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Kosovo and U.S. Policy

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CONTENTS

SUMMARY

MOST RECENT DEVELOPMENTS

BACKGROUND AND ANALYSIS

War in Kosovo: February 1998-June 1999

Current Situation in Kosovo

 Political Situation

International Response

 KFOR

 Civil Administration

 Institution-Building

 Humanitarian Aid and Refugee Returns

 Reconstruction

 War Crimes

U.S. Policy

Congressional Response

Kosovo and U.S. Policy

SUMMARY

From February 1998 to March 1999, fighting between ethnic Albanian guerillas and Yugoslav troops killed over 2,500 ethnic Albanian civilians and the displacement of over 400,000 people. After Yugoslavia rejected a Western-sponsored peace plan for Kosovo put forward during peace talks at Rambouillet, France in February-March 1999, NATO began air strikes against Yugoslavia on March 24. The Serbs launched an intensified ethnic cleansing campaign that resulted in thousands of additional deaths and the displacement of hundreds of thousands more. After 78 days of NATO bombing, Yugoslavia agreed on June 3 to withdraw its Yugoslav forces from Kosovo and the deployment of an international peace-keeping force. Under the terms of U.N. Security Council Resolution 1244, Kosovo is governed by a U.N. civil administration until elections are held for an autonomous local government. After the autonomous government is in place, Kosovo's long-term status will be considered. Almost all ethnic Albanians want independence for Kosovo; Serbs say it should remain within Yugoslavia.

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

2000. The Democratic League of Kosovo (LDK), led by moderate Ibrahim Rugova handily defeated its leading competitor, the Democratic Party of Kosovo, led by ex-Kosovo Liberation Army commander Hashim Thaci. Almost all ethnic Serbs in Kosovo boycotted the vote. The United Nations is likely to schedule elections for a Kosovo-wide government for the first half of 2001.

Since the beginning of the conflict in Kosovo, the Administration condemned Serbian human rights abuses in Kosovo and called for autonomy for Kosovo, while opposing independence. The Administration pushed for air strikes against Yugoslavia in March 1999. It rejected the use of ground troops to eject Yugoslav forces from Kosovo, but favored the deployment of U.S. peacekeepers in Kosovo if a peace agreement were reached. U.S. officials have emphasized that Europe should provide most of the resources for peacekeeping and reconstruction effort.

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

MOST RECENT DEVELOPMENTS

On January 15, 2001, Hans Haekkerup, former Defense Minister of Denmark, replaces Bernard Kouchner as head of the U.N. Mission in Kosovo (UNMIK). In a New Year's address, Kouchner warned that continuing violence by Kosovar Albanians against minorities, primarily Serbs, imperiled the future of the province.

In a statement after President-elect Bush announced his nomination as Secretary of State on December 16, Colin Powell said that the new Administration would undertake an immediate review of the U.S. military deployment to Kosovo, as well as other deployments throughout the world to "make sure those deployments are proper. Our armed forces are stretched rather thin, and there is a limit to how many of these deployments we can sustain." He stressed that the United States would consult with its allies during the review. He underlined that the United States was not "cutting and running," but was looking for a "way of substituting others or substituting other kinds of organizations and units and perhaps police organizations to handle the remaining missions."

BACKGROUND AND ANALYSIS

War in Kosovo: February 1998-June 1999

From February 1998 until March 1999, conflict between the ethnic Albanian Kosovo Liberation Army and Serb forces (as well as Serb attacks on ethnic Albanian civilians) drove over 400,000 people from their homes, according to the U.N. High Commissioner for Refugees. More than 2,500 ethnic Albanian died, according to the Committee for the Protection of Human Rights and Freedoms, an ethnic Albanian human rights group. In early March 1999, the Serbian Media Center

in Kosovo said that 115 Serbian policemen died in the conflict in 1998. It said that ethnic Albanian guerillas killed 284 civilians in 1998, both Serb and non-Serb supporters of the government. (For historical background to the conflict in Kosovo and a brief suggested reading list, see CRS Report RS20213, *Kosovo: Historical Background to the Current Conflict*.)

Faced with the possibility of a humanitarian disaster during the winter if fighting did not stop, NATO's North Atlantic Council issued on October 12, 1998 an "activation order" for NATO forces to conduct air strikes on Serb forces in Kosovo and elsewhere. The strikes were averted when, on the same day, Yugoslav President Milosevic made a series of commitments to U.S. envoy Richard Holbrooke, including a cease-fire, a reduction of troop

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)

levels in Kosovo, the stationing of an OSCE “verification mission” of up to 2,000 unarmed persons and a NATO aerial verification mission.

The agreement began to fray soon after it went into effect. The increasing deterioration of the situation on the ground, punctuated by the January 15 Serb massacre of ethnic Albanian civilians at the Kosovar village of Racak, 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 did not agree to attend the Rambouillet talks. In an effort to press the KLA to the negotiating table, NATO said it was also studying efforts to curb the flow of arms to the rebels. The draft peace plan called for 3-year interim settlement that would provide greater autonomy for Kosovo within Yugoslavia, and the deployment of a NATO-led international military force to help implement the agreement. (The text of the plan can be found at [http://www.state.gov/www/regions/eur/ksvo_rambouillet_text.html].) On March 18, 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 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 brought to Belgrade by EU representative and Finnish President Martti Ahtisaari and Russian Balkans envoy Viktor Chernomyrdin. The plan was 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 Serbia. Negotiations would be opened on Kosovo’s final status.

On June 9, NATO and Yugoslav military officers reached agreement on a Military Technical Agreement governing the withdrawal of all Yugoslav forces from Kosovo. The withdrawal began the next day, and NATO suspended its air strikes. On June 10, the U.N. Security Council approved UNSC Resolution 1244, based on the Ahtisaari-Chernomyrdin plan and the G-8 principles. 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 chronologies of the conflict in Kosovo, see *Kosovo Conflict Chronology: January-August 1998*, CRS Report 98-752 F; *Kosovo Conflict Chronology: September, 1998—March, 1999*, CRS Report RL30127; and the daily Kosovo Situation Reports collections for April (CRS Report RL30137), May (CRS Report RL30156), and June (CRS Report RL30191), 1999.)

Current Situation in Kosovo

Within weeks of the pullout of Yugoslav forces from Kosovo and the deployment of NATO-led peacekeeping force KFOR in June 1999, the overwhelming majority of ethnic Albanian refugees returned to their homes. At the same time, over 210,000 ethnic Serbs and other minorities living in Kosovo left the province, according to a May 2000 estimate by the U.N. High Commissioner for Refugees. International officials estimate the number of Serbs living in Kosovo at around 100,000. Many of the Serbs remaining in the province live in northern Kosovo in or near the town of Mitrovica. The rest are scattered in isolated enclaves in other parts of the province, protected by KFOR troops. A key reason for the departures is violence and intimidation by ethnic Albanians. Since the pullout of Yugoslav forces, over one thousand ethnic Serbs and Roma have been kidnaped or killed, and hundreds of houses of Serb refugees have been looted and burned. A June 2000 report by U.N. Secretary General Kofi Annan to the Security Council stated that attacks against ethnic Serbs “appeared to be orchestrated.”

Political Situation

An important question for Kosovo’s future is what role will be played by former KLA fighters. The Kosovo peace settlement, as laid out in U.N. Security Council Resolution 1244, calls for the demilitarization of the KLA. On June 20, 1999, KLA leader Hashim Thaci signed a demilitarization document that had been worked out with KFOR. The KLA was demilitarized on September 20, 1999, and formally ceased to exist. On the same day, KFOR, U.N. officials, and the KLA signed an agreement on the formation of a Kosovo Protection Corps (KPC). The mission of the KPC is to assist in reconstruction efforts, search and rescue operations, and cope with civil emergencies. It has 5,000 men in uniform, including two thousand reservists. Although it is supposed to be multi-ethnic, apolitical and non-military, many observers say a key political purpose of the force is to defuse possible resistance to the KLA’s demilitarization by providing ex-KLA fighters and commanders with jobs and a quasi-military structure. While U.N. and KFOR officials stress the civilian nature of the KPF, KPF leaders continue to view the KPF as a way to preserve the KLA as a *de facto* army. International officials believe large amounts of undeclared weapons remain in the hands of ex-KLA troops (as well as others), and that some ex-KLA troops and leaders have formed armed groups and/or criminal gangs. In 2000, KFOR troops uncovered large weapons caches and training bases in the Drenica region, the cradle of the KLA.

In early 2000, ethnic Albanian guerillas, many of whom are ex-KLA fighters, began to step up attacks on Serbian police units in the Presevo valley inside Serbia, near Kosovo’s eastern border. The population of the area, encompassing the towns of Medveda, Bujanovac and Presevo, is about 80% ethnic Albanian. The guerillas, who reportedly number in the hundreds, seek to join the region to Kosovo. In the past, Serbian police forces have engaged in intimidation of ethnic Albanians in the area, burning homes and arresting young men. Concerned that the guerrilla attacks and the Serb response could trigger a conflict that could pull in KFOR, Western leaders have warned ethnic Albanian leaders in Kosovo that they would lose international support if the guerrilla group continued its activities.

In late November 2000, several hundred ethnic Albanian guerrillas operating from a 3 mile-wide demilitarized buffer zone in southern Serbia stepped up attacks against Serbian

police in the region, killing four policemen. Angered by the attacks, the new Yugoslav government of President Vojislav Kostunica has pressed KFOR to stop guerrilla penetration from Kosovo into the demilitarized zone, or reduce or eliminate the zone so that more heavily armed Serbian police and Yugoslav army can drive out the guerrillas themselves. In response, NATO promised to step up efforts to halt the infiltration of men and supplies from Kosovo and increase cooperation with the Serbian police. However, NATO rejected any modification of the buffer zone, which was established to separate Yugoslav forces from KFOR when KFOR was deployed to the province in June 1999. KFOR officers are concerned that permitting Yugoslav forces to operate in the zone could put KFOR soldiers, including U.S. forces, at greater risk. On December 17, U.S. forces exchanged fire with guerrillas as the U.S. forces were blowing up a road used by the guerrillas to transport weapons into the zone. No injuries were reported. On December 30, KFOR brokered a verbal agreement between the two sides aimed at lifting reducing tensions and improving freedom of movement for civilians in the area.

Since June 1999, Kosovo has been ruled by the U.N. Mission in Kosovo, headed by Bernard Kouchner. In January 2000, a new Joint Interim Administrative Structure (JIAS) was established to increase local participation in the government. It includes an Interim Administrative Council (comprising three Kosovo Albanian leaders, one Kosovo Serb leader, and four UNMIK members), and 19 administrative departments, each of which is also supposed to have representatives of local groups. Kouchner retains legislative and executive authority in Kosovo but shares provisional administrative management of the province with this structure. As its name implies, the interim administration is a transitional step toward a fully-fledged Kosovo government to be chosen in elections that may be held in spring 2001.

On October 28, 2000, Kosovo held OSCE-supervised municipal elections. 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. The other major political force in the province is Democratic League of Kosova (LDK), headed by Ibrahim Rugova. The LDK was by far the ethnic Albanian largest party before the war, but it began to lose ground after what some ethnic Albanians viewed as a passive stance during the war. However, the behavior of some ex-KLA leaders since the war, including seizure of property of ethnic Albanians, the levying of "taxes," and harassment and violence against ethnic Albanian political opponents, appears to have resulted in an improvement in the "more civilized" LDK's standing.

The LDK won 58% of the vote province-wide, the PDK only 27.3%. The LDK won the majority in 21 municipalities, with the PDK winning six. In the remaining three Serbian-majority municipalities so few people voted that the OSCE did not certify the results. Turnout for the vote was 79%. U.N. officials hailed the election's success and recommended that Kosovo-wide elections be held in the first half of 2001. However, it is possible that ex-KLA leaders who seized property after the war may react violently if the new local authorities want it back, or want to tax or regulate its use. Both before and after the vote, several ethnic Albanians leaders and officials were killed or injured. Many of those killed or injured have been from the LDK, and some analysts charge that Thaci's party or other ex-KLA parties were responsible for the violence.

Kosovo Serbs are divided on how to best defend the interests of their community. Anti-Milosevic Serbs have formed a Serbian National Council in the town of Gracanica in central Kosovo. Serbs in the town of Mitrovica, in northern Kosovo near the border with Serbia, have formed their own group. Both groups charge that UNMIK and KFOR have been ineffective in protecting them from ethnic Albanian violence. They claim the establishment of the Kosovo Protection Force and now the joint administration are stepping-stones to an independent Kosovo, which they oppose. However, the Gracanica group, much the smaller of the two factions, views cooperation with the international community as the only way to secure the interests of Serbs in Kosovo. Nearly all ethnic Serbs in Kosovo boycotted the October 2000 municipal elections. Turnout was virtually non-existent in the areas in which they are the majority. Nevertheless, UNMIK will appoint Serbs to local government bodies in order to make sure Serbs have some representation in them. Most ethnic Serb leaders say that this is unacceptable, and have demanded their own elections in areas in which they are a majority.

Milosevic's fall from power in early October 2000 and the election of Yugoslav president Vojislav Kostunica may have an important impact on the situation in Kosovo. Kostunica strongly opposes Kosovo's independence and has called for strict implementation of U.N. Security Council Resolution 1244, which calls for Kosovo's autonomy within Yugoslavia. Western officials acknowledge that Kostunica's nationalism will make him difficult to deal with on Kosovo, but say that his respect for the rule of law will make him far less likely to try to use Serbia's military and security services to undermine UNMIK and KFOR by covert action, as they charge Milosevic had done. Kosovar Albanian leaders acknowledge that the political demise of the man chiefly responsible for atrocities against them is a positive development, but have viewed the West's rush to support Kostunica with concern. This is partly because many feel that the Serbian atrocities were solely the product of one man, but of deeply-rooted Serbian nationalism. They are also concerned that Kostunica's victory could give the Serbs an upper hand in international discussions of Kosovo's future. They say that the Serbs have an internationally-recognized defender of their interests, while the Kosovars do not. This situation may lead the Kosovars to push more strongly for an accelerated schedule for Kosovo-wide elections in 2001 and the handover of power to elected Kosovar leaders.

The emergence of the new post-Milosevic regime in Serbia and of elected leaders in Kosovo may eventually open the way to talks between the two sides, although at present they appear far apart on many key issues, including the future status of Kosovo. An important issue of immediate concern is the status of over 729 ethnic Albanian prisoners in Serbian jails and of over 3,500 other missing Albanians. The post-Milosevic regime says that it is willing to make progress on releasing ethnic Albanians from Serb jails, but wants to clarify the status of hundreds of Kosovo Serbs that have been kidnaped and are missing.

International Response

U.N. Security Council Resolution 1244 (June 10, 1999) forms the basis of the international role in Kosovo. It authorized the deployment of an international security presence in Kosovo, led by NATO, under a mission to ensure that Yugoslav forces are withdrawn from Kosovo; that the cease-fire is maintained; and that the KLA is demilitarized. The Kosovo Force (KFOR) is charged with "establishing a secure environment" for the return

of refugees, the delivery of humanitarian aid, and the operation of the international civilian administration. The resolution says KFOR is to oversee the return of “hundreds, not thousands” of Yugoslav troops to Kosovo to liaise with the international presence, mark minefields, provide a “presence” at Serb historical monuments and “key border crossings.” To date, no Yugoslav Army troops have returned to Kosovo.

U.N. Security Council Resolution 1244 gives the U.N. mission in Kosovo (UNMIK) the chief role in administering Kosovo on a provisional basis until new elections for interim autonomous institutions are held. These duties include administration of the province; maintaining law and order, including setting up an international police force and creating local police forces; supporting humanitarian aid efforts; returning refugees to their homes; protecting human rights; supporting the reconstruction effort; preparing the way for elections; and facilitating talks on Kosovo’s final status. The resolution provides for an interim period of autonomy for Kosovo for an undefined length of time, until negotiations on the final status of the province take place. It expresses support for the FRY’s territorial integrity. U.N. officials have said that the goal is to achieve peaceful coexistence among the province’s ethnic groups, rather than an integrated, multi-ethnic society. In October 2000, an independent commission recommended to the U.N. that Kosovo be granted “conditional independence” status.

Bernard Kouchner, formerly France’s Health Minister, served as Special Representative to oversee UNMIK until January 2001. His replacement is Hans Haekkerup, Danish Defense Minister, who takes office on January 15, 2001. Jock Covey of the United States is Principal Deputy Special Representative. Initially four deputies have served under them, responsible for the pillars of civil administration, humanitarian aid, democratic institution-building, and reconstruction. The U.N. has led the first two pillars, while the OSCE is in charge of institution-building, and the European Union leads the reconstruction effort. The humanitarian aid pillar was phased out in mid-2000. In a June 2000 review of UNMIK’s first year, U.N. Secretary-General Annan reported to the Security Council numerous improvements in Kosovo, but condemned the upsurge in localized violence against minorities, especially Serbs and Roma, in Kosovo. The authorization for UNMIK automatically continues unless the Security Council decides otherwise.

KFOR

According to NATO sources, on June 28, 2000 KFOR had 38,550 troops in Kosovo. The United States had 5,600 troops in the province. The U.S. controls one of five KFOR sectors in Kosovo. Other leading contributors are Italy (4,750), Germany (4,200) France (4,550) and Britain (3,200). Each has its own sector in Kosovo. Other participating countries serve under commanders from these countries. The U.S. sector contains troops from Russia, Poland, Greece, Ukraine, the United Arab Emirates and Lithuania. Russia has about 3,300 troops in KFOR, but does not have its own sector. KFOR’s overall command is held by Italian Gen. Carlo Cabigiosu. The U.S. sector is commanded by Brig. Gen. Dennis Hardy.

KFOR’s mission, in accordance with UNSC 1244, is to monitor, verify, and enforce the provisions of the Military Technical Agreement and the KLA demilitarization agreement. KFOR is also charged with establishing and maintaining a secure environment in Kosovo, including maintaining public safety and order until UNMIK can take over this responsibility more fully. KFOR has also provided support to UNMIK and non-government organizations

for reconstruction and humanitarian projects. KFOR has successfully overseen the pullout of Yugoslav troops from Kosovo and the implementation of the KLA demilitarization agreement. However, KFOR has not been entirely successful in maintaining order in Kosovo, including in stopping attacks against Serbs and other minorities. KFOR troops, including U.S. soldiers, have been fired on or assaulted in numerous incidents. Scores of KFOR soldiers have been injured and two Russian KFOR peacekeepers have been shot and killed. One U.S. soldier has died as result of possible hostile action, when his vehicle struck a mine. A long-standing complaint of U.S. officials (as well as of UNMIK chief Kouchner and other officials) is the failure of European countries to fulfill their commitments to supply enough police for Kosovo, which has saddled KFOR with the lion's share of the policing duties. KFOR has deployed a 320-man paramilitary police unit consisting of Italian and Estonian troops to assist in policing tasks.

U.S., Russian and other KFOR peacekeepers have detained dozens of men and seized substantial quantities of weaponry in an attempt to stop ethnic Albanian guerrillas from moving men and supplies into 3 mile-wide demilitarized buffer zone in southern Serbia, which has served as a staging area for attacks against Serbian police in the Presevo valley region. However, these efforts have not been entirely successful so far. However, KFOR has rejected any modification of the buffer zone, which was established to separate Yugoslav forces from KFOR when KFOR was deployed to the province in June 1999. (For more on the NATO and U.S. military role in the Kosovo crisis, see CRS Issue Brief IB10027, *Kosovo: U.S. and Allied Military Operations*. For more on KFOR, see KFOR's website at [<http://www.kforonline.com>].

Civil Administration

The international civil administration component of UNMIK comprises three offices: a police commissioner, a civil affairs office, and a judicial affairs office. Tom Koenigs of Germany is Deputy Special Representative in charge of this pillar. In July 1999, Special Representative Kouchner issued a regulation on the legislative and executive authority of UNMIK. Subsequent regulations have, among other things, established a new customs service, legalized the use of foreign currencies while designating the Deutsche Mark the commonly used currency in Kosovo, established small-scale lending services, and outlined the self-government of the municipalities after the local elections. UNMIK oversees administration of public funds in Kosovo, including payments of salaries and pensions. (For more on UNMIK's activities, see UNMIK's web site at [<http://www.un.org/peace/kosovo/pages/kosovo1.htm>])

In mid-July 1999, Special Representative Kouchner chaired the first meeting of the Kosovo Transitional Council (KTC), a broadly representative consultative body under UNMIK that includes ethnic Serb representatives. The Transitional Council meets on a weekly basis, and includes 34 members. On December 15, 1999, Kouchner signed an accord with three leading Albanian representatives on establishing a new Joint Interim Administrative Structure (JIAS). The structure includes an Interim Administrative Council and 19 administrative departments. The Council is supposed to comprise three Albanian members, one Serb, and four UNMIK representatives. A Serb member joined the council for the first time on April 11, 2000. The interim administrative council is co-chaired by UNMIK Deputy Representative Covey and a rotating co-President, and meets about twice a week. Several administrative department heads have been named. In

response to the violent situation in Mitrovica in February 2000, the Council approved a plan to redeploy 300 UNMIK police and to appoint international judges to strengthen the judicial system. In March, UNMIK established “confidence zones” in Mitrovica to serve as a buffer between the divided parts of the city. After the October 2000 municipal elections, UNMIK has assisted with the establishment of the provisional municipal assemblies. UNMIK has made attempts to appoint Kosovo Serb and other minorities to the municipal assemblies.

A key component of civil administration is the establishment of law and order in the province. To this end, international and local civil police forces have been created and new judicial bodies established. Under its original mandate, the UNMIK police force comprised a civilian unit, or regular police (1,800), a special police unit for crowd control (1,150), and an international border unit (205). In October 1999, U.N. Secretary-General Annan proposed a 1,600 increase in the force, bringing the total authorized size to 4,718. UNMIK officials have frequently complained about the very slow deployment of civil police from member states. By December 2000, 4,400 international police personnel from 53 countries had been deployed to Kosovo, about 90% of the authorized total. The United States provides the largest police contingent with nearly 600 personnel. Christopher Albiston of Britain took over as commissioner of the international police force in January 2001. UN police officers mainly conduct patrols jointly with KFOR; the UNMIK civilian police is supposed to eventually take over policing duties from KFOR. UN police have assumed full policing authority in the Pristina and Prizren regions. In the divided city of Mitrovica, UNMIK police have supported KFOR’s search for illegal weapons. The UNMIK police also work with the new Kosovo Police Service (KPS) comprised of local recruits (see section on institution-building, below). It is envisaged that the KPS will eventually take over law and order functions from UNMIK. In addition, UNMIK has recruited over 4,600 Kosovars for the newly-formed civilian Kosovo Protection Corps, intended for emergency and humanitarian situations rather than for providing law and order. Its maximum strength is 5,000.

In June 1999, the U.N. Representative swore in a multi-ethnic panel of nine judges (five Albanians, three Serbs, and one Turk). The judicial panel operates under a modified version of Yugoslavia’s criminal code. By October 2000, 405 judges and prosecutors had been appointed by UNMIK, mostly ethnic Albanian. 13 international judges and prosecutors have also been appointed. In October 2000, the OSCE issued a report that reviewed the criminal justice system in Kosovo. It assessed that the system fell short of international standards, in spite of recent improvement. A Kosovo Supreme Court was inaugurated on December 14, 2000.

Institution-Building

The Organization for Security and Cooperation in Europe (OSCE), headed by Deputy Special Representative Daan Everts (Netherlands) leads international institution-building efforts in Kosovo. The task of institution-building is comprised of four components: training in justice, police, and public administration (in cooperation with the Council of Europe); human rights monitoring (in cooperation with the U.N. High Commissioner on Human Rights); democratization and governance; and, organizing and supervising elections. Over 2,400 international and local OSCE staff comprise the mission in twenty-one field offices.

Recruitment for the training academy of the Kosovo Police Service (KPS) has been a priority for the mission. In August 1999, the KPS police academy opened in Vucitrn. Several training sessions for recruits have been completed. Most of the recruits have been ethnic Albanian (many of whom were formerly members of the KLA), with about 17% from minority communities. Thus far about 2,850 cadets have been trained for the KPS, which is eventually to comprise about 4,000 officers.

Civil and voter registration, in preparation for municipal elections on October 28, 2000, began on April 28 and was completed on July 17. About 1 million voters registered. However, Kosovo's Serb and Turk communities largely boycotted the process. 28 political parties and organizations and 5,500 candidates registered to run in 30 municipalities. Nearly 80% of eligible voters participated in the largely peaceful vote. Results in 27 municipalities certified by the OSCE on November 7 showed the LDK winning decisively with 58% of the vote. UN officials hailed the election's success and recommended that Kosovo-wide elections be held in the first half of 2001.

A Media Advisory Board comprised of Albanian and Serb experts was created in August 1999. The OSCE established Radio Television Kosovo (RTK) as an independent public broadcaster. In response to Albanian media attacks on individual Serbs, UNMIK temporarily shut down one newspaper and, in June 2000, devised a code of conduct for the print media. With regard to human rights, OSCE personnel regularly monitor the human rights situation throughout the province. Human rights reviews have condemned the continuation of ethnic violence against non-Albanian minorities in Kosovo. In June 2000, a joint OSCE/UNHCR report cited lack of security and limited freedom of movement to be prohibiting factors for minority communities. In July, UNMIK established an office of the ombudsman for Kosovo to investigate complaints about abuses of power. (For more on the OSCE mission in Kosovo, see [<http://www.osce.org/kosovo>].)

Humanitarian Aid and Refugee Returns

The humanitarian affairs pillar of UNMIK was phased out in July 2000, as the international community's focus shifted from humanitarian to development assistance. A humanitarian coordinator appointed by UNHCR continues to oversee international humanitarian aid programs. Humanitarian aid during UNMIK's first year focused on providing shelter assistance, aid to refugee communities, and de-mining activities.

Since June 1999, over 880,000 ethnic Albanian refugees have returned to Kosovo. An estimated 25,000 Albanian, Serb, and Roma refugees remain in neighboring countries and several thousand more remain in more remote countries. In early 2000, host countries began to force or encourage the voluntary return of Kosovar refugees. Since January 2000, about 12,000 Kosovar refugees have been forcibly returned to Kosovo from western Europe. About 80,000 Kosovar refugees from western Europe have returned voluntarily. UNMIK has appealed to western governments to halt forcible returns during the winter months. UNMIK has also appealed for the release of Kosovar Albanians in Serbian prisons, especially after Milosevic's fall from power. By January 2001, about 700 Kosovar Albanians were still being detained. An additional 3,000 Kosovar Albanians remain missing.

As ethnic Albanian refugees have returned, large numbers of ethnic Serbs and Roma (Gypsies) living in Kosovo have left the province for Serbia and Montenegro. In spite of appeals by international, Yugoslav, as well as some Kosovar officials for the local Serb population to remain in Kosovo, the outflow has grown. UNHCR estimates that 180,000 Serbs and Roma from Kosovo have moved into Serbia and Montenegro; of these, an estimated 130,000 arrived from Kosovo since the end of the NATO air strikes in June 1999. Up to 100,000 Serbs still reside in Kosovo. A Joint Committee on Returns for Kosovo Serbs was established in May 2000 to facilitate the return of Serbs to Kosovo. Violence in the Presevo region in southern Serbia in November 2000 has led more than 4,000 ethnic Albanians to flee into Kosovo.

At the July 28, 2000, donors' conference in Brussels (see below), participating countries pledged more than \$2 billion in humanitarian and reconstruction aid to Kosovo. Of this amount, about \$245 million was designated for emergency humanitarian needs. The U.S. government has provided a total of over \$533 million in humanitarian aid in response to the Kosovo crisis since March 1998.

Reconstruction

A High Level Steering Group oversees the reconstruction effort in Kosovo. The group, composed of the EU, the World Bank, the G-7 finance ministers, and representatives of leading international organizations, is chaired by the EU and World Bank. The EU and World Bank have also set up a European Agency for Reconstruction to oversee reconstruction efforts. It is located in Thessaloniki, Greece, with an "operations center" in Pristina. Alan Pearson of Australia serves as Special Representative Kouchner's deputy on reconstruction issues.

On July 28, 1999, an international donors conference was held in Brussels to discuss Kosovo's humanitarian and immediate reconstruction needs, and to secure funding pledges. The EU said that \$2.167 billion was pledged at the conference. The EU estimates that \$1.411 billion of the total is humanitarian aid, and \$756.3 million is reconstruction and other urgent program funding, although the distinction between the two categories can be somewhat hazy. Of the \$2.167 billion, the European Union and its member states pledged \$1,138.7 billion and the United States \$556.6 million. Japan pledged \$160 million, and other countries pledged a total of \$214 million. The World Bank pledged \$60 million. A follow-on conference was held on November 17, 1999 to deal with long-term reconstruction projects. The EU and the World Bank estimated that Kosovo would need about \$2.3 billion over the next 4-5 years, of which about \$1.1 billion would be needed for 1999-2000. Total pledges at the conference amounted to just over \$1 billion. Of this total, \$759.3 million was pledged by the EU and EU member states. The United States pledged \$156.6 million, and was the largest single country donor. According the World Bank and EU, as of June 30, 2000, over \$1.5 billion had been pledged, of which \$1.17 billion had been committed to specific projects (76%), and \$553 million had been spent (36%).

Observers have offered mixed assessments of reconstruction aid so far. International aid and the efforts of ordinary Kosovars have resulted in progress in rebuilding housing and other physical infrastructure, but economic reform efforts have lagged. Although Kosovars have shown great resilience in setting up small businesses, uncertainty over

Kosovo's future status has created uncertainty over ownership rights, hindering plans for the restructuring and privatization of much of the economy.

Under the auspices of the Stability Pact for Southeastern Europe, international donors held a conference on March 29-30, 2000 to pledge aid for regional reconstruction projects. About \$2.4 billion was pledged for regional infrastructure and other projects. The United States pledged \$77.65 million. (For more on the Kosovo reconstruction effort, see the joint EU-World Bank site at [<http://www.seerecon.org>] and CRS Report RL30453, *Kosovo: Reconstruction and Development Assistance*. For more on the Stability Pact, see the Stability Pact web site at [<http://www.stabilitypact.org>].)

War Crimes

On May 27, 1999, the International Criminal Tribunal for the Former Yugoslavia (ICTY) announced the indictment of Yugoslav President Slobodan Milosevic, Serbian President Milan Milutinovic, FRY Deputy Prime Minister Nikola Sainovic, Yugoslav Army Chief of Staff Dragoljub Ojdanic, and Serbian Minister of Internal Affairs Vljeko Stojiljkovic for war crimes and crimes against humanity committed by Yugoslav and Serbian forces in Kosovo between January and May 1999. These include the expulsion of approximately 740,000 ethnic Albanians from their homes and the murder of 340 persons named in the indictment. The indictments were the first issued by the Tribunal relating to the Kosovo conflict. Press reports say that the Tribunal also has a list of secret Kosovo indictments. Since the withdrawal of Yugoslav forces from Kosovo, Tribunal investigators, as well as other experts have collected evidence at mass graves sites where ethnic Albanian civilians were murdered. In September 1999, Tribunal prosecutor Carla del Ponte said the main focus of the ICTY's efforts will be the investigation and prosecution of Milosevic and the other current indictees. In June 2000, UNMIK announced that it would set up a Kosovo War and Ethnic Crimes Court to try ethnically-based crimes, given the ICTY's focus on high-level officials and the local courts inability to take action. It would be headed by international judges and prosecutors, but would also include ethnic Serbs and Albanians.

As of August 2000, ICTY investigators had found over 2,800 bodies in mass graves in Kosovo. Tribunal officials have stressed that the number found did not necessarily represent the actual total number of bodies at those sites, since there was evidence that some sites had been tampered with. Moreover, Tribunal officials stress that they are not attempting to find every atrocity victim in Kosovo, but are collecting evidence for indictments and trials. The true number of ethnic Albanians killed by Serb forces is not precisely known. A June 2000 report by the International Red Cross listed 3,368 missing persons in Kosovo. Many observers believe most of those missing were killed during the conflict. According to a statistical study by the American Academy for the Advancement of Science and other groups, about 10,500 Kosovar Albanians were killed by Serb forces during the NATO air campaign. Another statistical study by the Center for Disease Control puts the number of Kosovar Albanian dead at about 12,000 for the entire war, from February 1998 to June 1999.

On June 13, 2000, Del Ponte released a report that said that she would not indict NATO officials for alleged war crimes during NATO's air campaign. The report said that "although some mistakes were made by NATO, the Prosecutor is satisfied that there was

no deliberate targeting of civilians or unlawful military targets by NATO during the campaign.” On June 21, Del Ponte said her office was investigating possible KLA war crimes and could bring charges against top KLA officials. After Milosevic’s fall from power in October 2000, Tribunal officials demanded that the new leadership in Belgrade turn him over to the Tribunal. FRY Foreign Minister Goran Svilanovic has said that the FRY will establish a South Africa-style “truth commission” to uncover the facts about war crimes in Kosovo. He has also said that Milosevic could be tried for war crimes in Belgrade in cooperation with the ICTY, but will not be transferred to Tribunal. Del Ponte continues to insist that Milosevic be transferred to ICTY for trial. (For more on the activities of the ICTY, see the ICTY website at [<http://www.un.org/icty/index.html>].)

U.S. Policy

From the beginning of the conflict in Kosovo, the Clinton Administration condemned Serbian human rights abuses in Kosovo and called for autonomy for Kosovo within Yugoslavia, while opposing independence. The Administration pushed for air strikes against Yugoslavia when Belgrade rejected the Rambouillet accords in March 1999, but refused to consider the use of ground troops to eject Yugoslav forces from Kosovo. However, even before the air strikes, the Administration said that the U.S. troops would participate in a Kosovo peace-keeping force, if a peace agreement were reached. In a nationally televised address on June 10, 1999, President Clinton hailed the withdrawal of Yugoslav forces from Kosovo and the end of NATO air strikes as a “victory.” He added the United States and its allies still faced challenges in Kosovo. These included ensuring that Yugoslavia completes the pullout of its troops from the province (which was completed); the refugees return; the KLA demilitarizes; and the setting up of a UN civil administration to rule the province until autonomous local institutions can be put in place. He said as these institutions take hold, NATO would be able to draw down its forces. However, he warned that these efforts would be “dangerous,” and U.S. troops in KFOR could suffer casualties. 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” for the effort. (See also Kosovo: Lessons Learned from Operation Allied Force, CRS Report RL30374.)

President Clinton made his first visit to Kosovo on November 23, 1999. He pledged continued U.S. and international support for Kosovo but urged the Albanian community to “win the peace” and to try to forgive the Serb population. Secretary of State Albright and National Security Advisor Berger, who accompanied President Clinton to Kosovo, said that the international community had made good progress in bringing normality to Kosovo, including improving the humanitarian situation and reducing the level of violence in the province, but admitted that much work needed to be done.

According to the Department of Defense Comptroller’s Office, DoD incremental costs for Kosovo for FY 1999 were \$3.0 billion. This figure includes \$1.78 billion for the NATO air war, \$1.05 billion for KFOR, \$124.6 million in refugee aid, \$34.6 million for the OSCE observer mission before the war, and \$20.3 million for the pre-war aerial verification mission. DoD incremental costs for Kosovo in FY2000 through the end of July 2000 were \$1.32 billion. The estimate for the whole of FY2000 is about \$2 billion.

In testimony before the House International Relations Committee on April 11, 2000, James Pardew, a senior State Department official responsible for Kosovo policy, said that the United States had allocated \$6.384 billion for Kosovo for FY 1999 and FY2000, including both military and civilian spending. Of this total, \$5.157 was for military costs and \$1.27 billion for civilian implementation costs (which include humanitarian aid, reconstruction aid and U.N. and OSCE peacekeeping costs). He said that the United States had allocated about 13.9% of the amount provided by all countries for Kosovo's reconstruction and about 20% of humanitarian aid. He said the United States is paying 25% of U.N. peacekeeping costs in Kosovo and between 10-16% of OSCE costs. He also noted that the United States provides about 13% of the troops in KFOR. The Administration has opposed mandating a cap on the U.S. contribution to Kosovo aid at 15% of the total contributed by all countries, as well as efforts to mandate a termination date or conditioning the continued deployment of U.S. military forces in Kosovo based on disbursement targets for European aid to Kosovo. Republican presidential candidate George W. Bush also criticized the Kosovo amendments, calling them "legislative overreach" on presidential powers.

In a June 10, 2000 *Washington Post* article National Security Advisor Sandy Berger said that progress in Kosovo since the end of the war was "significant, but incomplete." He said that UNMIK, KFOR and other international institutions had helped returning ethnic Albanian refugees to their homes in Kosovo; reduced crime, and started reconstruction. However, he said that crime rates remained far too high, violence against ethnic Serbs continued, and that the judicial system in the province remained inadequate. He said that a key task for the coming year was to accelerate self-government in Kosovo through elections and the development of government institutions. He stated that Kosovo's status would be determined "eventually" through an international process that would take into account not only the wishes of Kosovars, but also the international community, adding that the emergence of a post-Milosevic Serbia would be "key" to solving the region's problems. (Recent U.S. policy statements on Europe, including Kosovo, can be found at [<http://usinfo.state.gov/regional/eur/>])

An October 21, 2000 New York Times article quoted Condoleezza Rice, a senior foreign policy advisor to Republican Presidential candidate George W. Bush, as saying that the United States should pull its ground forces out of the Balkans, including Kosovo, at an unspecified date, leaving peacekeeping responsibilities to U.S. allies in Europe. Secretary of State-designate Colin Powell has indicated that the Bush Administration will conduct an early review of U.S. participation in Balkans peacekeeping.

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. (For information on the activities of the 106th Congress during 1999, as well as more detail on its actions in 2000, see CRS Report RL30729, *Kosovo and the 106th Congress*, November 6, 2000.)

In 2000, Members unsuccessfully attempted to condition the U.S. military deployment in Kosovo on Congressional approval and on the implementation of aid pledges made by European countries. Many Members of Congress said that they expected U.S. allies in Europe to contribute the lion's share of aid to the region and expressed concern that European countries were slow to implement their aid pledges. Congress moved to limit aid to Kosovo to 15% of the total amount pledged by all countries.

On March 9, 2000, the House Appropriations Committee approved H.R. 3908, a \$9.1 billion FY2000 supplemental appropriations bill. The bill included funds for a variety of purposes, including Kosovo peacekeeping and aid to the Balkans. The committee provided the full \$2.025 billion requested by the President for DoD peacekeeping costs in Kosovo. However, the committee provided only \$246.7 million of the \$624.5 million requested by the Administration for U.S. aid and diplomatic efforts in the Balkans. It rejected most of the administration's request of \$92.8 million in additional aid for Kosovo, providing only \$12.4 million in funding for American police in Kosovo. The House approved the bill on March 29 by a vote of 263-146. The House rejected, by a vote of 219-200, an amendment offered by Rep. Kasich that would have withheld 50% of the funds appropriated for U.S. military operations in Kosovo until the President certified that European countries have obligated certain percentages of their aid pledges for 1999-2000 for Kosovo. The Senate did not take up this bill. Congressional leaders ultimately decided to attach Kosovo supplemental spending to the FY2001 military construction bill, P.L. 106-246. (For more on the bill, see CRS Report RL30457, *Supplemental Appropriations for FY2000: Plan Colombia, Kosovo, Foreign Debt Relief, Home Energy Assistance, and Other Initiatives.*)

On May 18, 2000, the Senate approved S. 2521, the FY2001 military construction appropriations bill by a vote of 96-4. The bill provided over \$1.8 billion in FY2000 supplemental funding for DoD peacekeeping costs in Kosovo. By a vote of 53-47, the Senate voted to delete Section 2410 of the bill. The section would have cut off funding for the deployment of U.S. ground troops in Kosovo after July 1, 2001, unless the President requested and Congress approved a joint resolution specifically authorizing the deployment. It would also have withheld 25% of the FY2000 supplemental funding unless the President certified that the Europeans had met certain targets for the obligation of reconstruction, humanitarian aid, aid to the UNMIK budget and contributions to the international police force in Kosovo. If the President did not provide this certification by July 15, 2000, then funding could have only been used to withdraw U.S. ground troops from Kosovo unless Congress adopted a joint resolution permitting their continued deployment. The final version of the law (P.L. 106-246) contained the full \$2.025 billion requested by the President for U.S. forces in Kosovo. P.L. 106-246 also contained \$50 million in aid to Croatia and Montenegro, and \$12.5 million for police activities in Kosovo.

On October 12, 2000, the House and Senate approved the conference version of H.R. 4205, the FY 2001 defense authorization bill. Section 1005 limits FY 2001 military funding for Kosovo to \$1.65 billion, but permits the President to waive the provision if he certifies the move is in the national security interest, provides a report on the deployment, and submits a supplemental appropriations request. Section 1211 requires the Administration to submit by April 1 of each year a report on the impact of deployments in the Balkans on U.S. military readiness. Section 1212 requires the President to establish by

May 31, 2001, “militarily significant benchmarks” for a sustainable peace in Kosovo that would ultimately allow U.S. troops to withdraw from the province. The section also requires the President to develop “a comprehensive political-military strategy for the Balkans and to provide semi-annual reports to Congress on its implementation. Section 1213 requires the President to submit on December 1, 2000 and every six months thereafter, a detailed report on the contributions of European nations and organizations to the peacekeeping operations in Kosovo as well as implementation of their aid pledges. The conference dropped a provision in the House bill that would have prohibited funding for the continued deployment of U.S. ground troops in Kosovo unless the President certified that European countries had obligated specific percentages of their aid pledges for Kosovo. Section 1223 tasks the General Accounting Office with preparing a report on the costs and benefits of U.S. military engagement in Europe, including Kosovo. The bill was signed by the President on October 30, 2000 (P.L. 106-398.)

On October 25, 2000, the House and Senate approved H.R. 4811, the FY2001 foreign operations appropriations bill. The bill provides a total of \$600 million in aid to central and eastern Europe in the Support for East European Democracy (SEED) account. The bill does not contain an earmark for Kosovo, but limits U.S. aid to 15% of the total amount pledged by all donors for calendar year 2001 as of March 31, 2001. It says that \$1.3 million “should” be made available for a National Albanian American Council training program for Kosovar women. It bars funds from bill from being used for large-scale physical infrastructure reconstruction. The bill was signed by the President on November 6, 2000 (P.L. 106-429).

In its first session, the 107th Congress will likely consider how much aid to provide for Kosovo’s reconstruction and how the burden should be shared with European countries. Another important issue will be continuing U.S. troop deployments in Kosovo and elsewhere in the Balkans. Members skeptical of what they view as open-ended U.S. military deployments to the Balkans may attempt to set conditions, deadlines or other restrictions on them. These efforts may be boosted by similar skepticism expressed by incoming National Security Advisor Condoleezza Rice, and Secretary of State-designate Colin Powell.



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

G-1998-19-S.1.