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Kosovo and U.S. Policy

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SUMMARY

From February 1998 to March 1999, fighting between ethnic Albanian guerillas and Yugoslav troops killed over 2,500 ethnic Albanian civilians and the displacement of over 400,000 people. After Yugoslavia rejected a Western-sponsored peace plan for Kosovo put forward during peace talks at Rambouillet, France in February-March 1999, NATO began air strikes against Yugoslavia on March 24. The Serbs launched an intensified ethnic cleansing campaign that resulted in thousands of additional deaths and the displacement of hundreds of thousands more.

After 78 days of NATO bombing, Yugoslavia agreed on June 3 to withdraw its Yugoslav forces from Kosovo and the deployment of an international peacekeeping force. Under the terms of U.N. Security Council Resolution 1244, Kosovo is governed by a U.N. civil administration until elections are held for an autonomous local government. After the autonomous government is in place, Kosovo's long-term status will be considered. Almost all ethnic Albanians want independence for Kosovo; Serbs say it should remain within Yugoslavia.

A NATO-led peacekeeping force (dubbed KFOR), is charged with providing a secure environment for the implementation of UNSC Res. 1244. After KFOR deployed to Kosovo, most ethnic Serbs left the province. KFOR has been faced with continuing violence against ethnic Serbs by ethnic Albanians. An ethnic Albanian guerrilla insurgency operating from Kosovo against the Presevo valley in southern Serbia was dismantled in May 2001 with KFOR's help. Kosovo held its first free and fair municipal elections on October 28, 2000.

The Democratic League of Kosovo (LDK), led by moderate Ibrahim Rugova handily defeated its leading competitor, the Democratic Party of Kosovo, led by ex-Kosovo Liberation Army commander Hashim Thaci. Almost all ethnic Serbs in Kosovo boycotted the vote. In May 2001, the U.N. civil administration issued a "constitutional framework" for Kosovo that provides for an elected legislature and an autonomous government but does not deal with Kosovo's final status. The United Nations has scheduled elections for the parliament for November 17, 2001.

Bush Administration officials have said that they support autonomy for Kosovo within the FRY, but not independence. In 2000, the Bush campaign suggested that the United States would seek to withdraw its forces from the Balkan peacekeeping missions. In 2001, however, Secretary of State Colin Powell said that the United States had a commitment to peace in the region and that NATO forces would go "in together, out together." Powell met with Kosovar leaders on April 12, 2001, during his visit to Bosnia and Macedonia.

In 1999, the 106th Congress debated approval of Operation *Allied Force*. Congress neither explicitly approved nor blocked the air strikes, but appropriated funds for the air campaign and the U.S. peacekeeping deployment in Kosovo. In 2000, several Members unsuccessfully attempted to condition the U.S. military deployment in Kosovo on congressional approval and on the implementation of aid pledges made by European countries. Congress provided funding for reconstruction in Kosovo, but limited U.S. aid to 15% of the total amount pledged by all countries.

MOST RECENT DEVELOPMENTS

On June 20, NATO agreed in principle to create a new force for Macedonia to help oversee the disarmament of ethnic Albanian rebels, if a firm cease-fire and political agreement are in place. Secretary Powell told the Senate Foreign Relations Committee on the same day that the United States had made no commitment on joining the force. Press reports quoted unnamed U.S. officials as saying that U.S. support could be limited mainly to logistics and intelligence functions. NATO stressed that the deployment would be only a modest, temporary one with the mission of overseeing the voluntary disarmament of the rebels, not a large, extended peacekeeping deployment with the task of interposing itself between the rebels and government forces. NATO maintains about 3,000 logistical support troops in Macedonia for KFOR. Since early 2001, KFOR has stepped up efforts at the border to interdict the flow of weapons and rebels to Macedonia. Over 20,000 refugees from Macedonia have fled to Kosovo.

BACKGROUND AND ANALYSIS

Introduction

In 1998 and 1999, the U.S. and its NATO allies attempted to put an end to escalating violence between ethnic Albanian guerrillas and Yugoslav forces in Yugoslavia's Kosovo region. They were outraged by Serb atrocities against ethnic Albanian civilians, and feared that the conflict could drag in other countries and destabilize the region. These efforts culminated in a 78-day NATO bombing campaign against Serbia from March to June 1999. Yugoslav leader Slobodan Milosevic agreed to withdraw his forces from the province in June 1999, clearing the way for the deployment of U.S. and other NATO peacekeepers. While NATO's action ended Milosevic's depredations in Kosovo, it has left U.S. and other Western policymakers with many difficult issues to deal with. These include creating the conditions for the resumption of a normal life in Kosovo, including setting up an autonomous government and reconstruction of the province, as well as dealing with the thorny issue of Kosovo's final status. Additional challenges emerged after the deployment, including the rise of ethnic Albanian guerrilla movements in southern Serbia and Macedonia, which threaten to destabilize the region.

U.S. engagement in Kosovo has been controversial. Proponents of engagement say that instability in Kosovo could have a negative impact on the stability of the Balkans and therefore of Europe as a whole, which they view as a vital interest of the United States. In addition, they claim that such instability could deal a damaging blow to the credibility and future viability of NATO and Euro-Atlantic cooperation. They say the involvement of the United States is critical to ensuring this stability, because of its resources and political credibility. Critics, including some in Congress, say that the situation in Kosovo does not have as large an impact on vital U.S. interests as potential crises in other parts of the world. They say that the Kosovo mission harms the readiness of U.S. forces to deal with these more important contingencies. They see the mission in Kosovo as an ill-advised, open-ended exercise with unclear objectives. They call on European countries to take on the whole burden of the peacekeeping mission. Both congressional advocates and opponents of U.S. engagement insist that the Europeans pay the lion's share of reconstruction aid to Kosovo.

War in Kosovo: February 1998-June 1999

Although the war in Kosovo had deep historical roots, its immediate causes can be found in the decision of Milosevic regime in Serbia to eliminate the autonomy of its Kosovo province in 1989. The regime committed widespread human rights abuses in the following decade, at first meeting only non-violent resistance from the province's ethnic Albanian majority. However, in 1998 ethnic Albanians calling themselves the Kosovo Liberation Army began attacks on

Serbian police and Yugoslav army troops. The Milosevic regime responded with increasingly violent and indiscriminate repression. From February 1998 until March 1999, conflict between the ethnic Albanian Kosovo Liberation Army (KLA) and Serb forces (as well as Serb attacks on ethnic Albanian civilians) drove over 400,000 people from their homes and killed more than 2,500 people.

Kosovo At a Glance

Area: 10,849 sq. km., or slightly smaller than Connecticut

Population: 1.956 million (1991 Yugoslav census)

Ethnic Composition: 82.2% Albanian; 9.9% Serbian. Smaller groups include Muslims, Roma, Montenegrins, Turks and others. (1991 Yugoslav census)

The United States and other Western countries used sanctions and other forms of pressure to try to persuade Milosevic to cease repression and restore autonomy to Kosovo, without success. The increasing deterioration of the situation on the ground led the international Contact Group (United States, Britain, France, Germany, Italy and Russia) to agree on January 29, 1999 on a draft peace plan for Kosovo. They invited the two sides to Rambouillet, near Paris, to start peace talks based on the plan on February 6. As an inducement to the parties to comply, on January 30 the North Atlantic Council agreed to authorize NATO Secretary-General Javier Solana to launch NATO air strikes against targets in Serbia, after consulting with NATO members, if the Serb side rejected the peace plan. NATO said it was also studying efforts to curb the flow of arms to the rebels. The draft peace plan called for 3-year interim settlement that would provide greater autonomy for Kosovo within Yugoslavia, and the deployment of a NATO-led international military force to help implement the agreement. (The text of the plan can be found at [http://www.state.gov/www/regions/eur/ksvo_rambouillet_text.html].) On March 18, 1999, the ethnic Albanian delegation to the peace talks signed the plan, but the Yugoslav delegation rejected it.

NATO began air strikes on the Federal Republic of Yugoslavia on March 24, 1999. Yugoslav forces moved rapidly to expel most of Kosovo's ethnic Albanians from their homes, many of which were looted and burned. A December 1999 State Department report estimated the total number of refugees and displaced persons at over 1.5 million, over 90% of Kosovo's ethnic Albanian population. The report says that Yugoslav forces killed about 10,000 ethnic Albanians, and abused, tortured and raped others. After 78 days of increasingly intense air strikes that inflicted damage on Yugoslavia's infrastructure and its armed forces, President Milosevic agreed on June 3 to a peace plan based on NATO demands and a proposal from the Group of Eight countries (the United States, Britain, France, Germany, Italy, Canada, Russia and Japan). It called for the withdrawal of all Yugoslav forces from Kosovo; the deployment of an international peacekeeping force with NATO at its core; and

international administration of Kosovo until elected interim institutions are set up, under which Kosovo will enjoy wide-ranging autonomy within Yugoslavia. Negotiations would be eventually be opened on Kosovo's final status.

On June 9, 1999, NATO and Yugoslav military officers concluded a Military Technical Agreement governing the withdrawal of all Yugoslav forces from Kosovo. On June 10, the U.N. Security Council approved UNSC Resolution 1244, based on the international peace plan agreed to by Milosevic. KFOR began to enter Kosovo on June 11. The Yugoslav pullout was completed on schedule on June 20. On June 20, the KLA and NATO signed a document on the demilitarization of the KLA. (For historical background to the conflict in Kosovo, see CRS Report RS20213, *Kosovo: Historical Background to the Current Conflict*. For chronologies of the conflict in Kosovo, see *Kosovo Conflict Chronology: January-August 1998*, CRS Report 98-752 F; *Kosovo Conflict Chronology: September, 1998—March, 1999*, CRS Report RL30127; and the daily Kosovo Situation Reports collections for April (CRS Report RL30137), May (CRS Report RL30156), and June (CRS Report RL30191), 1999.)

Current Situation in Kosovo

Within weeks of the pullout of Yugoslav forces from Kosovo and the deployment of NATO-led peacekeeping force KFOR, the overwhelming majority of ethnic Albanian refugees returned to their homes. At the same time, over 200,000 ethnic Serbs and other minorities living in Kosovo left the province, according to the U.N. High Commissioner for Refugees. International officials estimate the number of Serbs living in Kosovo at around 100,000. Many of the Serbs remaining in the province live in northern Kosovo, many in or near the divided town of Mitrovica. The rest are scattered in isolated enclaves in other parts of the province, protected by KFOR troops. A key reason for the departures is violence and intimidation by ethnic Albanians. Since the pullout of Yugoslav forces, over one thousand ethnic Serbs and Roma have been kidnaped or killed, and hundreds of houses of Serb refugees have been looted and burned.

Political Situation

An important question for Kosovo's future is what role will be played by former KLA fighters. The Kosovo peace settlement, as laid out in U.N. Security Council Resolution 1244, called for the demilitarization of the KLA. On June 20, 1999, KLA leader Hashim Thaci signed a demilitarization document that had been worked out with KFOR. The KLA formally ceased to exist on September 20, 1999. On the same day, KFOR, U.N. officials, and the KLA signed an agreement on the formation of a Kosovo Protection Corps (KPC). The mission of the 5,000-man KPC is to assist in reconstruction efforts, search and rescue operations, and cope with civil emergencies. Although it is supposed to be multi-ethnic, apolitical and non-military, many observers say a key political purpose of the force is to provide ex-KLA fighters and commanders with jobs and a quasi-military structure. While U.N. and KFOR officials stress the civilian nature of the KPC, many ethnic Albanians view the KPC as a way to preserve a *de facto* army. International officials believe large amounts of undeclared weapons remain in the hands of ex-KLA troops (as well as others), and that some ex-KLA troops and leaders have formed armed groups and/or criminal gangs. Since the alleged

demilitarization of the KLA, KFOR troops have repeatedly uncovered weapons caches throughout Kosovo.

After the end of the war in Kosovo, ethnic Albanian guerillas, many of whom are ex-KLA fighters, began attacks on Serbian police units in the Presevo valley inside Serbia, near Kosovo's eastern border. From June 1999 to March 2001, 20 Serbian policemen were killed and 50 wounded. The population of the area, encompassing the towns of Medvedja, Bujanovac and Presevo, is about 80% ethnic Albanian. The guerillas, who reportedly numbered in the hundreds, sought to join the region to Kosovo. In the past, Serbian police forces have engaged in intimidation of ethnic Albanians in the area, beating people and arresting young men. Local Albanians fear Yugoslav Army and police forces because of the crimes they committed in neighboring Kosovo. The guerrillas operated from a 3-mile-wide demilitarized zone inside Serbia along the republic's border with Kosovo. The zone, called the Ground Safety Zone (GSZ), was set up as part of the Military-Technical Agreement that governed the pullout of Yugoslav forces from Kosovo and the deployment of KFOR in June 1999.

Yugoslav and Serbian leaders repeatedly pressed KFOR to stop guerrilla penetration from Kosovo into the demilitarized zone, or reduce or eliminate the zone so that more heavily armed Serbian police and Yugoslav army can drive out the guerrillas themselves. NATO ignored these demands while the Milosevic regime was in power. However, after the fall of Milosevic and his replacement by democratic forces in October 2000, NATO stepped up efforts to halt the infiltration of men and supplies from Kosovo, with less than complete success. Finally, on March 8, 2001, NATO agreed to the elimination of the GSZ. The GSZ was returned to the Yugoslav army and Serbian police in several stages between March and May 2001, under international monitoring. Under pressure from the international community, the guerillas disbanded in May 2001. Western countries have pressed Serbia to deal with some of the underlying causes of the Presevo conflict, including the ethnic balance of local police and the economic situation in the area. Serbian leaders have adopted a peace plan for the region, which attempts to deal with these issues. In May 2001, training courses began for the first officers of an ethnically-mixed police force for the region.

In late February 2001, a new ethnic Albanian guerrilla movement emerged in Macedonia. A significant number of the guerrillas appear to be ethnic Albanians from Macedonia and Kosovo who served in the KLA during the war. The leaders of the group claim that they are only seeking equal rights for Albanians within Macedonia, while others admit that they would like an ethnic Albanian autonomous region that could join an independent Kosovo. Macedonian officials say the group receives weapons and men from Kosovo, and that KFOR has failed to deal with the problem adequately. In April 2001, Kosovo Protection Force chief Agim Ceku suspended his chief of staff for assuming a senior position with the rebels in Macedonia.

Since June 1999, Kosovo has been ruled by the U.N. Mission in Kosovo, currently headed by Hans Haekkerup of Denmark. A Joint Interim Administrative Structure (JIAS) was established in January 2000 to increase local participation in the government. It includes an Interim Administrative Council (comprising three Kosovo Albanian leaders, one Kosovo Serb leader, and four UNMIK members), and 20 administrative departments, each of which is supposed to have representatives of local groups. Haekkerup retains legislative and

executive authority in Kosovo but shares administrative management of the province with this structure.

On October 28, 2000, Kosovo held OSCE-supervised municipal elections. Most of the parties running in the election differ little from each other on ideological grounds, and are based more on personal loyalties and clan and regional affiliations. The biggest of several parties to be formed from the ex-KLA is the Democratic Party of Kosovo (PDK), headed by Thaci. Another significant, although smaller, ex-KLA group is the Alliance for the Future of Kosovo (AAK), led by Ramush Haradinaj. A third key political force in the province is Democratic League of Kosova (LDK), headed by Ibrahim Rugova. The LDK was by far the ethnic Albanian largest party before the war, but it began to lose ground after what some ethnic Albanians viewed as a passive stance during the war. However, the behavior of some ex-KLA leaders since the war, including seizure of property of ethnic Albanians, the levying of "taxes," and violence against ethnic Albanian political opponents, resulted in an improvement in the "more civilized" LDK's standing. The LDK won 58% of the vote province-wide, the PDK 27.3%, the AAK, 7.7%. The LDK won the majority in 21 municipalities, with the PDK winning six. In the remaining three Serbian-majority municipalities so few people voted that the OSCE did not certify the results.

Kosovo Serbs charge that UNMIK and KFOR have been ineffective in protecting them from ethnic Albanian violence. They claim that UNMIK and KFOR are working toward the establishment of an independent Kosovo, which they oppose. Nearly all ethnic Serbs in Kosovo boycotted the October 2000 municipal elections. Turnout was virtually non-existent in the areas in which they are the majority. Ethnic Serb leaders have demanded their own elections in areas in which they are a majority.

As its name implies, the U.N. interim administration is a transitional step toward an elected government for an autonomous Kosovo. After consultation with local leaders, UNMIK issued a Constitutional Framework for Provisional Self-Government in Kosovo in May 2001. The Constitutional Framework calls for the establishment of a 120-seat legislature, which will elect a President and a Prime Minister. Twenty seats will be reserved for ethnic minorities, including 10 for Serbs, but Serbs would not have a veto power on laws passed by the ethnic Albanian majority in the body. UNMIK will retain oversight or control of policy in many areas, including monetary policy, customs policy, police, judiciary and foreign relations. UNMIK will be able to invalidate legislation passed by the parliament if it is in conflict with U.N. Security Council Resolution 1244. KFOR will remain in charge of Kosovo's security. The Constitutional Framework does not address the question of Kosovo's final status. Elections for the new legislature are scheduled for November 17, 2001. The text of the Constitutional Framework can be found at [<http://www.un.org/peace/kosovo/pages/regulations/constitframe.htm>]

The LDK and the AAK expressed support for the Constitutional Framework unveiled by UNMIK in May 2001, but voiced disappointment that the document did not allow for a referendum to decide Kosovo's final status. Thaci said that the PDK opposed the document for the same reason, but added that the PDK would nevertheless participate in the November 2001 elections. Kosovo Serb leaders condemned the Constitutional Framework, saying it paved the way for Kosovo's independence and did not contain a mechanism to prevent the ethnic Albanian-dominated legislature from abusing their rights. They said they may not participate in the November 2001 elections.

Milosevic's fall from power in October 2000 may have an important impact on the situation in Kosovo. Serbia's new leaders continue to strongly oppose Kosovo's independence and call for strict implementation of U.N. Security Council Resolution 1244, which calls for Kosovo's autonomy within Yugoslavia. However, some observers believe that they are less likely to use Serbia's military and security services to undermine UNMIK and KFOR by covert action, as they charge Milosevic had done. Instead, Serbian leaders may believe that they can restore their control over Kosovo by working skillfully with the international community, especially given increasing international disenchantment with ethnic Albanian murders of Serbs in Kosovo, and the emergence of ethnic Albanian guerrilla movements in the Presevo valley and Macedonia. They point to the dismantlement of the GSZ and the ethnic Albanian guerrilla force in the Presevo valley as a successful example of their policy. Serbian leaders expressed strong opposition to the Constitutional Framework for Kosovo, which they view as promoting Kosovo's independence.

Kosovar Albanian leaders acknowledge that the political demise of the man chiefly responsible for atrocities against them is a positive development, but have viewed with concern the West's rush to support Serbia's new leaders. This is partly because many feel that the Serbian atrocities were solely the product of one man, but of deeply-rooted Serbian nationalism. They are also concerned that the Serbs are gaining an upper hand in international discussions of Kosovo's future. They say that the Kosovars lack democratically elected defenders of their interests. They want as soon as possible the handover of power to elected Kosovar leaders, who will push strongly for independence for Kosovo. The emergence of the new post-Milosevic regime in Serbia and of elected leaders in Kosovo may eventually open the way to talks between the two sides, although at present they appear far apart on many key issues, including the future status of Kosovo. Another important issue is the status of ethnic Albanian prisoners in Serbian jails. A February 2001 amnesty law has led to the release of many of those jailed, although about 200 persons remain imprisoned.

International Response

U.N. Security Council Resolution 1244 (June 10, 1999) forms the basis of the international role in Kosovo. It authorized the deployment of an international security presence in Kosovo, led by NATO, under a mission to ensure that Yugoslav forces are withdrawn from Kosovo; that the cease-fire is maintained; and that the KLA is demilitarized. The Kosovo Force (KFOR) is charged with "establishing a secure environment" for the return of refugees, the delivery of humanitarian aid, and the operation of the international civilian administration. The resolution says KFOR is to oversee the return of "hundreds, not thousands" of Yugoslav troops to Kosovo to liaise with the international presence, mark minefields, provide a "presence" at Serb historical monuments and "key border crossings." To date, no Yugoslav Army troops have returned to Kosovo for these purposes, but in March 2001, NATO approved the phased return of Yugoslav Army forces to the formerly demilitarized buffer zone between Kosovo and the rest of Serbia.

U.N. Security Council Resolution 1244 gives the U.N. mission in Kosovo (UNMIK) the chief role in administering Kosovo on a provisional basis. These duties include administration of the province; maintaining law and order, including setting up an international police force and creating local police forces; supporting humanitarian aid efforts; returning refugees to their homes; protecting human rights; supporting the reconstruction

effort; preparing the way for elections; and facilitating talks on Kosovo's final status. The resolution provides for an interim period of autonomy for Kosovo for an undefined length of time, until negotiations on the final status of the province take place. It expresses support for the FRY's territorial integrity. U.N. officials have said that the goal is to achieve peaceful coexistence among the province's ethnic groups, rather than an integrated, multi-ethnic society. In October 2000, an independent commission recommended to the U.N. that Kosovo be granted "conditional independence" status.

Bernard Kouchner, formerly France's Health Minister, served as Special Representative to oversee UNMIK until January 2001. He was replaced by Hans Haekkerup, Danish Defense Minister, on January 15, 2001. Jock Covey of the United States is Principal Deputy Special Representative. Initially four deputies have served under them, responsible for the pillars of civil administration, humanitarian aid, democratic institution-building, and reconstruction. The U.N. leads the first pillar (the humanitarian aid pillar was phased out in mid-2000). The OSCE is in charge of institution-building, and the European Union leads the reconstruction effort. In May 2001, UNMIK launched a new police and justice pillar in its structure. The authorization for UNMIK automatically continues unless the Security Council decides otherwise. A U.N. Security Council delegation visited Kosovo in June to review conditions for holding general elections later in 2001.

KFOR

According to NATO sources, on January 8, 2001 KFOR had 37,250 troops in Kosovo, as well as four to five thousand more in support roles in Macedonia and elsewhere outside the province. The United States had about 5,400 troops in the province, and a few hundred support troops in Macedonia. The U.S. controls one of five KFOR sectors in Kosovo. Other leading contributors are Italy (4,600), Germany (3,900) France (4,700) and Britain (3,300). Each has its own sector in Kosovo. Other participating countries serve under commanders from these countries. The U.S. sector contains troops from Russia, Poland, Greece, Ukraine, the United Arab Emirates and Lithuania. Russia has about 3,200 troops in KFOR, but does not have its own sector.

KFOR's mission, in accordance with UNSC 1244, is to monitor, verify, and enforce the provisions of the Military Technical Agreement and the KLA demilitarization agreement. KFOR is also charged with establishing and maintaining a secure environment in Kosovo, including maintaining public safety and order until UNMIK can take over this responsibility more fully. KFOR has also provided support to UNMIK and non-government organizations for reconstruction and humanitarian projects. KFOR has successfully overseen the pullout of Yugoslav troops from Kosovo and the implementation of the KLA demilitarization agreement. However, KFOR has not been entirely successful in maintaining order in Kosovo, including in stopping attacks against Serbs and other minorities. KFOR troops, including U.S. soldiers, have been fired on or assaulted in numerous incidents. Scores of KFOR soldiers have been injured and several peacekeepers have been shot and killed. Other soldiers have been killed when their vehicles struck mines, including one U.S. soldier. Despite the fact that the U.N. international police force in Kosovo is nearly up to authorized levels, KFOR still plays a substantial role in policing duties in Kosovo, in particular in dealing with riots and other serious incidents. KFOR has deployed a 320-man paramilitary police unit consisting of Italian and Estonian troops to assist in policing tasks.

U.S., Russian and other KFOR peacekeepers detained scores of men and seized substantial quantities of weaponry in an attempt to stop ethnic Albanian guerrillas from moving men and supplies into 3 mile-wide demilitarized Ground Safety Zone (GSZ) in southern Serbia, which has served as a staging area for attacks against Serbian police in the Presevo valley region. On March 8, 2001, NATO agreed to the gradual elimination of the GSZ. In March through May 2001, KFOR conducted a phased return of most of the GSZ to the Yugoslav army and Serbian police forces. The ethnic Albanian guerrilla groups disbanded and several hundred surrendered to KFOR troops in Kosovo.

In addition to the problems in southern Serbia, since March 2001 KFOR has had to deal with a guerrilla insurgency in Macedonia. On March 7, U.S. and other KFOR troops within Kosovo, in a coordinated effort with Macedonian forces in their own country, flushed guerrillas from the border town of Tanusevci. U.S. troops exchanged fire with a group of them. No U.S. troops were hurt, but two guerrillas were wounded. Angry Macedonian officials charge that KFOR has failed to stop the transport of weapons and men from Kosovo to the guerrillas over the heavily forested and mountainous border region. Hundreds of U.S. and other KFOR troops have stepped up patrols to try to block the supply routes, with limited but increasing success, and have come under fire from the guerrillas. NATO has called for reinforcements to help patrol the border. On June 20, NATO agreed in principle to send a NATO force to Macedonia to help oversee the disarmament of the rebels, but only if a firm cease-fire and political agreement are in place. NATO stressed that the deployment would be only a relatively modest, temporary one with the mission of overseeing the voluntary disarmament of the rebels, not a large, extended peacekeeping deployment with the task of interposing itself between the rebels and government forces. For more on the NATO and U.S. military role in the Kosovo crisis, see CRS Issue Brief IB10027, *Kosovo: U.S. and Allied Military Operations*. For more on KFOR, see KFOR's website at [<http://www.kforonline.com>] and the U.S. KFOR contingent's own site at [<http://www.tffalcon.hqusareur.army.mil/home.htm>].

Civil Administration (including police and justice)

The international civil administration component of UNMIK comprises three offices: a police commissioner, a civil affairs office, and a judicial affairs office. Tom Koenigs of Germany is Deputy Special Representative in charge of this pillar. In May 2001, UNMIK established a new police and justice pillar to provide greater focus on these areas. Since taking office, UNMIK representatives have issued regulations on the legislative and executive authority of UNMIK, the establishment of a customs service, use of the Deutsche Mark as the commonly used currency in Kosovo, small-scale lending services, and the self-government of the municipalities after the local elections. UNMIK oversees administration of public funds in Kosovo, including payments of salaries and pensions. UNMIK has also established customs controls on goods entering the province from Serbia, a practice vehemently opposed to by Kosovo's local Serb communities. (For more information on UNMIK's activities, see UNMIK's web site on the Internet at [<http://www.un.org/peace/kosovo/pages/kosovo1.htm>].)

In the absence of local institutions, UNMIK first established an integrated administrative structure with local authorities. In mid-July 1999, Special Representative Kouchner chaired the first meeting of the Kosovo Transitional Council (KTC), a broadly representative consultative body under UNMIK that includes ethnic Serb representatives. The Transitional

Council meets on a weekly basis, and includes 34 members. In December 1999, Kouchner signed an accord on establishing a new Joint Interim Administrative Structure (JIAS). The structure includes an Interim Administrative Council and 19 administrative departments. The Council comprises three Albanian members, one Serb, and four UNMIK representatives. Several administrative department heads have been named. After the October 2000 municipal elections, UNMIK has assisted with the establishment of thirty provisional municipal assemblies. UNMIK has made attempts to appoint Kosovo Serb and other minorities to the municipal assemblies.

In March 2001, UNMIK chief Haekkerup established the Working Group on the Interim Legal Framework for Provisional Self-Government, a multi-ethnic panel to propose measures to achieve provisional self-government in the province. On May 16, Haekkerup signed into law the regulation on the Constitutional Framework for Provisional Self-Government. The Framework calls for the establishment of a 120-member assembly, with 20 seats guaranteed for ethnic minority communities (including 10 for the ethnic Serb community). UNMIK is to retain ultimate executive authority and exclusive authority in some areas, such as justice, customs, and the Kosovo Protection Corps. Human rights safeguards are prominently featured in the Framework. The Framework does not prejudge a final settlement for Kosovo and makes no reference to holding a referendum on Kosovo's status, a long-held demand of Kosovo's Albanian leaders. Elections are to be held on November 17, 2001.

A key component of civil administration has been the promotion of law and order in the province. To this end, UNMIK established international and local civil police forces and new judicial bodies, which in May 2001 were re-aligned into a new police and justice pillar of UNMIK. The UNMIK police force has an authorized size of about 4,700. By late May 2001, about 4,400 international police personnel (3,300 civilian police and 1,100 special police) from over 50 countries had been deployed. Christopher Albiston of Britain serves as UNMIK police commissioner. UN police officers mainly conduct patrols jointly with KFOR, and have policing authority in the Pristina and Prizren regions. The UNMIK police also work with the Kosovo Police Service (KPS) comprised of local recruits (see section on institution-building, below), which is eventually to take over law and order functions from UNMIK. UNMIK has recruited over 4,600 Kosovars (many former KLA members) for the Kosovo Protection Corps, intended for emergency and humanitarian situations rather than for providing law and order. Its maximum strength is 5,000.

In June 1999, the U.N. Representative swore in a multi-ethnic panel of nine judges (five Albanians, three Serbs, and one Turk). The judicial panel operates under a modified version of Yugoslavia's criminal code. By October 2000, 405 judges and prosecutors had been appointed by UNMIK, mostly ethnic Albanians. 11 international judges and 5 international prosecutors have also been appointed. In October 2000, the OSCE issued a report that reviewed the criminal justice system in Kosovo. It assessed that the system fell short of international standards, in spite of recent improvement. A Kosovo Supreme Court was inaugurated on December 14, 2000.

Institution-Building

The Organization for Security and Cooperation in Europe (OSCE), headed by Deputy Special Representative Daan Everts (Netherlands) leads international institution-building efforts in Kosovo. The task of institution-building is comprised of four components: training

in justice, police, and public administration (in cooperation with the Council of Europe); human rights monitoring (in cooperation with the U.N. High Commissioner on Human Rights); democratization and governance; and, organizing and supervising elections. Over 2,400 international and local OSCE staff comprise the mission in twenty-one field offices.

Recruitment for the training academy of the Kosovo Police Service (KPS) has been a priority for the mission. In August 1999, the KPS police academy opened in Vucitrn. Several training sessions for recruits have been completed. Most of the recruits have been ethnic Albanian (many of whom were formerly members of the KLA), with about 17% from minority communities. Thus far about 3,850 cadets have graduated training for the KPS.

Civil and voter registration, in preparation for municipal elections on October 28, 2000, began on April 28 and was completed on July 17. About 1 million voters registered. However, Kosovo's Serb and Turk communities largely boycotted the process. 28 political parties and organizations and 5,500 candidates registered to run in 30 municipalities. Nearly 80% of eligible voters participated in the largely peaceful vote. Results in 27 municipalities certified by the OSCE on November 7 showed the LDK winning decisively with 58% of the vote. UNMIK appointed assemblies in the three non-certified (majority Serb) municipalities.

On May 14, 2001, UNMIK chief Haekkerup announced that general elections would be held on November 17, 2001. Voters will elect representatives to a 120-member Kosovo assembly, with 20 seats reserved for minority communities. The assembly will then elect a President, who will appoint a Prime Minister. Voter registration is to begin on July 30 and run for six weeks. U.N. Secretary-General Annan and all 15 members of the Security Council have called on all communities in Kosovo, in particular the Serb and other minority groups, to participate in the upcoming vote.

A Media Advisory Board comprised of Albanian and Serb experts was created in August 1999. The OSCE established Radio Television Kosovo (RTK) as an independent public broadcaster. With regard to human rights, OSCE personnel regularly monitor the human rights situation throughout the province. Reviews of the human rights situation have condemned the continuation of ethnic violence against non-Albanian minorities in Kosovo. The latest joint OSCE/UNHCR human rights report (from April 2001) reported an increase in attacks against minorities and highlighted the continued lack of security and limited freedom of movement for minority communities. In July 2000, UNMIK established an office of the ombudsman for Kosovo to investigate complaints about abuses of power. The Kosovo Ombudsman is Marek Nowicki of Poland. (For more on the OSCE mission in Kosovo, see the web site at [<http://www.osce.org/kosovo>].)

Humanitarian Aid and Refugee Returns

At the July 28, 2000, donors' conference in Brussels (see below), participating countries pledged more than \$2 billion in humanitarian and reconstruction aid to Kosovo. Of this amount, about \$245 million was designated for emergency humanitarian needs. The humanitarian affairs pillar of UNMIK was phased out in July 2000, as the international community's focus shifted from humanitarian to development assistance. A UNHCR humanitarian coordinator continues to oversee international humanitarian aid programs.

The vast majority of ethnic Albanian refugees and displaced persons returned to Kosovo with remarkable speed after June 1999. More recently, several thousand more have returned or been expelled from western European countries, especially Germany and Switzerland. The arrest and detention in Serbia of hundreds of Kosovar Albanians has been a contentious issue since 1999. After Milosevic's fall from power in October 2000, UNMIK increased its appeals for the release of Kosovar Albanian prisoners in Serbia. In January 2001, over 600 Kosovar Albanians were still being detained. In February, the Serbian parliament passed an amnesty law that would allow for the release of some, but not all, Kosovar Albanian prisoners. In April 2001, Serbia released over 140 Kosovar Albanian prisoners who had been sentenced for terrorism. An additional 3,000 Kosovar Albanians remain missing.

As ethnic Albanian refugees returned to Kosovo, large numbers of ethnic Serbs and Roma (Gypsies) left the province, mainly for Serbia and Montenegro. UNHCR estimates that over 200,000 Serbs and Roma have left Kosovo since the end of the NATO air strikes in June 1999. Up to 100,000 Serbs still reside in Kosovo. A Joint Committee on Returns for Kosovo Serbs was established in May 2000 to facilitate the return of Serbs to Kosovo, but very few have returned because of the unstable security environment in Kosovo. Returning Serbs have frequently come under attack by the ethnic Albanian majority. Violence in the Presevo region in southern Serbia and in neighboring Macedonia has led thousands of ethnic Albanians to flee to Kosovo. Since early 2001, over 20,000 refugees from Macedonia have fled to Kosovo.

Reconstruction

A High Level Steering Group oversees the reconstruction effort in Kosovo. The group, composed of the EU, the World Bank, the G-7 finance ministers, and representatives of leading international organizations, is chaired by the EU and World Bank. Andy Bearpark (United Kingdom) serves as the UNMIK deputy on reconstruction issues.

On July 28, 1999, an international donors conference was held in Brussels to discuss Kosovo's humanitarian and immediate reconstruction needs, and to secure funding pledges. The EU said that \$2.167 billion was pledged at the conference. Of this amount, the European Union and its member states pledged \$1,138.7 billion and the United States \$556.6 million. Japan pledged \$160 million, and other countries pledged a total of \$214 million. The World Bank pledged \$60 million. A follow-on conference was held on November 17, 1999 to deal with long-term reconstruction projects. The EU and the World Bank estimated that Kosovo would need about \$2.3 billion over the next 4-5 years, of which about \$1.1 billion would be needed for 1999-2000. Total pledges at the conference amounted to just over \$1 billion. Of this total, \$759.3 million was pledged by the EU and EU member states. The United States pledged \$156.6 million, and was the largest single country donor. According the World Bank and EU, at the end of 2000, \$1.544 billion had been pledged, of which \$1.31 billion had been committed to specific projects (84%), and \$874 million had been spent (57%).

At a February 2001 meeting, international donors took stock of what has been achieved in Kosovo and what needs to be done through 2003. International aid and the efforts of ordinary Kosovars have resulted in progress in rebuilding housing and key physical infrastructure. Over half of the 120,000 damaged or destroyed houses have been rebuilt, electricity generation now exceeds pre-war levels, and many roads and bridges have been rebuilt. However, much reconstruction work still needs to be done. Some progress has been

made in reviving Kosovo's economy. The small business sector is growing, and the situation in the agricultural sector, which employs about 40% of the population, has also improved. Nevertheless, Kosovo's economy is still very weak. Unemployment in Kosovo may be as high as 40%, according to UNMIK. International efforts are focused on privatization and fostering private sector growth, including by creating a legal framework and strengthening the financial sector. UNMIK says Kosovo will need an additional \$1.353 billion in reconstruction and investment funding for the period 2001-2003. UNMIK has expressed concern about shortcomings in coordinating aid. For example, UNMIK officials say that perhaps too much has been spent on overlapping civil society initiatives, and not enough on key areas such as building the local police and court systems, education, and agriculture. (For more on the Kosovo reconstruction effort, see the joint EU-World Bank site at [<http://www.seerecon.org>] and CRS Report RL30453, *Kosovo: Reconstruction and Development Assistance*.)

War Crimes

On May 27, 1999, the International Criminal Tribunal for the Former Yugoslavia (ICTY) announced the indictment of Yugoslav President Slobodan Milosevic, Serbian President Milan Milutinovic, FRY Deputy Prime Minister Nikola Sainovic, Yugoslav Army Chief of Staff Dragoljub Ojdanic, and Serbian Minister of Internal Affairs Vlatko Stojiljkovic for war crimes and crimes against humanity committed by Yugoslav and Serbian forces in Kosovo. The indictments were the first issued by the Tribunal relating to the Kosovo conflict. Press reports say that the Tribunal also has a list of secret Kosovo indictments. In September 1999, Tribunal prosecutor Carla del Ponte said the main focus of the ICTY's efforts would be the investigation and prosecution of Milosevic and the other current indictees. In June 2000, UNMIK announced that it would set up a Kosovo War and Ethnic Crimes Court to try ethnically-based crimes, given the ICTY's focus on high-level officials and the local courts inability to take action. It would be headed by international judges and prosecutors, but would also include ethnic Serbs and Albanians.

In November 2000, Del Ponte told the U.N. Security Council that the ICTY had completed its efforts to exhume the bodies of war crimes victims in Kosovo. She said that the ICTY had exhumed just under 4,000 bodies. Del Ponte said that the number found did not necessarily represent the actual total number of victims, since there was evidence that Yugoslav and Serb forces burned some bodies or tried to conceal them in other ways. Moreover, Tribunal officials stress that they are not attempting to find every atrocity victim in Kosovo, but are collecting evidence for indictments and trials. The true number of ethnic Albanians killed by Serb forces is not precisely known. A June 2000 report by the International Red Cross listed 3,368 missing persons in Kosovo. Many observers believe most of those missing were killed during the conflict.

On June 13, 2000, Del Ponte released a report that said that she would not indict NATO officials for alleged war crimes during NATO's air campaign. The report said that "although some mistakes were made by NATO, the Prosecutor is satisfied that there was no deliberate targeting of civilians or unlawful military targets by NATO during the campaign." On June 21, 2000, Del Ponte said her office was investigating possible KLA war crimes during the Kosovo conflict and could bring charges against top KLA officials. On March 21, 2001, Del Ponte said that she would investigate crimes against Serbs and other minorities in Kosovo

since the deployment of KFOR as well as the activities of ethnic Albanian guerrillas in the Presevo valley in southern Serbia.

On April 1, 2001, Serbian officials arrested Milosevic on charges of corruption and abuse of power. Serbian leaders have raised the possibility of charging him with war crimes, as well. Del Ponte, as well as U.S. officials, continue to insist that Milosevic must eventually be tried by the ICTY. However, FRY and Serbian leaders continued to refuse to transfer Milosevic and other Yugoslavia citizens to the Tribunal, saying that a new law on cooperation with the ICTY would be required first. Efforts to adopt such a law stalled in June 2001, due to dissension between Serbian democrats, who favor the bill, and Milosevic's former Montenegrin supporters in the government, who reject it. Angry Serbian democrats charged that the Montenegrins were jeopardizing Western aid to the FRY and vowed to cooperate with the ICTY with or without the law, perhaps by issuing a government decree. The way for such a move may have been prepared politically by revelations by the Serbian police and press in recent weeks about orders by Milosevic during the war to "clean up" atrocity sites in Kosovo and dump the bodies of hundreds of ethnic Albanian civilians at mass grave sites in Serbia, which have recently been uncovered. (For more on the activities of the ICTY, see the ICTY website at [<http://www.un.org/icty/index.html>]. For more on the ICTY and U.S. policy, see CRS Report RL30864, *Yugoslavia War Crimes Tribunal: Current Issues for Congress*.)

U.S. Policy

From the beginning of the conflict in Kosovo, the Clinton Administration condemned Serbian human rights abuses and called for autonomy for Kosovo within Yugoslavia, while opposing independence. The Clinton Administration pushed for air strikes against Yugoslavia when Belgrade rejected the Rambouillet accords in March 1999, but refused to consider the use of ground troops to eject Yugoslav forces from Kosovo. However, even before the air strikes, the Clinton Administration said that U.S. troops would participate in a Kosovo peace-keeping force if a peace agreement were reached. After the conflict, President Clinton said that the U.S. and NATO troop commitment to Kosovo could be reduced as local autonomous institutions took hold. He said that the United States and the European Union must work together to rebuild Kosovo and the region, but that "Europe must provide most of the resources." In the remaining 18 months of the Administration, U.S. officials hailed successes in returning ethnic Albanians to their homes and in starting reconstruction, but admitted much still needed to be done in many areas, including stopping violence against Serbs in the province. (See also Kosovo: Lessons Learned from Operation Allied Force, CRS Report RL30374.)

According to the Department of Defense Comptroller's Office, DoD incremental costs for Kosovo through the end of February 2001 were \$5.23 billion. This figure included \$1.78 billion for the 1999 NATO air war, \$3.3 billion for KFOR, \$124.6 million in refugee aid, \$34.6 million for the OSCE observer mission before the war, and \$20.3 million for the pre-war aerial verification mission. In FY1999, the United States provided \$333.7 million in reconstruction, humanitarian and other aid to Kosovo. In FY2000, the United States provided \$164.8 million in aid to Kosovo, and plans to allocate \$149.67 million to Kosovo in FY2001. The Administration's FY2002 budget proposes \$120 million in aid to Kosovo.

During the 2000 Presidential campaign, Condoleezza Rice, later appointed by President-elect Bush as his National Security Advisor, said that U.S. military forces are overextended globally, and that peacekeeping responsibilities in the Balkans should be taken over by U.S. allies in Europe. However, after taking office, the Administration appeared to adopt a more cautious tone. In February 2001, Secretary of State Colin Powell said that the United States had a commitment to peace in the Balkans and that NATO forces would have to remain in Bosnia and Kosovo for "years." He said the United States was reviewing U.S. troop levels in Bosnia and Kosovo with the objective of reducing them over time, but stressed that the United States would act in consultation with its allies and was not "cutting and running." On June 13, during a visit to NATO headquarters, President Bush said "We came in [to the Balkans] together, and we will leave together. It is the pledge of our government, and it's a pledge that I will keep."

During an April 12-13, 2001 visit to Bosnia and Macedonia, Secretary Powell also called for new province-wide elections in Kosovo "as soon as possible" this year. He added that Kosovars should focus on preparations for the elections and not independence, which the United States opposes. He stressed that there is no role in the elections or the government "for those who support violence inside or outside of Kosovo." He warned that actions of "extremists" put at risk international support for Kosovo.

During his June 2001 trip to Europe, President Bush condemned the ethnic Albanian guerrilla insurgency in Macedonia, saying on June 13 that "we must face down extremists in Macedonia and elsewhere who seek to use violence to redraw borders or subvert the democratic process." However, U.S. officials have said that the United States will not send more troops to KFOR to deal with the Macedonia insurgency, which is taking place on the borders of the U.S. sector. They have made clear that the United States does not favoring extending the mandate of KFOR into Macedonia. On June 20, Secretary Powell said that the United States had made no commitment on participating in a proposed NATO-led force to oversee the voluntary disarmament of the rebels in Macedonia. Press reports quoted unnamed U.S. officials as saying that U.S. support for such a force could be limited mainly to logistics and intelligence functions. In May 2001, Secretary of Defense Donald Rumsfeld expressed support for pulling U.S. troops out of Bosnia, saying the military mission there had been accomplished years ago. He did not mention a possible U.S. military withdrawal from Kosovo. During a June 2001 visit to U.S. KFOR troops, Secretary Rumsfeld praised their efforts undertaken in a "noble cause."

On April 2, 2001, Secretary of State Colin Powell issued a certification required by the FY2001 foreign operations appropriation law (P.L. 106-429) that Serbia was cooperating with the ICTY and meeting other conditions. The move came one day after Serbian police had arrested Milosevic. The certification will permit the Administration to obligate the balance of \$100 million in aid earmarked for Serbia in FY2001, as well as support multilateral loans to the FRY. However, Secretary Powell added that U.S. support for the holding of an international donors conference for the FRY, scheduled for June 29, would depend on continued progress toward full cooperation with the Tribunal.

(Recent U.S. policy statements on Europe, including Kosovo, can be found at [<http://usinfo.state.gov/regional/eur/>])

Congressional Response

In 1999, the 106th Congress debated whether U.S. and NATO air strikes in Kosovo were in the U.S. national interest, and whether the President could undertake them without congressional approval. In the end, Congress neither explicitly approved nor blocked the air strikes, but appropriated funds for the air campaign and the U.S. peacekeeping deployment in Kosovo after the fact. In 2000, some Members unsuccessfully attempted to condition the U.S. military deployment in Kosovo on Congressional approval and on the implementation of aid pledges made by European countries. Many Members of Congress said that they expected U.S. allies in Europe to contribute the lion's share of aid to the region and expressed concern that European countries were slow to implement their aid pledges. Congress moved to limit U.S. aid to Kosovo to 15% of the total amount pledged by all countries. (For detailed information on the activities of the 106th Congress, see CRS Report RL30729, *Kosovo and the 106th Congress*, November 6, 2000.)

In its first session, the 107th Congress is likely to consider how much aid to provide for Kosovo's reconstruction and how the burden should be shared with European countries. Another important issue will be continuing U.S. troop deployments in Kosovo and elsewhere in the Balkans. Members skeptical of what they view as open-ended U.S. military deployments to the Balkans may attempt to set conditions, deadlines or other restrictions on them.



Geography and Map Division, Library of Congress, August 1998.

G-1998-19-S.I.