

**US POLICY TOWARDS SECESSION IN THE BALKANS  
AND EFFECTIVENESS OF *DE FACTO* PARTITION**

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## **INTRODUCTION**

Issues of separatism in its extreme form—secession—are a direct challenge to the international system, as the 1999 Kosovo crisis vividly illustrated. The decision to allow, facilitate, support or obstruct efforts by ethnic or communal groups to carve their own states out of existing entities is the most difficult and controversial one confronting powerful states and the international community. This is particularly true in Europe, where ethnic conflict affects the viability and credibility of NATO, the uniquely operational transatlantic political-military alliance. As the NATO operation in Kosovo demonstrated, miscalculations threaten to shatter alliances, bring great powers to blows, and render international organizations (chief among them the UN) irrelevant.

During the decade of the 1990s, as ethnic conflicts obtained greater salience and demonstrated renewed ability to destabilize the international order, successive US administrations fostered cautious multilateral policies. Washington advocated interventions in Bosnia and Kosovo which were designed to end conflict and restore order in the short-run, while firmly denying the right to partition the original state. Partition—the creation of one or more new independent states from an existing one—was normatively and practically rejected. Instead, the US and its NATO allies opted for *de facto* partition as the “best of the worst” policy choices.

The *de facto* partitions in Bosnia and Kosovo involve the use of non-sovereign boundaries to divide states ethnically, geographically and politically. Diplomats advocate *de facto* partition for several reasons having to do with justice, demonstration effects, and most obviously, halting and preventing conflict. *De facto* partition does not fully reward secessionists for adopting violence or criminal means such as genocide and “ethnic cleansing.”

Policymakers regard it as less precedent setting than outright partition, and as such less likely to cause demonstration effects (attempts by other secessionists to achieve results in a similar fashion). Finally—and most significantly—*de facto* partition has been portrayed by US and European officials as an interim solution, a means toward reinstating or establishing a tolerant multiethnic state.

Policymakers regard *de facto* partition as a short-term military and political expedient formulated to allow a return to rational interest-based, as opposed to nationalist, politics. The fundamental assumption driving US policy towards secession and *de facto* partition is the notion that ethnic conflict is instrumental. While nationalists may appeal to primordial instincts, ethnic conflict itself is not inevitable and immutable; it can be managed based on an appeal to interests.<sup>1</sup> Political and economic mechanisms can be employed to reduce the benefits of ethnically-based politics.

The regimes imposed by the Dayton Accords and the UN protectorate in Kosovo emphasize the use of political and economic incentives to bridge military and territorial boundaries. The following study examines the two major ongoing civil-military attempts to manage ethnic conflict in the Balkans via *de facto* partition. The analysis focuses on the extent to which policy implementation bolsters the underlying objective—to maintain a multiethnic sovereign state and prevent secession or partition. The study assesses the *de facto* partition regimes in Bosnia and Kosovo in terms of their short-term effectiveness containing conflict and the long-term prospects for state preservation.

The evidence demonstrates that some progress has been made towards achieving the underlying objective in both cases—to establish multiethnic democracy and prevent secession or partition. However, integration or multiethnic coexistence has not gained the upper hand against

separatism. Peace has been restored to both Bosnia and Kosovo; NATO and its allies have completed the fundamental security assignments, reinforcing cease-fires and boundaries against major incursions or excursions. Yet, on the political and legal front much remains to be done. Bosnia is not functioning as a unified state; its central government barely functions. In Kosovo, there is still less ethnic tolerance and Serbs and Albanians fail to even cooperate on the question of elections. In both cases the rule of law is weak, interethnic trust is low, and only international edict has been able to bring about the minimal progress that has occurred. This paper examines the peace implementation efforts in Bosnia and Kosovo. In each case, the analysis begins with a brief review of the objectives of the intervening organs. Subsequent sections focus on the military and political aspects of the intervention, and the extent to which they are reinforcing partition or integration. The conclusion offers a blunt final assessment of international efforts in the Balkans and policy recommendations addressing current shortcomings.

#### **BOSNIA**

The 1995 Dayton Peace Accords established the framework for maintaining peace in Bosnia, preserving the sovereignty of the Bosnian state—albeit in a much diluted form—and for forging a democratic system of government. The agreement divides Bosnia into two non-sovereign political “entities” or nationalist boundaries. The cease-fire line, with some modifications, became the Inter-entity Boundary Line (IEBL) designating 49 percent of Bosnian territory as the Republika Srpska and 51 percent as the Bosnian-Croat Federation. The peace accords consist of eleven articles and thirteen annexes. The first two annexes outline the partition, including the role of NATO and its allies in enforcing the separation of the warring parties. The remaining eleven annexes comprise the civilian program for establishing a confederation,

securing justice (including the right of refugees to return) and respect for human rights.<sup>2</sup>

US negotiators accepted *de facto* partition as an undesirable but necessary way to achieve Serbian acceptance of an agreement ending the war. The NATO military forces would oversee the separation of the military forces, while the creation of the entities ensured that the political elites would maintain local control. At the same time, the negotiators intended to bridge the territorial and military divisions through state institutions, and provisions related to human rights, refugee return and property rights.

### **Security**

In 1996 NATO and its partners sent 60,000 troops into Bosnia to keep the peace. By D+120 they succeeded in securing the IEBL, separating the warring parties and moving weapons into cantonment sites. Their success enabled subsequent reductions so that by May 2000 the Stabilization Force (SFOR)'s total strength had tapered off to 23,000 troops, including 4,600 US troops (about 20 percent of the total.) The cease-fire holds, and the boundaries are set. The status of Brcko—straddling the strategic Posavina corridor, which potentially links north-central Bosnia to eastern Bosnia and Serbia—was arbitrated and declared without any armed resistance.<sup>3</sup> Brcko, a single demilitarized unit of local self-government outside of the entities and directly under the sovereignty of Bosnia and Hercegovina, is functioning as a multiethnic district.<sup>4</sup> Beyond Brcko, there is one country, but there are currently three armies in Bosnia, which absorb about forty percent of all public spending.<sup>5</sup> Finally, Bosnia's borders remain unregulated and “probably the greatest revenue source for criminal elements and hard-line nationalists in Bosnia and Hercegovina.”<sup>6</sup>

In a step toward creating a unified military the international

community pushed the entity armed forces to establish a functioning Secretariat for the Dayton mandated Standing Committee on Military Matters (SCMM) in July 1999, and is pressuring the entities to forge—via the SCMM—a common state security policy. International officials assert that the Bosnian leadership should be focused on joining European organizations. Yet, there cannot be any question of association with NATO, much less membership, if Bosnia has three militaries and no defense policy.<sup>7</sup> To date, Bosnia still has no national security strategy. The international political-military leadership did, however, manage to convince the entities to plan and implement a 15 percent reduction in military personnel and budget. As of May 2000, according to SFOR, the reduction was complete.<sup>8</sup> Meanwhile, the January 2000 elections in Croatia yielded a change of government and a pledge to cut off support to the Herceg-Bosna extremists. The US, Croatia and the Federation signed an agreement in the spring of 2000 asserting that all security assistance would be channeled through the SCMM.<sup>9</sup> But as of now—even with the international community’s recent seizure of the banks funding the Bosnian Croat nationalist movement—none of this has removed the threat of independent Bosnian Croat military action.

On the internal security front, there are also three *de facto* police forces, and all three ethnic groups manage to employ illegal secret police. Political patronage is the thread holding this system together. The UN Mission in Bosnia, with the mandate for police restructuring and reform, is trying to tear holes into this venal web. On the entity or federal levels the UN is actively working to foster multiethnicity. The UN established a Standing Committee on Police Matters and on 3 May 2000 the entities signed an agreement to facilitate the redeployment of 200-300 police across the IEBL to their pre-war assignments. At about the same time, a specially trained twelve-member multiethnic police unit was sent to East Timor. In addition, the UN

Special Representative and Head of Mission established a small multiethnic border police force, which deployed to the Sarajevo airport on 6 June 2000. The UN, with the help of the Austrian government, hopes to expand this force, ultimately, to address the porous nature of Bosnian borders.<sup>10</sup>

Unfortunately, while it is possible for the UN to take decisive action at the highest levels to create state-level cooperation, or structures, the UN is severely restricted by its mandate on the local level. The UN International Police Task Force (IPTF) only has a mandate to advise and observe the local police, not to enforce the law themselves. As a result, though they routinely review police organization and behavior, they cannot force implementation. Nonetheless, the IPTF audits local police and conducts human rights training. The IPTF attempts to work with local police to help them deal with organized crime and corruption, but in most cases police are part of the patronage systems, and even criminal networks. The Office of the High Representative (OHR) bolsters these efforts by removing cantonal ministers and local police chiefs for noncompliance.<sup>11</sup> Meanwhile, SFOR made one of the most significant contributions to crime fighting, successfully “busting” an extensive criminal network in West Mostar. This is another way to attack the obstructionist political actors, shaking the socioeconomic foundation of its power.

The environment in Bosnia is generally secure, although ethnically motivated violence is still common, especially in areas where minorities are returning. Local criminal rings serve their own economic interests, intimidating refugees and others who represent a threat to their objectives. Many of the ringleaders are war criminals who control formal and/or informal patronage systems, much like Mafia dons. They often act in collusion with local nationalist political leaders, and since NATO forces have not apprehended them, their influence remains without serious challenge. As of

June 2000 the International Criminal Tribunal for the Former Yugoslavia (ICTY) reported 67 indictees. Of those, 41 had surrendered or been captured and were in proceedings. Twenty-five remain at large.<sup>12</sup>

The shaky security situation—with many key war criminals at large—has directly impacted the refugee issue. Article 7 of the Dayton Accords is the single most significant integrating mechanism established by the US and its allies. Its promise, however, goes unfulfilled. Refugees, especially those returning to areas where they will be in the minority, are afraid to return. The war left Bosnia with over 2 million refugees and displaced persons. Since 1996, however, 310,000 refugees returned to Bosnia and an additional 250,000 displaced persons went home. At the start of 1999 experts estimated that about 400,000 refugees and 800,000 displaced persons were still waiting to return.<sup>13</sup> The international community has only made half-hearted, toothless attempts to address this situation. OHR's Reconstruction and Return Task Force has been gradually working to address administrative and legal obstacles to return and has used economic leverage in targeted areas to encourage and support returns. Still, while the UN declared 1998 the Year of the Refugee, only 100,000 Bosnians, half of the official target, went home. Of that group only 30,000 returned to areas where they would be in the minority. In the following year about 70,000 minority returns occurred. Most of the remaining one million or so displaced persons and refugees are potential minority returns. However, unorchestrated returns have been increasing over the last year, signaling a shift of initiative to the population. Perhaps in response to this phenomenon—and to international pressure—the ethnic Serb leadership has demonstrated more willingness to address the issue of resettlement.<sup>14</sup>

Current criticism of NATO's efforts focuses on the issue of civil

violence and arson in refugee resettlement areas, and SFOR's reluctance to apprehend war criminals.<sup>15</sup> For the first two years of the mission, NATO commanders interpreted their mandate to capture war criminals "during the course of normal duties" in the strictest fashion. Indeed, they went to great lengths to avoid coming across war criminals during normal operations. From July 1997 onward, however, SFOR began staging raids aimed at capturing them. British troops were the first to act, conducting two operations in July 1997, which led to the capture of one war criminal and the death of another. Since then several others have been apprehended by British or US troops. The French commanders have been most reluctant to act, and most of the remaining indictees are believed to be in their sector, including the former Bosnian Serb President, Radovan Karadzic.<sup>16</sup> In April 2000, under acute pressure from their allies, the French finally seized Momcilo Krajsnik, a senior deputy to Karadzic and the Serb member of the first Dayton Presidency.

Meanwhile, after SFOR troops had demonstrated a hampered ability to respond to various civil disturbances in Brcko in 1997 and elsewhere, the Peace Implementation Council (PIC) members and NATO agreed to establish the Multinational Special Unit (MSU). The MSU, initially 800-strong and composed mainly of European police units, is the SFOR Commander's emergency force in the event of riots or other civil disturbances.<sup>17</sup> In 1998, the international political and military leadership began to develop a more cooperative and coordinated approach. The High Representative began to remove local officials who were violating electoral laws or otherwise blocking the implementation of Dayton. SFOR and the IPTF stepped in to ensure that OHR's decisions were implemented. The MSU provided confidence that this could be achieved with minimum unrest. There were some successes, most notably the Westar operation.<sup>18</sup> Nevertheless, change—especially of the demographic sort—is strongly resisted by local nationalists and war criminals.

It is this *de facto* alliance that prevents most refugees from returning and blocks implementation of Dayton beyond Annex 1A. “As long as these criminals remain at liberty, the rule of law is incomplete—police and judges are intimidated, corruption is rife, normal democratic politics is impossible.”<sup>19</sup>

### **Political Institutions and Processes**

Politically speaking, Bosnia is a shell of a state. Indeed, the federal government exists largely on paper. Over the last six years the international community has been unable to transform the constitution into reality. Bosnia does not exist as a united functioning federal state. Instead, there are two entities grudgingly co-existing, but not cooperating. Indeed, the Spring 2001 secession declaration by the nationalist Croats in western Bosnia highlights the serious division within the Bosnian-Croat Federation; there are three competing groups preventing the government from functioning. The federal government is “at the mercy of three entities; two don’t want the central government to function and the central government needs the entities for the authority to function.”<sup>20</sup> The central government remains hostage to nationalism. After more than \$5 billion in foreign aid, including over \$1 billion from the US, this is where Dayton has failed most.

Yet Dayton has failed on this score partly because it has acknowledged nationalism and ethnic interests. In the compromise between the nationalist Serbs and Croats, who wanted as much separation as possible, and their Muslim counterparts, who insisted on integration and a unified state, the negotiators created a European government unlike any other. The entities were to resolve their differences through an ethnically divided assembly and a tripartite Presidency representing the major Bosnian ethnic groups. “The entire constitution enshrines ethnic discrimination as a principle of law.”<sup>21</sup> Under this system the basis for all politics remains ethnic. Not only has it proved unworkable, but also experts point out that it is incompatible with

European human rights law. Bosnia cannot join the Council of Europe or the European Union with such a constitution (and joining NATO would require the creation of a single Bosnian army).

From 1996 to 2001, three OHR administrations have worked to establish common institutions and to invest them with power. After two frustrating years where the OHR struggled simply to bring the three Presidents together—literally in one room—the international community adopted a harder line toward the Bosnian leaders. In 1997-98 at the meetings of the Peace Implementation Conference (PIC) in Sintra (Portugal) and Bonn, the OHR obtained support for a stronger interpretation of its mandate (Article 5 of Annex 10 of the DPA.)<sup>22</sup> As a result, in the face of extended stalling and contention, the High Representative, Carlos Westendorp, was able to impose a common license plate, flag and currency upon the Bosnian Presidency. The PIC reaffirmed the authority of the OHR and the Organization for Security and Cooperation in Europe (OSCE) to remove obstructionist officials from office or ballots. This practice has been exercised with some vigor ever since, though OHR and OSCE decisions often must be enforced by police forces, and even after problematic individuals are removed from office they generally continue to function behind the scenes. The Sintra/Bonn decisions brought about the single most dramatic change in Bosnia and Hercegovina. Suddenly, freedom of movement existed. From 1998 onwards the climate shifted. The prevalent fear for one's physical safety gave way to concern about long-term economic viability.

Meanwhile, the central institutions meet infrequently and usually to no effect. The Parliamentary Assembly passed over twenty laws over the course of three years, but only due to coercion from the international community. Few of these laws have proper provisions for enforcement.<sup>23</sup> As a result, the state legislature has failed to alter the political or economic

landscape in Bosnia. Despite all of this, at the end of 1998 the PIC members agreed that the subsequent two years would involve “the authorities in BiH [*Bosnia and Hercegovina*] increasingly assuming greater responsibility.”<sup>24</sup> Then, in September 1999 Wolfgang Petritsch was appointed High Representative. His tenure marked the shift from the aggressive quasi-protectorate-style Westendorp espoused, to a coaxing effort Petritsch characterizes as “ownership.” According to the OHR, this concept “emphasizes the fact that it is the leadership and authorities of BiH who are primarily responsible for the implementation of the Peace Agreement, and not the International Community.”<sup>25</sup>

Petritsch’s deputy concedes that there is an apparent contradiction between ownership and unity, in as much as the “owners” are not interested in unity. However, he explains that, “local indigenous politicians need to be more responsible, because if we can’t succeed, they will develop a readiness to depend on the International Community for decisionmaking.”<sup>26</sup> Indeed, OHR officials state that the Bosnian politicians hide behind international officials and refuse to take blame or credit themselves. They stonewall until the internationals impose a solution. Of course, these nationalist leaders have everything to lose from the provisions aimed at strengthening the central government and establishing a multiethnic system of government. They have no interest in furthering change and therefore achieve their objectives by stalling and hoping that the passage of time will favor their interests. It generally has. Therefore, it is not surprising that ownership looks relatively ineffectual. Its critics maintain that Petritsch’s approach is “like Vietnamization—it provides the US with cover so we can leave.”<sup>27</sup> General Wesley Clark, former Supreme Allied Commander Europe reckons, “Ownership is a step backwards.”<sup>28</sup>

As a result, the burst of progress in 1998 has been followed by far too

plodding efforts, as the OHR makes an “effort to continue to resist stepping in too early.”<sup>29</sup> OHR officials aim to encourage the development of a successor generation of politicians. Faced with indigenous opposition, they insist, “[if]...people don’t cooperate we need to take people off the table. If people obstruct, they need to be removed. Maybe that encourages successors.”<sup>30</sup> Indeed, Petritsch has exercised this power much more frequently than his predecessor, removing a total of forty-five officials between November 1999 and September 2000; Westendorp only removed one obstructionist politician. It is unclear whether this has encouraged cooperation, or merely increased public disgust with politics. Nonetheless, the *modus operandi* is to push the Bosnian leaders or wait them out on more urgent issues, hoping that they might be forced to take action under the threat of public embarrassment.

In the meantime, the OHR has made progress on the issue of creating new ministries. Quietly, it has also been formulating a solution to deal with the fact that the rotational Presidency is unconstitutional. The Social Democratic Party of Bosnia proposed a new ethnically blind electoral law, so that, for example, a Serb living in the Federation can become a President too. They explain, “If the Presidency is made up of three representatives of three peoples, then this does not reflect the civic principle. That principle exists to the extent that individuals feel that they are first of all citizens of Bosnia-Herzegovina. But according to the Constitution and the structure of the electorate, the national principle is absolutely dominant.”<sup>31</sup>

In theory, the most encouraging development is the 4 July 2000 decision by the Constitutional Court of Bosnia and Herzegovina that it “shall have exclusive jurisdiction to decide whether any provision of an Entity’s Constitution or Law is consistent with this Constitution.”<sup>32</sup> The exercise of this right would be truly exciting. In the meantime, OHR and the UN (under the auspices of its Judicial Assessment Program) have focused on pressuring

the entities to reform their judicial systems. Reform legislation has been adopted by the parliament; similar legislation was imposed by OHR on the Federation in May 2000. The objective is to establish a judicial selection commission to review the appointments and dismissals of judges and prosecutors, and to review all sitting judges and prosecutors. In an effort to tackle the criminal problems from another angle, OHR imposed a law directing the Federation to establish a first instance criminal court to try criminal, terrorist and organized crime cases. The court was established in February 2000, but the Federation did not authorize funding for it.<sup>33</sup> Developing a robust independent judiciary does not appear to be on the agenda of the Federation leadership. Naturally, this does nothing to establish respect for law and justice.

There is no escape from the fact that, “Very few [*Bosnian leaders*]*—*Silajdzic and Izetbegovic excepted*—*want the central institutions to work.”<sup>34</sup> And even the Bosnian Muslim leadership is unwilling to make significant changes that might jeopardize its grip on power. In short, as Jacques Klein the head of the UN mission sees it, “The leaders that got us into war, can’t get us out.... Here in Bosnia, things are frozen.”<sup>35</sup> The electoral process is partly to blame, as it has reinforced ethnic divisions and made it difficult for moderates to attempt to gain large multiethnic constituencies. The nationalist parties control the machines, which include the jobs, the media and business. OHR addressed this conundrum by instituting a regulation prohibiting members of any government from simultaneously holding positions as business managers or board members of state-owned or private enterprises. Nonetheless, change is slow. “The April municipal elections demonstrated that hard-line nationalist parties remain a powerful force, even though their grip is weakening.”<sup>36</sup>

Indeed, the fall national elections brought more moderates to power

among the Muslims, but Bosnia's problems go beyond security and ethnic harmony. The economic foundation upon which the entire Dayton structure rests, arguably, is rotted through and incapable of supporting a robust multiethnic democratic state.<sup>37</sup> OHR officials cite fewer attacks on returnees in 2000 and early signs of an increasing return rate as encouraging trends.<sup>38</sup> Nonetheless, "as each year passes, the clock runs out. The economic situation hinders the process because of the lack of employment."<sup>39</sup> The private sector in Bosnia is at a standstill; corruption and red tape prevent new enterprise. Foreign investors are deterred by corruption and communist-era red tape. Domestic investors are also inhibited by the patronage systems; they also suffer for lack of capital and an open banking system. Unfortunately, the internationals only began to express concern about such issues about two years into the peace implementation process. Now, new reform proposals must contend with the fact that economic assistance to Bosnia is shrinking. More disturbingly, the Bosnian government appears uncommitted to working with the Stability Pact, the international community's latest proposal for bolstering the economies of Southeastern Europe.<sup>40</sup> Sadly, this only bolsters assessments that the Stability Pact itself "is likely to remain a framework organization."<sup>41</sup>

The internationals have concluded that in Bosnia, "It's easier to turn an aquarium into fish soup than to make fish soup into an aquarium."<sup>42</sup> It certainly took less time to rip Bosnia apart than it is taking to reconstruct a stable, nominally democratic multiethnic state. Nonetheless, much progress has been made—especially from 1998 on. Mistakes were made and lessons learned. The civilian and military components of the IFOR operation did not have a close cooperative or collaborative relationship. In fact, IFOR commanders resisted pressure by the OHR, the civilian coordinating authority, to interpret the Dayton mandate more broadly. IFOR commanders provided

minimal assistance to civilian agencies implementing Annexes 2-11 of the Accords. Moreover, the lack of civil-military cooperation was compounded by the fact that the OHR did not have its own operational arm at the outset, and had no direct authority over the other civilian institutions operating in Bosnia. OHR's coordinating function, in short, was weak. Ultimately, *de facto* partition was enforced within a few months. Yet, the measures that were to soften the boundary lines did not begin to be implemented until 1998. Today, after more active SFOR-OHR coordination, there is freedom of movement, but progress on refugee returns remains tentative. Four years later, the international community has realized that keeping people (especially educated youths) in Bosnia, much less returning them, requires addressing not only security, but also economics. Bosnia is in dire need of judicial and economic reform.

### **KOSOVO**

The multinational peace operation, headed by the UN, aims to maintain the boundaries and stability of the province of Kosovo and to establish an autonomous democratic government for the territory. UN Security Council Resolution (UNSCR) 1244 authorizes and establishes the framework for achieving those objectives. The UN Mission in Kosovo (UNMIK) is charged with coordinating the effort "to provide an interim administration for Kosovo under which the people of Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia."<sup>43</sup> UNMIK's mandate includes establishing a transitional administration to run the province, ostensibly until a future date when Kosovo's political and territorial status will be definitively settled. In the meantime, a NATO-led international Kosovo Force (KFOR) provides for overall security.

Though the first head of UNMIK, Bernard Kouchner, assumed office asserting that a multicultural society must be established in Kosovo within six

months, he was referring to achieving “coexistence” among Serbs, Albanians, Roma (Gypsies), and others. The goal now is to establish mono-ethnic communities through which other communities can move freely.

The final disposition of Kosovo has been put off into the indefinite future; the first prerequisite was regime change in Belgrade—removal of Milosevic, which has occurred. Nonetheless, the Kostunica government must also be willing and able to negotiate with the Kosovar Albanians; conversely the Albanians must be willing to meet with representatives of the government in Belgrade. Even the new regime may not be able to solve the long-term self-determination issue. For now, the Kosovars must settle for *de facto* autonomy, enforced by the international *de facto* partition of Serbia.

### **Security**

KFOR troop strength is approximately 50,000, with 42,500 troops from 28 countries in Kosovo and another 7,500 supporting troops in Macedonia, Albania and Greece.<sup>44</sup> The US contributes about 5,500 military personnel, roughly a 14 percent contribution. KFOR’s mission is to “establish and maintain a secure environment in Kosovo, including public order” until UNMIK can assume this responsibility. KFOR is also responsible for enforcing the Military Technical Agreement reached with the Yugoslav military—providing for their pullout from Kosovo—and demilitarizing the Kosovo Liberation Army (KLA.) Significantly, one of three KFOR mission objectives is to “provide assistance to the UN Mission in Kosovo (UNMIK), *including core functions* until they are transferred to UNMIK.”<sup>45</sup> The KFOR command asserts that “KFOR and UNMIK are Partners in the international effort to restore Kosovo and to help the local population to transfer the province into a free and democratic society.”<sup>46</sup> Thus, though KFOR’s main function is to provide security, it will provide resources and manpower to directly assist the various organizations and entities working under UN

auspices or coordination.<sup>47</sup> Unquestionably, this language is a direct outcome of a lesson learned in Bosnia, where lack of coordination or even cooperation, especially during 1996-97 led to slow implementation of the nonmilitary annexes of Dayton, and even victories for nationalists.<sup>48</sup>

KFOR has managed to prevent major military incursions or excursions through Kosovo's boundaries. The Yugoslav army in accordance with the Military Technical Agreement and KFOR has established military dominance over the territory. Yet, there are still external security challenges in the form of incursions by the Liberation Army of Presevo, Medvedja and Bujanovac (UCPMB), a military organization mirroring the KLA with a mission to wrest majority Albanian towns just southeast of Kosovo from Serbian/Yugoslav control. UCPMB militia use Kosovo as a base or safe haven and a weapons transit point. Through attacks on Serb police units in the Presevo valley inside Serbia, the UCPMB hopes to wrest this eastern border area from Yugoslav control and to attach it to Kosovo. Increased military activity in the buffer zone separating Kosovo from Yugoslav territory led KFOR to conclude an agreement in early 2001 allowing Yugoslav troops to reenter the zone. KFOR officials insist, "KFOR is determined to prevent any action that would make Kosovo a staging area for exporting violence."<sup>49</sup> They have been sorely tested by the UCPMB and also by the related ethnic Albanian militia elements crossing back and forth between Kosovo and Macedonia.

On the internal security front, the KLA and associated Kosovar Albanian extremists have posed the greatest challenge. On 21 June 1999 the KLA Commander-in-Chief signed the "Undertaking of Demilitarization and Transformation," which effectively disbanded the KLA. KLA forces were divided into a new Kosovo Police Service (KPS), and the Kosovo Protection Corps (KPC, functioning), and some KLA members formed the Party of

Democratic Progress of Kosovo (PPDK). Still others returned to civilian life. The 5,000 man KPC, though it functions akin to a national guard with a civil relief mission, is also aimed to “defuse possible resistance to the KLA’s demilitarization by providing ex-KLA fighters and commanders with jobs and a quasi-military structure.”<sup>50</sup> By September 1999 the demilitarization of the KLA was complete. Tons of weapons and ammunition have been seized or relinquished. However, informed observers insist that the KLA still exists as a *de facto* organization, and that its access to arms remains unobstructed. “No one in Kosovo believes that the KLA has simply disappeared: it remains as a powerful and active element in every aspect of Kosovo Albanian life.”<sup>51</sup> Nevertheless, the KLA, formerly a large grass-roots military organization, has shrunk and the new leaders of the PPDK and KPC no longer have the popular appeal they had two years ago.

The former KLA elements have proved troublesome in as much as they are suspected to be behind organized and ethnically motivated crime. The international community has not been able to ascertain the extent to which violence against Serbs, Roma, Slavic Muslims and others has been coordinated. In addition, it is also unclear how many perpetrators are masquerading as KLA members. Most analysts believe that “criminal groups, including some from Albania, have taken advantage of the slow deployment of international police and the lack of a functioning judicial system.”<sup>52</sup> While not all of the criminals are former KLA, “anecdotal and circumstantial evidence has made it harder to believe that the KLA is entirely clean at any level.”<sup>53</sup> There have been countless allegations against KPS members for unmandated or criminal activity. KFOR initiated 95 investigations of individuals, and subsequently expelled four men from the KPS and suspended a further nine.<sup>54</sup>

The single biggest challenge to achieving a peaceful security environment within Kosovo are the acts of intimidation and violence directed at ethnic minorities, especially Serbs and Gypsies. Most of the roughly 830,000 ethnic Albanian refugees in neighboring countries returned to Kosovo in the immediate aftermath of the conflict, leaving only 25,000 Albanian, Serb and Roma refugees in the Balkan region and several thousand others outside the region.<sup>55</sup> However, since NATO troops entered Kosovo in June 1999 approximately 190,000 Serbs have left—about three-quarters of the pre-war population of 200-250 thousand.<sup>56</sup> This exodus of the largest minority population in Kosovo is generally attributed to intimidation by Kosovar Albanians, who are seeking retribution for past individual or collective Serb actions.<sup>57</sup> At the onset of the mission the interethnic murder rate averaged about 50 per week. About a year later, in the summer of 2000 the rate of such killings was 1-2 per week.<sup>58</sup> Lesser ethnically motivated crimes have continued at a higher rate than that of homicides.

Most of the ethnic Serbs live in northern Kosovo, with about 55,000—about half the total—in the town of Mitrovica.<sup>59</sup> Yet Mitrovica is also home to Albanians who have resisted Serb pressure to leave entirely. Still, in February 2000 there were hundreds of Albanians expelled from the north side of town. KFOR was unable to prevent this population shift, and their attempts at quelling the concomitant violence highlighted alliance and coalition weaknesses. Several countries had let their troop contingent number fall and had significantly circumscribed their activities to prevent them from undertaking potentially dangerous tasks. The French KFOR troops in Mitrovica were unable to cope with the turmoil and requested US assistance. The US forces were subsequently attacked by rock-throwing mobs, and this in turn provoked a DoD decision to bar US troops from moving outside their sector in non-emergencies.<sup>60</sup>

In the aftermath of the February violence the town and the two ethnic groups were clearly divided by the Ibar River, with the Serbs in the north and Albanians in the south. Low-level unrest continued and on 22 March 2000 KFOR established a “confidence area” within the town. This measure was adopted “with the purpose of providing a visible reassurance of their security to the general population of Mitrovica, protecting minorities, controlling access to the Confidence Area, and improving the freedom of movement of those living or working in the Confidence Area.”<sup>61</sup> When it came to the last objective, freedom of movement was only secured within each side of the river. The UN and KFOR ultimately solidified the *de facto* partition of the town. This was far from the original intent; indeed, the UN intended to establish a “united city” with a joint administration including Serbs and Albanians. Since then, frustrated at every turn by the hard-line pro-Milosevic Serbs in Mitrovica, the UN has focused on economic mechanisms for achieving a sustainable level of coexistence. On 14 August 2000 the UN authorized KFOR to seize the mining facilities at Trepca, in the immediate proximity of Mitrovica. Also on that date, UNMIK signed an agreement with a French-Swedish-American consortium to rehabilitate the mining and metallurgical complex. The UN now manages it as a public enterprise. On this front at least the UN had moved closer to one final objective of their strategy for coexistence—establishing an industry that can attract investment and provide employment for the province.<sup>62</sup> Indeed Kouchner declared, “By providing jobs and income for Kosovo, Trepca could be a key to achieving coexistence in northern Kosovo.”<sup>63</sup>

Mitrovica stands as a stark symbol of the failure to achieve multiethnicity. Undeniably, for the internationals, “their signal failure, so far, has been to get the [*Albanian*] Kosovars to live with the remaining [*Kosovar*] Serbs.”<sup>64</sup> According to one UN official, “The UN had lost [*this battle*] by

August because we came in too slow.”<sup>65</sup> In the eight months it took the UN to install their personnel and take control of local administration, the KLA leaders managed to place their people in influential positions, where they continue to shape current political struggles. The fact that there was effectively no judicial system until the spring of 2000 benefited extreme nationalist and criminal elements. Ultimately, a common refrain among international observers and minorities in Kosovo was that the UN and KFOR effectively favored the Albanian Kosovars.

Since the spring of 2000, however, UNMIK and KFOR have made concerted attempts to address the persecution of the ethnic minorities, as well as the related rule of law vacuum. The internationals reached out to the moderate Serbian National Council located in Gracanica, central Kosovo. On 28 February US Secretary of State Madeline Albright met with Bishop Artemije, the leader of the Serbian National Council, and secured his agreement to support a US government project to gradually return approximately 440 internally displaced Serbs to Kosovo. In March KFOR and the UN International Police (UNIP) initiated Operation Trojan I to provide security to Serbs traveling to and from church, market and as they worked their fields. In May a joint committee on returns, including UNMIK, KFOR and moderate Serbs, was established.<sup>66</sup> And finally, during July 29 Serbs were returned to Slivovo in the predominantly Albanian area of eastern Kosovo.<sup>67</sup>

In a significant departure from, and improvement based on, UN experiences in Bosnia, the UN civil police in Kosovo are responsible for law enforcement and for developing a professional impartial Kosovar police force. Unlike the IPTF, its counterpart in Bosnia, UNIP does not simply monitor the local police. As of 29 March 2000 only 2,734 of the 3,500 police authorized by the international community had been deployed to Kosovo.<sup>68</sup> By April, in response to pressure from Kouchner and the UN Secretary-General (who

recommended a force strength of 3,110), the deployed police force had grown to 3,954.<sup>69</sup> In addition, only somewhat more than half of the special police unit for riot control—similar to the MSU in Bosnia—had been deployed by late-spring 2000.<sup>70</sup> Even with the OSCE graduating approximately 800 new recruits from its police school and planning to train 4,000 by early 2001, security demands outpaced the international and local police supply.<sup>71</sup>

#### **Political Institutions and Processes**

UNMIK, currently headed by Hans Haekkerup, is responsible for running the transitional administration for Kosovo and preparing the province for elections and local autonomy. The UN coordinates its efforts with those of the OSCE and EU. Under the “pillar” system UNMIK provides the roof or umbrella, with the head of each organization responsible for implementing a portion of the mandate reporting to Haekkerup. The UN itself is responsible for civil administration, the OSCE handles democratization and institution building, and the EU focuses on economic development. Humanitarian assistance, a fourth pillar run by UNHCR, completed its work in the spring of 2000. Its remaining longer-term development projects were absorbed by UNMIK.

On 16 July 1999 UNMIK established a Kosovo Transition Council of Kosovar Albanians and minority ethnic group political leaders to serve as a consultative body. Six months later, on 15 December 1999 UNMIK and three Albanian leaders (of the PSDK, LDK and LBD parties) signed an agreement establishing a Joint Administrative Structure (JIAS.) The agreement also stipulated that all monies of the former shadow government and parallel government structures be transferred to the JIAS. This organization is composed of an Interim Administrative Council of three Albanians, one Serb, four UNMIK representatives, and 19 administrative departments. It has been boycotted off and on by the Serb National Council (whose representatives joined the administrative departments in June 2000 as observers), as well as by

the Albanian PDK party. Nevertheless, it meets twice a week, has appointed administrative department heads and has approved measures to increase security and improve the judicial system.<sup>72</sup> On the municipal level, UNMIK officials tout the establishment of representative municipal councils, including minorities, as a key success.<sup>73</sup> Certainly, measures to include minorities and to address their security concerns, while a bit belated, have somewhat dispelled the notion that UNMIK is Albanian-partisan.

UNMIK was given a robust mandate with clear civilian lines of authority in order to avoid the delays in implementation experienced in Bosnia. “The international effort to organize the civil implementation mission in Kosovo drew heavily on the lessons learned from Bosnia.”<sup>74</sup> Nonetheless, almost a year later, US officials conceded that UNMIK “has not fully established its authority over civil administration.”<sup>75</sup> The experience in Bosnia proved that the first three months make or break a mission, but the UN, greeted in 23 out of 29 municipalities by self-appointed KLA administrators, scrambled to gain control.<sup>76</sup> Administrative services arrived slowly and complaints regarding UN management of utilities and public services were rampant during the first six months of the mission. Since then UNMIK appears to have settled these issues, but as of July 2000 it was only 60 percent staffed.<sup>77</sup> Nonetheless, one distinguished Kosovar Albanian asserts, “The truth is that in Kosov[o] there is no political system. There is a vacuum and not only in politics. There is a vacuum also in security, in the administration, and in the economy. We are the only country in Europe today that I can think of that is ruled by the self-constraint of its citizens rather than by the rule of law.”<sup>78</sup>

The JIAS will be replaced sometime after province-wide elections are held. UNMIK is currently holding negotiations among Kosovar Albanians and Serbs regarding Kosovo’s internal legal structure. Meanwhile, the 28

October 2000 municipal elections yielded victory for the moderate Democratic League of Kosovo (LDK) party, run by Ibrahim Rugova, the former shadow President of Kosovo. This is significant, signaling that a significant number of Kosovar Albanians no longer remain as militantly nationalist as they were during the war in 1999. “In contrast to Bosnia immediately after the war, political trends in post-war Kosovo seem to be moving in favour of moderate political leaders and parties and away from the party most closely associated with the war-time KLA.”<sup>79</sup> Seen in this light, elections are a positive step for Kosovo, clearly transferring authority from the more radical nationalists to the moderates. Unfortunately, few ethnic Serbs registered or voted and no Serb parties participated.<sup>80</sup>

The elections provided an impetus for politically motivated violence throughout Kosovo, with the local media fueling vigilante killings of Serbs allegedly guilty of war crimes during the 1999 war.<sup>81</sup> This only serves to highlight the fact that the rule of law is virtually absent in Kosovo. When the UN entered Kosovo, it “was devoid of laws and institutions. There were no police, no judicial system, no prisons.”<sup>82</sup> Since then, UNMIK appointed 242 local judges and 75 local prosecutors, and re-established the court system.<sup>83</sup> Six foreign judges were brought to Kosovo to preside over the most sensitive interethnic cases. “But after more than a year, the courts are still barely working.”<sup>84</sup> There are shortages of facilities, local and international judges, and prison space.<sup>85</sup> Even if they do function, they do not do so impartially, especially when it comes to the Kosovar Serbs.

Kosovo “remains a poor, disorganized society with a long-term security problem.”<sup>86</sup> The UN together with KFOR has made some progress addressing the sources of instability most notably by providing overall security for the province, ensuring against large incursions or excursions. Other successes include organizing Operation Trojan I and II to protect the

Serbs, as well as seizing the Trepca mining facility, placing it under UN supervision and beginning to clean up and reorganize the enterprise. The *de facto* partition of Serbia—as well as the localized *de facto* partition of Mitrovica—has kept the peace.

In the meantime, achieving multiethnicity has been replaced by securing coexistence as a long-term objective of the UNMIK mission. Yet, aiming for coexistence is not conceding defeat or capitulating to extreme nationalist forces. In Kosovo the largest ethnic groups—the Serbs and the Albanians—may have worked together over time, but they did not have a high rate of intermarriage and lived instead, side-by-side, coexisting until outside forces or opportunities prompted them to try to take the upper hand and seize military and political control of the territory.<sup>87</sup> Thus, the original language was a misstatement and misunderstanding of Kosovar history. It is surely not in the UNMIK mandate to attempt to create something that has never existed before. The current effort in Trepca is on the right track. As one KFOR officer explained, “If the Serbs in the north will cooperate we will have various sites working without multiethnicity at the site level, but at the higher level.”<sup>88</sup> This is certainly a stable scenario.

#### **CONCLUSION AND RECOMMENDATIONS**

*De facto* partition has brought short-term gains to Bosnia and Kosovo. It has proven to be an effective post-conflict mechanism to separate formerly warring parties. The international forces have restored peace to Bosnia and Kosovo. However, the presence of war criminals and criminal networks has stalled the prospects for long-term change. In Bosnia, the baseline requirement for establishing any type of unity is the capture of persons indicted by the ICTY. SFOR and KFOR must increase their operations in this area. Radovan Karadzic, foremost among others, must be brought to trial, even at the risk that his revelations might tarnish Western European and

American reputations. In both Bosnia and Kosovo the criminal networks must be broken so that refugees can return and foreign investment can resume. The international police forces in both operations must be expanded and directed towards Westar-type operations, where the local criminal networks are threatening the physical security of returnees. In other cases, economic reform—coupled with law enforcement—may be sufficient means to deal with local mafias.

If the long-term objective in Bosnia and Kosovo is reintegration and coexistence, respectively, it is imperative to remove the internal security threats to all minorities. Beyond that, the basis for genuine stability is the overall reform of the economic systems so that there are employment opportunities for all ethnic groups in every corner of the state or territory. The security measures must be taken in the near-term even if there is no movement in dealing with the political structures and questions of sovereignty. At the same time, however, political reform is a prerequisite for long-term stability in Bosnia. The federal government is not functioning and has not done so for over four years. Moreover, the nationalistic principles used to award quotas and ethnically based representation only serves to stymie liberalization efforts. The recent Bosnian Constitutional Court decision that Serbs, Croats and Muslims must enjoy full legal equality everywhere on Bosnian territory” must be enforced; undoubtedly such thinking should become reflected in the constitution itself.<sup>89</sup> In short, the constitution must be revised. Bosnia must prepare for a future within Europe. Its current ethnically divided institutions only hold it back.

The future status of Kosovo is currently in limbo. There have been vocal calls for a decision to prepare for independence or reintegration. The change in regime in Serbia has provided an opportunity to open negotiations about Kosovo’s future within the context of a long overdue redrafting of the

Serb/Yugoslav constitution. However, most Kosovar Albanians are still bent on achieving full independence; they might take military action if forced to accept anything short thereof. They should not be *forced* to remain within Yugoslavia. They must be given incentives to remain, but at the end of the day the most sustainable outcome may be a negotiated departure arrived at with the full participation and acquiescence of the government in Belgrade.

The ouster of Slobodan Milosevic, unfortunately, did not provide hope for an immediate breakthrough on the question of Kosovo. Yugoslav President Vojislav Kostunica is a true nationalist, committed to avoiding further territorial losses. More significantly, the bulk of the Serbian population is still unprepared for the concession that forfeiting Kosovo entails. Until the Serbs of Yugoslavia are convinced that it is in their political and even nationalistic interest (given demographic trends) to allow Kosovo to split off from Serbia, it will be political suicide for any federal or Serbian leader to make such a proposal. Yet, it is up to moderate Serbian leaders to prepare the groundwork, and to provide antidotes to the virulent nationalist arguments of the past that have so sickened the Yugoslav body politic. Strong decisive leadership focused on contemporary political realities is required. The Kosovo problem will be on the road to resolution when Serbian leaders realize that power today is derived from links to the global and European economy and not from possession of territory and stringent control of minorities.

The implementation of international policy in Bosnia and Kosovo has not sufficiently furthered the ultimate objective in both cases—fostering the multiethnic state. In a desire to avoid establishing a protectorate in Bosnia and a fear of violent backlash, political and military implementers have not been consistently firm and aggressive. In Kosovo, the fear of a military response from either local ethnic group or their allies has had a similar—though less intense—braking effect. Four years into peace implementation in Bosnia and

a year into the effort in Kosovo, US politicians are eager to pull American troops out and turn the field operations entirely over to the Europeans (who currently shoulder 75-85 percent of the total cost of both operations.) Yet, as the military generals have stated time and again, in peace operations the military needs to “get in to get out.” The US military—with its unparalleled capabilities and credible deterrent force—is needed in order to maintain stability and deter large-scale violence if the international community is to make a final push to achieve its objectives. But it is US political leadership that is most crucial. The US government can provide the will and resources to fuel an international push based on the recommendations stated above.

To summarize the recommendations of this study, the implementers in Bosnia and Kosovo must move quickly and assertively to: 1) remove internal security threats, 2) begin to reform the economic system and 3) in Bosnia, rewrite the constitution to strengthen the central government. The first recommendation entails the capture of war criminals, a task for SFOR/KFOR. It also includes breaking the mafias, a job of the international police with the help of law enforcement agencies such as the FBI and the gendarme forces of the MSU. The second measure involves legal and political reform and should be orchestrated by the UN and OHR. The third recommendation, applying to Bosnia alone, would fall to OHR with heavy input from professionals representing the Council of Europe and other European institutions. Again, capture of war criminals, especially in Bosnia, would begin to create a more secure environment for refugee returns, and in both Bosnia and Kosovo economic liberalization will bring investment and competition and a reason for ethnic groups to cooperate.

In the meantime, the international community must not encourage the Kosovar Albanians, and by extension Albanians in Macedonia and other nationalists in the region. Would-be separatists must not be tempted to follow

the Kosovo pattern, provoking military operations by their central government, hoping for US or international intervention.<sup>90</sup> It is clearly in the US interest to prevent further state fragmentation in Europe. Yet, *de facto* partition cannot become the basis for policy if it is nothing but a vehicle for stalemate. The civilian and military peace implementers must put more energy into bridging ethnic divisions at the outset of their operations, even as they enforce territorial divisions. Then, over time, political and economic reforms can soften territorial divisions through a gradual process of liberalization. In the short term, international implementers must be honest about the degree of control they possess. They must openly concede that these entities are protectorates and administer them in an aggressive fashion, while at the same time empowering and cultivating moderates who can take over sooner rather than later. Imposing reform upon these ethnically divided societies is the only “shock-therapy” that will allow for relatively quick political change and conditions conducive to a removal of the international forces that enforce the *de facto* partitions.

#### ENDNOTES

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<sup>1</sup> The terms “instrumental” and “primordial” refer to two schools of thought regarding the theoretical basis for nationalism and ethnic conflict. Instrumentalists tend to believe that nationalism is created by manipulative leadership, whereas primordialists generally believe that nationalism is an inborn trait or instinct that cannot be manipulated or created from something that did not already exist. Since US policy generally follows the assumption that Milosevic manipulated the Serbian masses which greatly contributed to the problems in Bosnia/Kosovo, undoing his efforts over time by first separating the parties and allowing *de facto* partition, then later reuniting the policy organs of each nation (Serb/Croat/Bosnian Muslim or Serb/Albanian) into each of the respective states (Bosnia and Serbia/Yugoslavia), the manipulations can be undone and the ethnic groups will once again over time be able to live together in multiethnic societies.

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<sup>2</sup> U.S. Department of State, *The Dayton Peace Accords: General Framework Agreement for Peace in Bosnia and Hercegovina* (Washington, DC: US Department of State, Office of Public Communications, Bureau of Public Affairs, 1995).

<sup>3</sup> The district was established on 8 March 2000 by the arbitration final award as stipulated in the Dayton Accords.

<sup>4</sup> A multiethnic district assembly, judiciary, mayor's office and police force are governing, enforcing and adjudicating based on an increasingly harmonized (between Yugoslav and entity laws) legal regime. This is a significant development, in as much as it represents the general arrangement the US hopes to achieve Bosnia-wide.

<sup>5</sup> *Draft Report of President to Congress in compliance with Section 7 of Public Law 105-174 on the Latest Developments in the Efforts to Achieve Sustainable Peace in Bosnia and Hercegovina*, July 2000. Other estimates place spending lower at approximately twenty-five percent. Alan J. Carlson, Second Secretary, US Embassy, Sarajevo, Bosnia, email correspondence, 20 October 2000.

<sup>6</sup> Jacques Klein, *The Activities of the United Nations Mission in Bosnia and Hercegovina, Statement to the OSCE Permanent Council*, Vienna, Austria, 3 February 2000, 6.

<sup>7</sup> Ambassador Ralph Johnson, Deputy High Representative, Office of the High Representative, interview, Sarajevo, Bosnia, 22 March 2000, and Ambassador Jacques Klein, Special Representative of the Secretary General and Coordinator of United Nations Operations in Bosnia and Hercegovina, interview, Sarajevo, Bosnia, 23 March 2000.

<sup>8</sup> *Draft Report of President to Congress*, 2.

<sup>9</sup> Ibid.

<sup>10</sup> Klein interview.

<sup>11</sup> The UN Security Council is responsible for appointing the OHR, who is the ultimate civil authority in Bosnia responsible for monitoring the implementation of the Dayton peace settlement. He has power to establish subordinate civilian commissions and also is tasked to meet in a Joint Consultative Committee with the IFOR Commander. However, he cannot interfere with the military authorities under IFOR (now SFOR). See *Dayton Accords*, Annex 10.

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<sup>12</sup> Online at <http://www.un.org/icty/glance/indictlist-e.htm> and Carlson, email correspondence, 20 October 2000 regarding suicide of Janic Janko on 13 October 2000.

<sup>13</sup> Ray Wilkenson, "Decisive Year," *Refugees*, vol. 1, no. 114 (1999), 4-10.

<sup>14</sup> Ambassador Johnson explains that most of the returns in the early part of 2000, even those recorded, are spontaneous. See also Report of President to Congress, 6-7. As an encouraging example, for the first time since 1996 Muslims (about 20 families) have returned to Serb-held Kopaci, a village designated by IFOR as a top-ten hotspot during the 1996 elections. Also, in April 2001 RS officials opened a resettlement office in Sarajevo to assist Serbs who want to return to homes in the Federation.

<sup>15</sup> Steven R. Bowman, *Bosnia: U.S. Military Operations*, CRS Issue Brief (Washington, DC: Congressional Research Service, 20 July 1993), 3.

<sup>16</sup> Charles Trueheart, "A New Kind of Justice," *The Atlantic Monthly* (April 2000), 80-90.

<sup>17</sup> Bowman, 3.

<sup>18</sup> As of October 1999, the MSU had conducted over 260 public disorder operations, and numerous information gathering patrols. MSU contributed to Operation Westar, which struck at illicit intelligence and criminal activity. MSU commanders also credit the unit with seizing two internationally-wanted terrorists, supporting ICTY exhumations and investigating the Arizona market and Stolac car market, human organ theft and PWICS. Maj. J.S. Hoffman, *SFOR After-Action Review: April - October 1999*, slide presentation.

<sup>19</sup> Jacques Paul Klein, "Commentary: War Criminals," *Jane's Defense Weekly*, 28 February 2000.

<sup>20</sup> James Lyons, Director, International Crisis Group, interview, Sarajevo, Bosnia, 22 March 2000.

<sup>21</sup> *Is Dayton Failing? Bosnia Four Years after the Peace Agreement* (International Crisis Group, 1999), 16. Only the Brcko constitution meets European standards.

<sup>22</sup> *Office of the High Representative: Information*, online at <http://www.ohr.int/info.htm> (Accessed on 7 March 2000).

<sup>23</sup> *Is Dayton Failing?* 53.

<sup>24</sup> *Office of the High Representative: Information*.

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- <sup>25</sup> Ibid.
- <sup>26</sup> Johnson interview.
- <sup>27</sup> Lyons interview.
- <sup>28</sup> General Wesley Clark, former Supreme Allied Commander Europe, interview, Washington, DC, 7 November 2000.
- <sup>29</sup> Johnson interview.
- <sup>30</sup> Ibid.
- <sup>31</sup> Sabrija Pojskic, Member, Steering Committee of the Social Democratic Party of Bosnia-Herzegovina, South Slavic Report, RFE/RL, March 2, 2000, vol. 2, no.9, online at <http://rferl.org/southslavic/index.html>.
- <sup>32</sup> SFOR Transcript: Joint Press Conference, 4 July 2000 received from NATODATA@LISTSERV.CC.KULEUVEN.AC.BE, 4 July 2000.
- <sup>33</sup> *Report of President to Congress*, 3.
- <sup>34</sup> Klein interview.
- <sup>35</sup> Ibid.
- <sup>36</sup> *Report of President to Congress*, 2.
- <sup>37</sup> For more on the dismal investment climate in Bosnia see, *Why Will No One Invest in Bosnia and Herzegovina: An Overview of Impediments to Investment and Self-Sustaining Economic Growth in the Post Dayton Era*, International Crisis Group Report, No. 64 (21 April 1999).
- <sup>38</sup> Johnson.
- <sup>39</sup> Ibid.
- <sup>40</sup> Ibid.
- <sup>41</sup> Andrew J. Pierre, *De-Balkanizing the Balkans: Security and Stability in Southeastern Europe*, United States Institute for Peace Special Report, 20 September 1999, 13.
- <sup>42</sup> Klein interview.
- <sup>43</sup> *United Nations Security Council Resolution 1244 (1999)*, online at <http://www.un.org/Docs/scres/1999/99sc1244.htm> (accessed on 17 April 2000).

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<sup>44</sup> *KFOR Online: Structure, Objectives, MNBs*, online at <http://www.kforonline.com/kfor/objectives.htm> (accessed on 3 March 2000).

<sup>45</sup> *Ibid.* Author's emphasis.

<sup>46</sup> *Ibid.*

<sup>47</sup> According to one UNMIK administrator, the Norwegian commander in the Oblic area asked during the first KFOR-UNMIK meeting "What can I do for you?" Laura Dolci, Deputy Civil Administrator, Oblic region, UNMIK, interview, Pristina, Kosovo, 30 March 2000.

<sup>48</sup> One example of a victory for nationalists occurred in February 1996 when Serb extremists organized the burning of the Serb inhabited areas of Sarajevo that were being turned over to the Muslim-Croat Federation for administration, and forced the Serb population to evacuate to the Republika Srpska. The UN Secretary General reports, "UNMIK and KFOR have established close working relationships and have put in place a comprehensive structure of coordination mechanisms..." *Report of the Secretary General on the United Nations Interim Administration Mission in Kosovo*, 12 July 1999, online at <http://www.un.org/Docs/sc/reports/1999/s1999779.htm>.

<sup>49</sup> *KFOR Daily Press Release 2 August 2000*, from NATODOC ([natodo@HQ.NATO.INT](mailto:natodo@HQ.NATO.INT)).

<sup>50</sup> *Ibid.*, 3.

<sup>51</sup> For details on this process see *What Happened to the KLA?* International Crisis Group Balkan Report, No. 88, Pristina/Washington/Brussels, 3 March 2000.

<sup>52</sup> Woehrel and Kim, 3.

<sup>53</sup> *Ibid.*, 14.

<sup>54</sup> James W. Pardew, Jr., Principal Deputy Advisor to the President and Secretary of State for Dayton and Kosovo Implementation, U.S. Department of State, Statement, *Kosovo: One Year After the Bombing*, Foreign Relations Committee, United States Senate, 8 June 2000. In March 2000 two KPC members were dismissed after it was proven that they were assisting the UCPMB. See Bernard Kouchner, *Weekly Situation Report for 21 to 27 March 2000*, UNMIK-247, 28 March 2000, 10.

<sup>55</sup> Woehrel and Kim, 9.

<sup>56</sup> Mark Baskin, Deputy Regional Administrator, Prizren, *Plan for Community Development in the Tusus Area of Prizren*, 19 March 2000.

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<sup>57</sup> However, during a March trip to the region the author heard internationals blame Serbs for some of the cleansing by “ceding” certain areas to the Albanians. Serb realtors were pressuring their co-nationals to sell their properties at prices drastically lower than market value.

<sup>58</sup> Michael Ignatieff, “The Reluctant Imperialist,” *NY Times Magazine*, 6 August 2000, 44.

<sup>59</sup> Ignatieff, 44.

<sup>60</sup> Woehrel and Kim, 6. Given the high potential for escalation, this begs the question: what constitutes an emergency?

<sup>61</sup> *UNMIK Executive Decision No. 2000/1 On the Confidence Area in the City of Mitrovica*, 16 March 2000.

<sup>62</sup> *Mitrovica - A Strategy Towards Coexistence*, UNMIK planning document.

<sup>63</sup> *UNMIK Assumes Responsibility for Operations at Zvecan Smelter*, UNMIK Press Release, 14 August 2000, online at <http://www.un.org/peace/kosovo/press/templ.pr312.html> (accessed on 22 August 2000).

<sup>64</sup> Ignatieff, 44.

<sup>65</sup> Mark Baskin, Deputy Regional Administrator, UNMIK, Prizren, Kosovo, interview, 30 March 2000.

<sup>66</sup> Bernard Kouchner, *Weekly Situation Report for 21 to 27 March 2000*, 10.

<sup>67</sup> The author attended a 28 March 2000 *Operation Trojan* planning meeting.

<sup>68</sup> Bernard Kouchner, *Weekly Situation Report for 21 to 27 March 2000*, 6.

<sup>69</sup> UN Interim Administration in Kosovo, Deployment, August 4, 2000 online at [http://www.un.org/peace/kosovo/pages/kosovo\\_status.htm](http://www.un.org/peace/kosovo/pages/kosovo_status.htm) (accessed on 14 August 2000).

<sup>70</sup> Pardew, 6-7.

<sup>71</sup> Pardew 6-7.

<sup>72</sup> Woehrel and Kim, 7.

<sup>73</sup> J.F. Carter, Deputy Civil Administrator, Pristina Region, UNMIK, interview, Pristina, Kosovo, 27 March 2000.

<sup>74</sup> Pardew, 4.

<sup>75</sup> Pardew, 9.

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<sup>76</sup> Carter interview.

<sup>77</sup> Pardew, 9. A year later the pressure was on to downsize the mission.

<sup>78</sup> *Surroi Wants Concepts*, Radio Free Liberty/Radio Europe Balkan Report, Vol. 17, No. 1, 29 February 2000.

<sup>79</sup> *Elections in Kosovo: Moving Toward Democracy?* International Crisis Group, 7 July 2000, 25; online at <http://www.crisisweb.org/projects/kosovo/reports/kos37erep.htm> (accessed on 1 August 2000).

<sup>80</sup> Meanwhile, more than 30 ethnic Albanian parties have registered. *Starting From Scratch in Kosovo: The Honeymoon is Over*, International Crisis Group, 10 December 1999 online at <http://www.intl-crisis-group.org/projects/sbalkans/reports/kos31rep.htm> (accessed on 9 March 2000).

<sup>81</sup> *Kosovo's Interim Administrative Council Condemns Recent Spate of Violence*, online at <http://www.un.org/peace/kosovo/news/kosovo2.htm> (accessed on 14 August 2000).

<sup>82</sup> Pardew, 3.

<sup>83</sup> Ibid.

<sup>84</sup> Richard Mertens, "Justice a Foreign Term in Kosovo," *Christian Science Monitor*, 1 August 2000, 6.

<sup>85</sup> Pardew, 10-11.

<sup>86</sup> Morton I. Abramowitz, Board of Trustees, International Crisis Group, statement, *Kosovo: One Year After the Bombing*, 25.

<sup>87</sup> See Noel Malcom, *A Short History of Kosovo* (New York: University Press, 1998).

<sup>88</sup> Lt. Col. Joseph Abbott, USAF, J-5 Plans, HQ KFOR, interview, Pristina, Kosovo, 29 March 2000.

<sup>89</sup> *Three Overlooked Stories*, Radio Free Liberty/Radio Liberty Balkan Report, Vol. 4., No. 50 (4 July 2000).

<sup>90</sup> This is not to lift the blame off of Slobodan Milosevic's government for its decade-long suppression of the Albanians and the brutal execution of Operation Horseshoe in the spring of 1999.

