

CRS Report for Congress

Received through the CRS Web

Kosovo and U.S. Policy

Updated July 18, 2003

Steven J. Woehrel
Specialist in European Affairs
Foreign Affairs, Defense, and Trade Division
Julie Kim
Specialist in International Relations
Foreign Affairs, Defense, and Trade Division

Kosovo and U.S. Policy

Summary

In 1998 and 1999, the United States and its NATO allies attempted to put an end to escalating violence between ethnic Albanian guerrillas and Yugoslav/Serb 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 withdrew his forces from the province in June 1999. Since that time, Kosovo has been governed by a U.N. Mission in Kosovo (UNMIK), under the terms of U.N. Security Council Resolution 1244. At an undetermined time after an autonomous government is in place, Kosovo's final status is to be considered. Almost all ethnic Albanians want independence for Kosovo; Serbs say it should remain within Serbia. The NATO-led peacekeeping force KFOR is charged with providing a secure environment for the implementation of UNSC Resolution 1244.

In May 2001, UNMIK issued a "Constitutional Framework" for Kosovo. The Constitutional Framework provides for an elected legislature and an autonomous government with limited powers, but does not deal with Kosovo's final status. Elections for the Kosovo assembly were held on November 17, 2001. About half of eligible Serb voters participated in the vote, after being urged to do so by the Yugoslav and Serbian governments. Political wrangling delayed the formation of a government for months, but one was finally approved by the parliament in March 2002. It consists of members of the three leading ethnic Albanian parties, as well as a Serb minister and one from a non-Serb minority. In 2003, UNMIK began the process of transferring some of its powers to the Kosovo government.

Bush Administration officials have said that they support autonomy for Kosovo within Serbia or the Serbia-Montenegro union, but not independence. President Bush has said that, while the United States is looking to reduce its forces in the Balkans, the United States would only do so in conjunction with its NATO allies. After the September 11, 2001 terrorist attacks in the United States, Administration officials said that U.S. forces in the Balkans could be withdrawn if they were needed for the war on terrorism. The war in Iraq has also stretched the U.S. military's deployment capabilities. The United States has not unilaterally withdrawn its troops, but cuts in KFOR troop strength in the past year has halved U.S. troop levels from about 5,500 to 2,250 today, and are expected to decrease further by the end of 2003.

In 1999, Congress explicitly approved nor blocked U.S. participation in NATO air strikes against Serbia, 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. Since 1999, Congress has provided funding for reconstruction in Kosovo, but limited U.S. aid to 15% of the total amount pledged by all countries. In 2003, several resolutions have been introduced that support independence for Kosovo. This report will be updated as events warrant.

Contents

Most Recent Developments	1
Introduction	1
War in Kosovo: February 1998-June 1999	2
Current Situation in Kosovo	4
The Issue of Kosovo's Final Status	7
Serbian Views	8
International Administration	9
KFOR	11
Institution-building	12
Rule of Law	13
Economy	13
Returns	14
War Crimes	14
U.S. Policy	15
Congressional Response	18

Kosovo and U.S. Policy

Most Recent Developments

Michael Steiner, the Special Representative of the U.N. Secretary-General (SRSG) charged with overseeing the U.N. Mission in Kosovo, ended his term in July 2003. His replacement has yet to be named, but will likely be nominated by the European Union. In the interim, Principal Deputy Charles Brayshaw of the United States heads the U.N. mission.

At the June 2003 European Union summit, the Kosovo government and the Serbian government agreed to hold direct talks on issues of common concern. The agenda for the discussions has not been set, but could include a wide range of issues, including pensions, electricity, transportation, security for ethnic minorities, and the fate of missing persons on both sides. One issue that is unlikely to be dealt with is the future status of the province. The date for the first talks has not been scheduled, but they may take place by the end of the summer.

Introduction

In 1998 and 1999, the United States and its NATO allies attempted to put an end to escalating violence between ethnic Albanian guerrillas and Yugoslav forces in the Federal Republic of 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 threatened to destabilize the region before they were dismantled in 2001.

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. They believe instability in the region could produce an environment favorable to organized crime and terrorism. 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 other issues, particularly the war on terrorism in the wake of the September 11 terrorist attacks on the United States and a possible war with Iraq. 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. Reflecting increased international focus on the global anti-terrorism campaign, there appears to be growing interest in establishing a roadmap for "finishing the job," including an eventual "exit strategy" for the international civil and military administration of Kosovo.

War in Kosovo: February 1998-June 1999

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)

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.

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. 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 1999 (CRS Report RL30191).

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 about 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. Kosovo Serbs say that since the pullout of Yugoslav forces, over 1,100 were killed and over 1,000 are missing. Hundreds of houses of Serb refugees have been looted and burned.

Current Situation in Kosovo

Since June 1999, Kosovo has been ruled by the U.N. Mission in Kosovo (UNMIK). According to U.N. Security Council Resolution 1244, UNMIK is tasked with gradually transferring its administrative responsibilities to elected, interim autonomous government institutions, while retaining an oversight role. In a final stage, UNMIK will oversee the transfer of authority from the interim autonomous institutions to permanent ones, after Kosovo's final status is determined.

Kosovo took the first steps in establishing its own elected institutions on October 28, 2000, when OSCE-supervised municipal elections were held. Most of the parties running in the election differed 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 organized crime activity 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%. Kosovo Serbs boycotted the vote, charging that UNMIK and KFOR have been ineffective in protecting them from ethnic Albanian violence. They claimed that UNMIK and KFOR are working toward the establishment of an independent Kosovo, which they oppose.

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 were reserved for ethnic minorities, including 10 for Serbs, but Serbs do not have a veto power on laws passed by the ethnic Albanian majority in the body. UNMIK retains oversight or control of policy in many areas, including law enforcement, the judiciary, protecting the rights of communities, monetary and budget policy, customs, state property and enterprises, and external relations. UNMIK can invalidate legislation passed by the parliament if it is in conflict with U.N. Security Council Resolution 1244. KFOR remains in charge of Kosovo's security. The Constitutional Framework does not address the question of Kosovo's final status.

Leaders of ethnic Albanian parties voiced disappointment that the document did not allow for a referendum to decide Kosovo's final status. They also said that the Constitutional Framework gives Kosovars the illusion of self-rule rather than the reality, since it reserves many key powers for UNMIK. 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 the rights of Serbs.¹

On November 17, 2001, voters in Kosovo and displaced persons residing outside of the province went to the polls to select the Assembly. The moderate Democratic League of Kosovo (LDK in Albanian) won 47 seats. The nationalist Democratic Party of Kosovo (PDK), the largest party formed from the former Kosovo Liberation Army, won 26 seats. Return, a coalition of Serbian parties, won 22 seats. The Alliance for the Future of Kosovo (AAK), an ex-KLA party that has tried to position itself as a pragmatic force, won 8 seats. Four small ethnic Albanian parties won one seat each. The remaining 13 seats were won by parties representing the Bosniak, Turkish and Roma communities.

In contrast to their boycott of the 2000 local elections, Kosovo Serbs turned out in substantial numbers to vote in the November 2001 legislative elections. Turnout in Serb-majority areas was about 47%, according to the OSCE, while turnout in Serbia and Montenegro was about 57%. (This compares with a turnout of about 67% in Albanian-majority areas). Serb turnout may have been depressed by conflicting messages from Serb leaders. In the months leading up to the vote, Yugoslav and Serbian leaders in Belgrade condemned UNMIK and KFOR's ineffectiveness in protecting Serbs in Kosovo and criticized the Constitutional Framework and the planned elections. However, after reaching a November 5, 2001 agreement with UNMIK, they called for Kosovo Serbs to vote. Nevertheless, some Kosovo Serbs continued to call for a boycott, saying that Serb participation would legitimize Kosovo institutions that would eventually lead to independence from Yugoslavia. OSCE observers noted some efforts by boycott supporters to intimidate potential voters, especially in Serb-controlled northern Kosovo.

After months of political wrangling, the Assembly chose a President and a government in March 2002. LDK leader Ibrahim Rugova was elected as President. Kosovo's Prime Minister is Bajram Rexhepi of the PDK. The government consists of members of the LDK, PDK and AAK. One cabinet post is reserved for a Kosovo Serb representative and another for a member of a non-Serb minority group. The Kosovo Serbs initially refused to join the government, saying they wanted greater representation, but finally agreed to do so in May 2002, after Steiner agreed to appoint a Kosovo Serb as an advisor on refugee returns.

Kosovo held its second local elections on October 26, 2002. Turnout for the vote was 54%, lower than in the previous two elections. Observers attribute the low turnout to disillusionment with the performance of the government and political parties in Kosovo. The LDK confirmed its status as the leading party in Kosovo, but lost ground compared to previous elections. The LDK won 45% of the vote, the PDK 29%, and the AAK 8.55%. Serb turnout was particularly low, at about 20%. Almost no Serbs voted in the troubled northern town of Mitrovica, where local authorities intimidated potential voters. Among those Serbs who did vote in the elections, the moderate Povratak (Return) coalition did poorly, while hard-line parties

¹ The text of the constitutional framework can be found at [<http://www.unmikonline.org/constframework.htm>]

did well. These results may indicate continuing Serb dissatisfaction with their situation in Kosovo, and with the failure of Serb moderates to improve it.

Kosovo's area of greatest violence since NATO's deployment has been the northern town of Kosovska Mitrovica, which is divided between the Serb-controlled north and the Albanian-controlled south on either side of the Ibar river. The Serbs demand the town's partition and recognition of a Serb-controlled municipality, while the Albanians call for UNMIK to unite the town and end the Serbs' armed blockade of the bridge separating the two sections. UNMIK and KFOR have largely tolerated the town's division, in the interest of preventing conflict, and have not tried to establish U.N. authority over northern Mitrovica by force. Tensions on the Serb side have recently flared up in response to UNMIK arrests of some of the self-designated Serb "bridge watchers," with numerous demonstrations and protest rallies taking place. Mitrovica remains the area of Kosovo most likely to explode into renewed violent conflict. The challenge for UNMIK and the interim Kosovo government is to eliminate Mitrovica's parallel administrative and security structures, while providing for the security needs of the town's Serb inhabitants.

In November 2002, after the failure of municipal elections in north Mitrovica, UNMIK, with the agreement of the Serbian government, took over control of Serb-controlled north Mitrovica, dissolving the parallel Serb institutions, permitting the removal of the blockades, and the extension of the jurisdiction of Kosovo's police force to the area. The Serbian government has pledged to stop funding the parallel institutions. However, ethnic Albanians have expressed concerns that the deal will not truly reunite the city, since the jurisdiction of the ethnic Albanian-controlled city council will not extend there, the local administration in north Mitrovica will likely be filled with Serbs previously employed by the parallel institutions, and refugees are not guaranteed a speedy return to their homes.

In early 2003 Steiner began the process of transferring some powers from UNMIK to the Kosovo government, as foreseen in UNSC Resolution 1244. Before leaving his post in July 2003, Steiner said that he hoped the process will be completed by the end of the year. However, even after the transfer is completed, UNMIK will still retain control over many critical issues such as setting the "financial and policy parameters" for Kosovo's budget, customs policy, law and order, and external relations. Serbian officials have sharply criticized the transferring of powers, viewing it as further steps along the road to Kosovo's independence.

At the June 2003 EU summit, the Kosovo government and the Serbian government agreed to hold direct talks on issues of common concern. The agenda for the discussions has not been set, but could include a wide range of issues, including pensions, electricity, transportation, security for ethnic minorities, and the fate of missing persons on both sides. One issue that is unlikely to be dealt with is the future status of the province. The date for the first talks has not been scheduled, but they may take place by the end of the summer.

An important issue in Kosovo has been the status of ethnic Albanian prisoners in Serbian jails. A February 2001 amnesty law led to the release of many of those jailed, although about 200 persons remained imprisoned. About half of the group

were common criminals, while the other half were convicted of “terrorism.” Belgrade released this final group of prisoners into UNMIK’s custody in March 2002.

Many analysts view the progress made in Kosovo in the past three-and-a-half years as mixed. Kosovo has had the most free and fair elections in its history, and has set up autonomous institutions. Violence against political opponents and minorities has declined, but continues to occur. Little progress has been made in returning Serb refugees to their homes, and crimes involving property and business interests continue to be a problem. Kosovo is a center for prostitution, human trafficking, drugs and weapons smuggling, money laundering, and other illegal activities. Official corruption (reportedly including UNMIK representatives in some cases) is a serious problem. International reconstruction aid has helped rebuild much of the infrastructure destroyed in the war, but the economy is largely unreformed and suffers from low foreign investment and high unemployment.

The Issue of Kosovo’s Final Status

The formation of Kosovo’s elected government in March 2002 marked an important step forward in the international community’s efforts to stabilize the province. However, the issue of Kosovo’s final status remains unclear. U.N. Resolution 1244 reaffirmed the sovereignty and territorial integrity of the Federal Republic of Yugoslavia (FRY) and did not prescribe or prejudice a permanent political resolution to the issue of Kosovo’s status. Ethnic Albanians in Kosovo strongly favor independence of the province from the FRY and its international recognition as a sovereign state as soon as possible. Kosovo’s independence is strongly opposed by the United States and other Western countries, as well as by all of Kosovo’s neighbors, except Albania. They fear that an independent Kosovo could destabilize the region by encouraging separatist ethnic Albanian forces in Macedonia, as well as Serbia’s Presevo Valley, where many ethnic Albanians live.

In 2002, UNMIK chief Michael Steiner outlined a series of benchmarks of international expectations for Kosovo’s institutions and society, and argued that they should be achieved before the issue of Kosovo’s final status is discussed. The policy has been dubbed “standards before status.” Kosovar Albanians have expressed irritation with the benchmarks concept, in particular the idea that their fulfillment should be a precondition to addressing the status question. They believe this approach is designed to block their aspirations for independence indefinitely. Moreover, they claim that the Constitutional Framework does not give them enough authority to achieve the benchmarks, especially in the area of law and order.

Some experts have expressed skepticism about the feasibility of the international community’s efforts to postpone clarification of the final status issue to an indefinite future. They believe that it is unrealistic to try to ignore the clearly expressed desire of the overwhelming majority of the population of Kosovo on the issue that they see, rightly or wrongly, as most important to them. Some also believe that the uncertainty created by postponing the resolution of this issue could have a negative impact on Kosovo’s political and economic stability. Indeed, some Kosovars claim that continued uncertainty over Kosovo’s ultimate future has had a negative impact

on such issues as rule of law, privatization and attracting foreign investment. Moreover, the international community is increasingly preoccupied with other global challenges, and may seek to move forward on the issue of a final settlement in order to begin to wind down the international peacekeeping mission in Kosovo.

In October 2000, an independent commission of experts produced a report advocating “conditional independence” for Kosovo. Under the proposal, the international community would gradually turn over full powers to the Kosovo government and recognize Kosovo as a sovereign state, if it agreed to certain conditions, which could include respecting the territorial integrity of neighboring countries, real guarantees of democracy and minority rights, a renunciation of violence to solve internal and external disputes, and regional cooperation. In March 2002, the International Crisis Group produced a report advocating the opening of talks on Kosovo’s final status without delay. These talks would be in parallel with institution-building efforts, but would not depend on them. The report considers the question of conditional independence. This independence would take place “under a form of international trusteeship” until benchmarks similar to those outlined by Steiner are met.² A February 2003 report by the U.S. Institute for Peace does not call for immediate talks on status, but says the United States and other major international players should explicitly link the UNMIK benchmarks to a decision on final status and that final status talks should start by 2005, “at the latest.”³

Serbian Views

The Serbian government, as well as Kosovo’s Serbs, are strongly opposed to Kosovo’s independence. Although the democratic leadership in Belgrade is not pleased with the loss of effective Serbian control over the province enshrined in UNSC Res. 1244, it views positively the resolution’s support for at least nominal FRY sovereignty over the province. Serbian officials have tended to sharply criticize efforts by UNMIK to implement those parts of UNSC Res. 1244 that call for the handover of powers to autonomous Kosovo institutions, viewing them as stepping-stones to Kosovo independence. Serbian Deputy Prime Minister and Kosovo envoy Nebojsa Covic has met frequently with the UNMIK officials and has served as a key voice for Kosovo’s Serb community, which has looked to Belgrade rather than Pristina for leadership. Covic has argued that while Belgrade has cooperated on many fronts, no progress has been made with regard to refugee returns (including the return of their property), illegally imprisoned Serbs in Kosovo, or the fate of over one thousand missing or kidnaped individuals. However, Serbian leaders have had to balance their criticism of Western policy in Kosovo with their need to secure Western aid to rebuilding their economy.

Earlier this year, viewing UNMIK’s plans to transfer powers to the Kosovo government as a step toward Kosovo’s independence, Djindjic proposed early talks on Kosovo’s status. He said that if Kosovo were permitted to hold a referendum on independence, Bosnian Serbs should be permitted to do the same. Djindjic called

² International Crisis Group, “A Kosovo Roadmap,” March 1, 2002, at ICG website [<http://www.crisisweb.org>]

³ United States Institute of Peace, “Kosovo Decision Time,” February 2003.

for the return of Serbian troops to Kosovo, consistent with UNSC Resolution 1244. In January 2003, Serb-majority municipalities in Kosovo formed an “Association of Serbian Municipalities,” to coordinate their activities with each other and the Serbian government. Such moves could be seen as an effort to prepare the way for a partition of Kosovo.⁴

Deputy Prime Minister Covic has floated a cantonization plan for the province. Under the plan, Serbian-majority areas of the province would be controlled by local Serb authorities, with their own police, and possibly with the deployment of Serbian police and army troops. Ethnic Albanian authorities would control the rest of the province. Such a plan would have the benefit, from Belgrade’s point of view, of consolidating its control over northern Kosovo, where most Serbs in the province now live, and where important economic assets, such as the Trepca mining complex, are found. Ethnic Albanian leaders have strongly opposed the idea for these very reasons. International officials fear that cantonization could lead to the eventual partition of the province along ethnic lines, which could in turn spark renewed violence. The March 2003 murder of Prime Minister Djindjic has not led to major changes in Serbia’s Kosovo policy.

The issue of Kosovo’s status may be complicated by the dissolution of the Federal Republic of Yugoslavia and the establishment of a much looser relationship between Serbia and Montenegro. A new Constitutional Charter to govern their relations came into effect in February 2003. The charter describes Kosovo as part of Serbia, a provision that has been denounced by Kosovar Albanians. Kosovar Albanians claim that because the FRY no longer exists, Kosovo can no longer be considered part of it, and should be free to choose (via a referendum) independence. On the other hand, the Kosovo Serbs claim that the deal between Serbia and Montenegro, which was heavily promoted by representatives of the international community, was intended to forestall the further disintegration of states and regions in the former Yugoslavia, and demonstrated international opposition to Kosovo’s independence.

International Administration

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 the withdrawal of Yugoslav armed forces from Kosovo, the demilitarization of the KLA, and the maintenance of the cease-fire. U.N. Security Council Resolution 1244 gives the U.N. mission in Kosovo (UNMIK) the chief role in administering Kosovo on a provisional basis. UNMIK’s duties include performing basic civil administration of the province; maintaining law and order, including setting up an international police force and creating local police forces; supporting humanitarian aid efforts; facilitating the return of refugees and displaced persons to their homes; protecting human rights; supporting the reconstruction effort; preparing the way for elections and the creation of self-government institutions; and facilitating a political process to address

⁴ International War and Peace Reporting, Balkan Crisis Report, no. 405, February 10, 2003.

Kosovo's final status. Resolution 1244 provides for an interim period of autonomy for Kosovo until negotiations on the final status of the province take place. It expresses support for the FRY's territorial integrity.

Bernard Kouchner of France served as the first Special Representative of the U.N. Secretary-General (SRSG) to oversee UNMIK until January 2001. He was replaced by Hans Haekkerup, Denmark's Defense Minister, whose brief term in Kosovo ended in December 2001. Michael Steiner, a German diplomat with extensive experience in the former Yugoslavia, became the third SRSG in early 2002. Steiner ended his term in July 2003. His replacement has yet to be named, but will likely be nominated by the European Union. In the interim, Principal Deputy Charles Brayshaw of the United States heads the U.N. mission.

UNMIK initially had a four-pillar structure divided into humanitarian aid, civil administration, democratic institution-building, and reconstruction. UNMIK phased out the humanitarian aid pillar in mid-2000 and added a police and justice pillar in 2001. The United Nations leads the police and justice pillar as well as the one for civil administration; the Organization for Security and Cooperation leads the institution-building pillar; and the European Union leads the reconstruction pillar.

The authorization for UNMIK automatically continues unless the Security Council decides otherwise. Since the creation of autonomous governing institutions after the November 2001 elections, UNMIK has been engaged with the process of transferring some governing responsibilities to Kosovo's provisional institutions. In April 2002, UNMIK chief Steiner offered a "vision on how to finish our job," or an "exit strategy" for the international mission. He outlined a "standards before status" approach that included a series of benchmarks for Kosovo's institutions and society that should be achieved before addressing Kosovo's final status.

The benchmarks are:

- the existence of effective, representative and functioning institutions;
- enforcement of the rule of law;
- freedom of movement;
- respect for the right of all Kosovans to remain and return;
- development of a sound basis for a market economy;
- clarity of property title;
- normalized dialogue with Belgrade;
- reduction and transformation of the Kosovo Protection Corps in line with its mandate.⁵

UNMIK's activities continue to be guided by the "standards before status" approach. However, even as UNMIK downsizes and transfers a greater number of administrative competencies to Kosovo's self-governing institutions, it is clear to most observers that UNMIK's ability to "finish the job" may ultimately depend on a resolution to the question of Kosovo's final status.

⁵ Address to the Security Council by Michael Steiner, Special Representative of the Secretary-General, UNMIK/PR719, April 24, 2002.

KFOR⁶

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 to facilitate the return of refugees, the delivery of humanitarian aid, and the operation of the international civilian administration. KFOR has actively supported UNMIK's activities, including recent efforts to meet benchmarks of progress and to transfer increased responsibilities, especially related to law enforcement, to Kosovo's interim civil authorities. Resolution 1244 includes a provision that 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 troops from Serbia and Montenegro have returned to Kosovo for these purposes, although in March 2001, NATO approved the phased return of Serbia and Montenegro forces to the formerly demilitarized buffer zone between Kosovo and the rest of Serbia.

As of mid-2003, KFOR comprised about 24,000 troops from 36 nations, including about 2,200 troops from the United States. The United States controls one of four KFOR sectors in Kosovo, Multinational Brigade East, or MNB (E). The other sectors are Multinational Brigade Northeast (MNB-NE), Multinational Brigade Center (MNB-C), Multinational Brigade Southwest (MNB-SW), in addition to KFOR Headquarters.

NATO reviews KFOR's mission every six months and periodically considers plans to adjust force structure, reduce force levels, and eventually to withdraw from Kosovo. KFOR's force strength has been reduced by over half from its peak in 1999 of nearly 50,000. On the basis of its mid-2003 mission review and reflecting KFOR's assessment that the overall security situation remains stable, NATO agreed to continue to "regionalize and rationalize" KFOR's force structure and size. KFOR is to further streamline its operations and reduce its strength to 17,500 by the end of 2003. The U.S. share of KFOR will remain at or below 15% of the total force during this stage. In upcoming mission reviews, NATO is expected to consider further reductions in KFOR and adjustments to its mission and command structure, as increased responsibilities for security matters are transferred to civil authorities. As with UNMIK, however, analysts doubt whether international forces can fully disengage from Kosovo so long as the status of the province remains unsettled. Ethnic minorities have expressed concerns about their security, especially as KFOR has reduced its forces. Violence against ethnic minorities had declined substantially since 1999, but serious incidents continue to occur.

In addition to providing for a secure environment in Kosovo, KFOR has been sporadically engaged with security problems in southern Serbia and neighboring Macedonia. In 2000 and 2001, U.S., Russian and other KFOR peacekeepers detained scores of men and seized substantial quantities of weaponry in an attempt to stop

⁶ For more information on KFOR, see CRS Issue Brief IB10027, *Kosovo and Macedonia: U.S. and Allied Military Operations*.

ethnic Albanian guerrillas from moving men and supplies into the 3 mile-wide demilitarized Ground Safety Zone (GSZ) in southern Serbia, which served as a staging area for guerrilla attacks against Serbian police in the Presevo valley region. In March 2001, NATO agreed to the gradual elimination of the GSZ and oversaw a phased return of most of the GSZ to the Yugoslav army and Serbian police forces. The ethnic Albanian guerrilla groups officially disbanded, although some extremists still remain active, mainly with the self-styled Albanian National Army.

The guerrilla insurgency in Macedonia in 2001 also presented challenges to KFOR. Macedonian officials charged that KFOR had failed to stop the transport of weapons and men from Kosovo to the guerrillas over the heavily forested and mountainous border region between Kosovo and Macedonia. KFOR troops had limited success in blocking rebel supply routes in the remote and rugged border region. After the parties in Macedonia reached a peace agreement in August 2001, NATO countries sent a small force, separate from KFOR, to monitor the disarmament of the rebels and security situation in the country. NATO transferred command of the force in Macedonia to the European Union in March 2003.

Institution-building

Under the 2001 Constitutional Framework for Provisional Self-Government, Kosovo is governed by a combination of international administration and provisional institutions of self-government. On the basis of the November 2001 Kosovo-wide elections, a Kosovo assembly, President, and government were established. UNMIK retains ultimate executive authority over the Kosovo provisional institutions, including veto power, and exclusive authority in some areas, so-called Article VIII reserved powers. These reserved responsibilities include justice, minority rights protection, customs, monetary policy, the budget, and authority over the Kosovo Protection Corps, among others. Non-reserved responsibilities, which are listed in Article V of the framework, are in the process of being transferred from UNMIK to the Kosovo provisional government. A transfer council comprising representatives from UNMIK and the Kosovo provisional institutions oversees the competency transfer process. In May 2003, the council agreed on the phased transfer of 19 out of 44 non-reserved competencies; the remainder are supposed to be transferred by the end of 2003. UNMIK officials have lauded the development of Kosovo's provisional institutions, but emphasize that further progress needs to be made before Kosovo can meet the standard of having functioning democratic and representative institutions. In particular, UN representatives have criticized deficient or inappropriate actions taken by the Kosovo Assembly.

A prominent responsibility reserved by UNMIK is the Kosovo Protection Corps (KPC), a civilian emergency response force. UNMIK developed the KPC as a means to "civilianize" former members of the Kosovo Liberation Army. However, KPC leaders frequently refer to their organization as the basis for a future Kosovo military force. The authorized strength of the KPC is 3,052 active members and 2,000 reserved. Its current strength is 2,954 active and 1,740 reserved members (as of June 2003). Minority representation in the KPC remains minimal. Relations between the KPC and UNMIK suffered a setback in early 2003 after some KPC members were implicated in a bombing incident carried out by an extremist Albanian group. UNMIK continues to investigate KPC ties to ethnic Albanian militant extremists.

Rule of Law

Rates of serious or deadly criminal incidents in Kosovo have steadily dropped year-by-year, according to international reporting, although some serious incidents continue to take place. International representatives have noted that inter-ethnic crime has gone down while intra-ethnic crime has increased. A recent exception to this trend was the June 2003 murder of three Kosovo Serbs in the town of Obilic, which was condemned as a hate crime by U.N. and Kosovo governmental officials. UNMIK and KFOR have pledged to take additional measures to improve security for minority communities. Beyond violent crime, organized criminal activity, including smuggling and trafficking in persons, has increased. International judicial panels have begun to consider serious criminal cases relating to war crimes and terrorist acts. In July 2003, a Kosovo district court found four former KLA members guilty of war crimes and sentenced them to prison terms ranging from five to fifteen years. The ruling was the first conviction of Kosovo Albanians for war crimes since the end of 1999 war. Local judicial bodies deal with all civil and most criminal cases. Over 350 local judges and nearly 46 prosecutors, including some minority representatives, are currently in place. Parallel judicial structures supported by Belgrade continue to exist in Serbian-majority municipalities.

Policing in Kosovo is a shared responsibility between international and local Kosovo police forces. The UNMIK police force comprises about 4,000 officers from nearly 50 countries. The UN police presence has begun to decrease as local police forces have grown and developed. However, UNMIK retains overall authority over Kosovo's law enforcement institutions. Under its institution-building pillar headed by the OSCE, UNMIK opened a training academy for the KPA in August 1999. By mid-June 2003, over 5,500 officers had completed basic police training. Serb participation in KPS has reached about 10%. KPS plans to reach a maximum capacity of 6,500 police officers by mid-2004. UNMIK police have gradually shifted greater responsibilities to the KPS as its ranks and capabilities have grown. Despite these improvements in policing, freedom of movement remains difficult in some parts of the province, especially for the Kosovo Serb minority.

Economy

Kosovo's economic situation has improved since the end of the 1999 war, largely as a result of substantial international reconstruction aid inflows, but remains underdeveloped. In particular, unemployment, estimated at nearly 60% of the population, is a primary concern. Other prominent problems affecting the economy have included the operation of public utilities, especially electricity, smuggling, and other organized criminal activity. Foreign donor support and remittances from Albanians abroad have helped to fuel 11% GDP growth in 2001 and 7% growth in 2002. Foreign assistance for budgetary support, reconstruction assistance, and peace implementation activities in Kosovo have totaled about \$2.8 billion during 1999-2003.⁷

⁷ 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* (continued...)

International efforts are currently focused on privatization and fostering private sector growth, as well as creating a legal framework for a self-sustaining economy and strengthening the financial sector. Among other things, these efforts have led to improvements in budget revenue collection through internal taxation and customs income. In April 2002, UNMIK chief Steiner announced the creation of a Kosovo Trust Agency to manage and oversee the process of privatization, which is intended to spur job creation and attract investment. In May 2003, the Kosovo Trust Agency announced its first six tenders for the privatization of socially-owned enterprises.

Returns

The vast majority of ethnic Albanian refugees and displaced persons from the conflict returned to Kosovo with remarkable speed after June 1999. However, as ethnic Albanian refugees returned to Kosovo, large numbers of ethnic Serbs and Roma (Gypsies) left the province, mainly for Serbia and Montenegro. UNHCR estimated that over 200,000 Serbs and Roma left Kosovo after the end of the NATO air strikes in June 1999.⁸ Since 2000, only a small number of displaced minorities, around an estimated 7,000, have returned to Kosovo, and mostly to ethnic enclaves. The security situation for those who do return remains precarious. UNMIK has worked in recent years to establish a comprehensive framework to support returns, and the number of returns has increased in the past two years, but still remains small. Moreover, the proportion of Kosovo Serbs who return remains at a lower level than that of other minority groups. The international community continues to support the principle that all refugees and displaced persons have the right to their homes. Donor nations have focused on minority refugee and displaced returns as a priority area for 2003 and beyond.

At his final briefing before the United Nations in early July 2003, outgoing SRSG Steiner said that the slow progress achieved to date in refugee returns and the integration of minority communities represented the international community's most serious shortcoming in Kosovo. However, he welcomed the open appeal made in July by Kosovo Albanian leaders urging non-Albanian displaced persons and refugees in Serbia, Montenegro, and Macedonia to return to Kosovo. Kosovo's interim governmental leaders have also called on the majority ethnic Albanian community to support the return process.

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

⁷ (...continued)

Development Assistance.

⁸ Persons (both ethnic Albanian and Serb) who have fled their homes in Kosovo are considered refugees if located outside of Serbia and Montenegro, and internally displaced if they remain in Kosovo or elsewhere in Serbia or Montenegro.

Sainovic, Yugoslav Army Chief of Staff Dragoljub Ojdanic, and Serbian Minister of Internal Affairs Vljako 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. (These indictments were amended in June and October 2001 to add new charges related to the Kosovo conflict.) The ICTY is focusing its efforts on high-level officials. Local courts in Kosovo headed by international judges and prosecutors are trying cases against low-level accused war criminals.

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." In June and November 2002, UNMIK police arrested former KLA soldiers, including a former top commander known as Remi, for murders of ethnic Albanians during the war in Kosovo. The charges were brought by an international prosecutor in Kosovo's justice system, not by the ICTY. In February 2003, KFOR arrested and transferred to the Tribunal three former KLA fighters indicted by the ICTY for war crimes against Serbs and Albanians. A fourth indictee was later transferred to the ICTY by Slovenia.

Anxious to avoid a U.S. boycott of a June 29, 2001 conference of aid donors to the FRY, the Serbian government transferred Milosevic to the ICTY on June 28. Milosevic's trial for crimes committed in Kosovo began in February 2002. After the FRY passed a law on cooperation with the Tribunal in April 2002, Ojdanic and Sainovic surrendered to the Tribunal. Stojiljkovic committed suicide outside the Yugoslav parliament building. The March 2003 murder of Serbian Prime Minister Zoran Djindjic, and the possibility of a U.S. aid cutoff for non-cooperation with the ICTY, led Serbia in June 2003 to hand over additional indictees wanted by the ICTY for crimes in Kosovo and elsewhere. These included former intelligence chief Jovica Stanisic and paramilitary leader Franko Simatovic (known as "Frenki"). However, even after the surrender of these indictees, Del Ponte continued to warn that some indictees still remain on Serbia's soil and that Serbia has not completely cooperated with the Tribunal on other issues, including the provision of documents from Yugoslav archives. Serbian Prime Minister Zoran Zivkovic has said his government was committed to transferring all indicted persons on Serbian territory to The Hague. He said that this could happen by the end of 2003.⁹

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

⁹ For more on war crimes in Kosovo and the activities of the ICTY, see CRS Report RL30864, Yugoslavia war crimes tribunal: current issues for Congress, by Julie Kim, as well as the ICTY website at [<http://www.un.org/icty>]

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 peacekeeping 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.”¹⁰

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.”

During a July 24, 2001 visit to U.S. troops in Kosovo, President Bush reiterated this position, saying that

we will not draw down our forces in Bosnia or Kosovo precipitously or unilaterally. We came in together, and we will go out together. But our goal is to hasten the day when peace is self-sustaining, when local, democratically elected authorities can assume full responsibility, and when NATO's forces can go home. This means that we must re-organize and re-energize our efforts to build civil institutions and promote rule of law. It also means that we must step up our efforts to transfer responsibilities for public security from combat forces to specialized units, international police, and ultimately local authorities. NATO's commitment to the peace of this region is enduring, but the stationing of our forces here should not be indefinite.

The September 11, 2001 terrorist attacks in the United States (including the deployment of U.S. troops to Afghanistan) and the conflict in Iraq reinforced the Administration's desire to decrease the U.S. deployment in the Balkans. The number of troops in KFOR has declined from about 38,000 in June 2002 to roughly 24,000 today, with the U.S. contingent falling from 5,500 to 2,250. KFOR is expected to undergo further reductions to as low as 17,500 troops by the end of 2003.¹¹

During a visit to U.S. troops in the Balkans in May 2003, Deputy Secretary of Defense Paul Wolfowitz said that peacekeeping in the Balkans “continues to be a very important mission to the U.S. and NATO...” He added that “the last thing anyone wants to see in the light of September 11 is to have a failed state here in the

¹⁰ See also CRS Report RL30374, *Kosovo: Lessons Learned from Operation Allied Force*.

¹¹ CRS discussions with DoD and KFOR officials.

heart of Europe.”¹² Wolfowitz said the United States has an interest in making sure that the region does not become a haven for terrorists. He added that the United States and its allies would, as in the past, look for opportunities to reduce the size of SFOR and KFOR, as well as the U.S. troop presence in the region, as long as such reductions do not compromise the mission.¹³

Despite its desire to reduce U.S. peacekeeping forces in the Balkans, in the wake of the Iraq conflict the Administration has appeared reluctant to turn over complete control of peacekeeping efforts to the Europeans. At a NATO Foreign Ministers meeting in Madrid on June 3-4, 2003, U.S. officials rejected an EU proposal to take over the NATO-led peacekeeping mission in Bosnia in mid-2004 as “premature.” Some Europeans expressed surprise at U.S. opposition to the move, given long-standing U.S. support for a greater European role in Balkan peacekeeping. They have attributed this alleged shift in U.S. policy to perceived U.S. mistrust of the desire of several EU member states to establish an EU defense capability independent of NATO. In their view, by blocking an EU takeover of SFOR, the Administration can retard development of a cohesive EU defense identity and capability.¹⁴ It is also possible that the Administration’s willingness to accept an extended, if modest, U.S. deployment in Bosnia and Kosovo is also indirectly related to reported U.S. plans to set up bases in neighboring Romania and Bulgaria for training purposes and as possible jumping-off points for operations in the Caucasus and Middle East.¹⁵ The region’s higher strategic profile may underline the importance of maintaining stability in the Balkans as a whole.

In 2001, the United States condemned the ethnic Albanian guerrillas in Macedonia as a threat to peace and stability in the region, including former KLA fighters in Kosovo, some of whom held key roles in the rebellion. On June 27, 2001, President Bush issued an Executive Order prohibiting Americans from “transferring, paying, exporting, withdrawing or otherwise dealing in the property or interests in property of persons involved in violent and obstructionist actions” in the Balkans. Bush also barred entry to the United States of those “who actively obstruct implementation of the Dayton Peace Accords or UN Security Council Resolution 1244 and who otherwise seek to undermine peace and stability in the region” or “who are responsible for wartime atrocities committed in the region since 1991.” The order lists 35 persons and organizations covered by the restrictions, including the leaders of ethnic Albanian guerrilla groups in Macedonia and southern Serbia, as well as persons and groups in Kosovo supporting them.¹⁶ The United States helped broker the August 2001 Ohrid peace accords that put an end to the conflict in Macedonia.

¹² DPA wire service dispatch, May 17, 2003.

¹³ Transcript of media availability with Deputy Secretary of Defense Paul Wolfowitz in Tuzla, Bosnia, May 16, 2003.

¹⁴ *Financial Times*, June 4, 2003, 10; DPA news dispatch, June 3, 2002.

¹⁵ Associated Press, June 3, 2003.

¹⁶ For the text of the Executive Order, see the web site of the Treasury Department’s Office of Foreign Assets Control at [<http://www.treas.gov/ofac/>].)

The Bush Administration opposes an “immediate” decision on Kosovo’s status, including independence for Kosovo or any effort to partition the province into Serbian and ethnic Albanian regions. It has supported the “standards before status” policy favored by UNMIK and the EU. This approach calls for the autonomous Kosovo government to achieve a number of benchmarks (including progress toward creating a functioning democratic government, free market economy, the rule of law and respect for ethnic minorities) before the issue of Kosovo’s status is discussed. Early discussions of status, the Administration believes, would bring to a halt progress on the benchmarks, which must be accomplished to achieve lasting stability in the region. Administration officials say that an early decision on the status question could destabilize Kosovo and the region, perhaps leading to renewed fighting in Kosovo, southern Serbia and Macedonia.¹⁷

According to the Department of Defense Comptroller’s Office, DoD incremental costs for Kosovo through FY 2003 (est.) were \$8.2 billion. This figure included \$1.89 billion for the 1999 NATO air war, \$5.23 billion for KFOR, \$141.6 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.¹⁸ From FY1999 through FY2001, the United States obligated \$425.8 million in bilateral aid to Kosovo.¹⁹ In FY2002, the United States provided \$118 million in FY2002, and planned to provide \$85 million in aid to Kosovo in FY2003. In FY2004, the Administration requested \$79 million for Kosovo.²⁰ Since 1999, U.S. aid has shifted away from humanitarian and reconstruction aid toward assistance aimed at democratization, the rule of law and establishing a free market economy.

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

¹⁷ Testimony of Deputy Assistant Secretary of State Janet Bogue to the House International Relations Committee, May 21, 2003.

¹⁸ See CRS Issue Brief IB94040, *Peacekeeping: Issues of U.S. Military Involvement*, by Nina Serafino, updated regularly.

¹⁹ U.S. Agency for International Development, *Overseas Loans and Grants*, July 31, 1945-September 30, 2001, p. 184.

²⁰ U.S. Department of State, *FY 2004 Congressional Budget Justification for Foreign Operations*, p. 350.

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.²¹

The 107th Congress focused on limiting the cost of the continuing U.S. engagement in Kosovo. The FY2002 foreign aid appropriations law (P.L. 107-115) provides \$621 million in aid for central and eastern Europe under the Support for East European Democracy (SEED) program, but no earmark for Kosovo. The bill says that aid to Kosovo “should not exceed 15 percent of the total resources pledged by all donors for calendar year 2002 for assistance for Kosovo as of March 31, 2002.” The bill also bars U.S. aid for “large scale physical infrastructure reconstruction” in Kosovo. The FY2002 defense authorization law (P.L. 107-107) limited funding for U.S. peacekeeping troops to \$1.5286 billion. The President may waive this provision if he certifies that the waiver is in the national security interest of the United States and that it will not adversely affect the readiness of U.S. forces. The President must submit a report on these issues as well as a supplemental appropriations request.

In FY2003 foreign operations legislation (P.L. 108-007), Congress provided \$525 million in SEED aid, with no earmark for Kosovo. Congress also included the 15% aid ceiling and restriction on large-scale infrastructure projects as it had in previous years. The bill says \$1 million “should” be provided for training programs for Kosovar women.

In the 108th Congress, several resolutions have been introduced that advocate U.S. support for Kosovo’s independence. H.Res. 11 and H.Res. 28 express the sense of the House that the United States should declare support for Kosovo’s independence. H.Res. 11 conditions this support on Kosovo’s progress toward democracy, while H.Res. 28 supports independence without prior conditions. S.Res. 144 expresses the sense of the Senate that the United States should support the right of the people of Kosovo to determine their political future once “requisite progress” is made in achieving U.N. benchmarks in developing democratic institutions and human rights protections. On May 21, 2003, the House International Relations Committee held a hearing that dealt with H.Res. 28 and the future of Kosovo.

²¹ For detailed information on the activities of the 106th Congress, see CRS Report RL30729, *Kosovo and the 106th Congress*, November 6, 2000.



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

G-1998-19-S.1.