If one accepts that Britain’s interest was to play a prominent role within the NATO⁸⁶ and relates it to the relatively hard pro-interventionist line “the Times” kept during the Kosovo crisis,

⁸³ He means that the media do not stress this factor or share this opinion.

⁸⁴ T. Tsigkas, *Zitima Dimokratias (A matter of Democracy)*, in A. Panagiotarea (Ed) “Ta MME kai o polemos sto Kossyfopedio (The Media and the War in Kosovo)”, Thessaloniki, Editions Paratiritis, 2000, p. 183.

⁸⁵ Ta Nea, May 14, 1999.

⁸⁶ See pages 4-5 of the present paper.

then he/she might as well agree to Hammond's observation. Italy had to fulfil its commitments to the NATO, but also had an interest in the stability of the Balkans; this is why the government kept a moderate pro-interventionist profile. In accordance to this, the Italian daily was the one, among the three dailies examined here, was the one that tried to keep a balanced approach between the Kosovo Albanian refugees and the damages in Serbia, although tended to support the NATO action. However, this way the media does not really provide objective and constructive information on an issue, "failing to meet the real needs of a genuinely democratic order"⁸⁷.

The above observation has to be seen in conjunction with this paper's primary conclusion that, despite their different attitude, the media neglected or only partially publicised issues of international law involved with the Kosovo crisis and this way impeded the public from forming a spherical opinion. In order for this situation to change towards the creation of better media and better sustained democracy, journalists, editors and media organisations should try modifying their attitude. The same is valid for governments and international organisations, as well as for human rights organisations.

For a start, journalists themselves should try to be better informed on human rights and international humanitarian law issues. In order for them to do that, it would be recommendable that journalism students attend pre-entry courses on human rights issues. This training could be enhanced with mid-career internships or in-house training on the above issues, as well as with other actions that would promote exchanges of views between journalists and human rights organisations at regional, national and international level.

Secondly, media organisations should assume their own responsibilities. For this reason, they should encourage the employment and recruitment policies that promote ethnic balance in the newsroom, so that all different opinions are given. Furthermore, media conglomerates should try as much as possible to familiarise the journalists with human rights and international law issues. For instance, they could provide them with different relevant editing and style handbooks and materials. Furthermore, they should encourage the co-operation between the reporters and

⁸⁷ P. Hammond and E.S. Hermann, *Introduction*, in P. Hammond and E.S. Hermann (Eds), *Degraded Capability: The media and the Kosovo Crisis*, London and Sterling, VA, USA, Pluto Press, 2000, p.208.

correspondents of different country or ethnicity in order to create a diverse and reliable network of information.

Probably the most important thing is the strengthening of the media's self regulation and striving for the highest degree of independence. In order for the media and journalists to achieve that, it is necessary that the governments should eliminate all forms of official interference to the exercise of free media. Human rights organisations can also contribute to all this process by co-operating with journalists and media organisations, by establishing direct contact and joint meetings with them⁸⁸.

Finally, it is necessary to stress out that nowadays, "information is an activity: (...) the citizens themselves have an obligation: the obligation to have an active and not a passive attitude towards the research of information"⁸⁹. Any news-reader should avoid rushing into judgements on whether the media give a fair and impartial presentation of an event, especially when it is a crisis or a war; close scrutiny and deep understanding of the international relations is required if one wants to avoid the trap of the simplistic "the goods and the villains" model of understanding something as complicated as a war.

⁸⁸ International Council on Human Rights, *Journalism, Media and the challenge of human rights reporting-Summary*, Geneva, ICHRP Publications, 2000, p.16.

⁸⁹ I. Ramonet, "I tyrannia ton MME" ("La tyrannie des medias", 1999, Editions Galilee), translated in Greek by Fotini Mourkousi, Athens, Editions POLIS, 1999, p. 66.

Bibliography

- Chomsky, N., *The New Military Humanism: Lessons from Kosovo*, Monroe (ME), Common Courage Press, 1999.
- Hammond, P., Hermann E.S.(Eds), *Degraded Capability: The media and the Kosovo Crisis*, London and Sterling, VA, USA, Pluto Press, 2000.
- International Council on Human Rights, *Journalism, Media and the challenge of human rights reporting-Summary*, Geneva, 2000.
- Maletzke, G., *Massenkomunikations theorien*, Translated in Greek by P. Zeri, Athens, Editions Papazisi, 1991.
- Mc Quail, D., *Mass Communication theory, an introduction*, translation in Greek: Papathanasopoulos, Stelios, Athens, Kastaniotis Publications, 1997.
- Panagiotarea, A. (Ed),“Ta MME kai o polemos sto Kossyfopedio (The Media and the War in Kosovo)”, Thessaloniki, Editions Paratiritis, 2000.
- Price, M.E., Thompson, M., *Forging Peace; Intervention, Human Rights and the Management of Media Space*, Bloomington Indiana, Indiana University Press, 2002.
- Ramonet, I., “*I tyrannia ton MME*” (“La tyrannie des medias”, 1999, Editions Galilee), translated in Greek by Fotini Mourkousi, Athens, Editions POLIS, 1999.
- Schabel, A., Thakur, R., (Eds.), *Kosovo and the Challenge of Humanitarian Intervention; Selective Indignation, Collective Action, and International Citizenship*, Tokyo- New York- Paris, United Nations University Press, 2000.

Articles

- Cassese, A., *Ex inuria ius oritur: Are We moving towards international Legitimation of Forcible Humanitarian Countermeasures in the World Community?* In “European Journal of international Law”, vol 10, 1999, p. 23
- Charney, J. I., *Anticipatory Humanitarian Intervention in Kosovo*, in “American Journal of International Law”, vol. 93, no4, 1999, in www.asil.org/ajil/kosovo.htm.
- Chinkin, C.M, *Kosovo: A “Good” or “Bad” War?* , in “American Journal of International Law”, vol. 93, no4, 1999, available in
- www.asil.org/ajil/kosovo.htm.
- Dalla Costa M., Ferrari Bravo G., Mascia M., Pace E., Papisca A., *For peace in the Balkans in the legality framework of the UN, Conclusions of the Seminar “the War in the Balkans; the case of Kosovo looking at the ‘papers’ and the ‘facts’* , Pr. A. Papisca’s archives, Padova, 1999.
- Engelbreth Larsen, R., *The Staging of War and Peace* in Faklen Magazine, available in www.faklen.dk/en/info/docs/stagingofwar.shtml.
- European Media Ownership: Threats on the Landscape. A Survey of who owns what in Europe; RCS Editori, available in
- www.ifj.org/publications/download/mediaownership/rcs.htm.
- European Media Ownership: Threats on the Landscape. A Survey of who owns what in Europe; News International”, available in
- www.ifj.org/publications/download/mediaownership/news.htm
- Falk, R.A., *Kosovo, World Order, and the Future of International Law*, in “American Journal of International Law”, vol. 93, no4, 1999, available in
- www.asil.org/ajil/kosovo.htm.
- Franck, T.M., *Lessons from Kosovo*, in “American Journal of International Law”, vol. 93, no4, 1999, available in
- www.asil.org/ajil/kosovo.htm.

- Hayden, R., *Humanitarian Hypocrisy*, in Kosovo and Yugoslavia: Law in Crisis, a presentation of JURIST: The Law Professors' Network, available in
- <http://jurist.law.pitt.edu/hayden.htm>.
- Henkin, L., *Kosovo and the Law of Humanitarian Intervention*, in "American Journal of International Law", vol. 93, no4, 1999, available in www.asil.org/ajil/kosovo.htm.
- Kapsis, P., *Provolis: I syntechnia tou polemou (i.e.: Projectors: the syndicate of war)*, Ta Nea, 1999.
- Kondopoulou, M., *The Greek Media and the Kosovo crisis*, in "Conflict and Communication online", vol. 1, No.2, 2002, available in
- www.cco.regeneer-online.de.
- Nohrsted, S.A., Kaitatzi-Whitlock, S., Ottosen, R., Riegert, K., *From the Persian Gulf to Kosovo-War and Propaganda* in European Journal of Communication, 2000, Sage Publications, London, Thousand Oaks, CA and New Delhi, vol 15(3).
- Papisca, A., *L' ONU e il (futuro del) diritto alla cosiddetta ingerenza umanitaria*, in "Seminarium", n. 2, 2000.
- Reisman, W.M., *Kosovo's Antinomies*, in "American Journal of International Law", vol. 93, no4, 1999, in www.asil.org/ajil/kosovo.htm.
- Simma, B., *NATO, the UN and the Use of Force: Legal Aspects*, in European Journal of International Law, vol.10, 1999.
- Tsimas, P. "Journalists and War" (Dimosiografoi kai polemos), Ta Nea, Athens, 31/4/1999.
- Wedgwood, R., *NATO's Campaign in Yugoslavia*, in "American Journal of International Law", vol. 93, no4, 1999, in www.asil.org/ajil/kosovo.htm.

Newspapers

- **“Corriere della Sera”**, March 24- 25, 1999
- **“Corriere della Sera”**, April 24- 25, 1999
- **“Corriere della Sera”**, May 8- 9, 1999
- **“Corriere della Sera”**, May 14- 15, 1999
- **“Corriere della Sera”**, May 31- June 1, 1999
- **“The Times”**, March 25- 26, 1999
- **“The Times”**, April 24- 25, 1999
- **“The Times”**, May 9- 10, 1999
- **“The Times”**, May 15- 16, 1999
- **“The Times”**, May 31- June 1, 1999
- **“Ta Nea”**, March 26, 1999
- **“Ta Nea”**, April 24- 25, 1999
- **“Ta Nea”**, May 8- 10, 1999
- **“Ta Nea”**, May 14- 15, 1999
- **“Ta Nea”**, June 1, 1999

UN Documents

- United Nations Charter
- Geneva Convention relative to the Protection of Civilian Persons in time of War
- Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)