

USAWC STRATEGY RESEARCH PROJECT

Kosovo's Independence: The Final Political End State

by

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The views expressed in this academic research paper are those of the author and do not necessarily reflect the official policy or position of the U.S. Government, the Department of Defense, or any of its agencies.

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ABSTRACT

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Since June of 1999, the United States, along with allies from both NATO and non-NATO countries, has conducted peacekeeping operations in the Serbian province of Kosovo at the culmination of a decade-long, violent struggle between the ethnic Albanian majority population and the Serbian Government. After nearly four years of peacekeeping, Kosovo remains a province of Serbia under the watchful eye of both Kosovo Forces (KFOR), which now includes many non-NATO peacekeeping forces, and the United Nations Interim Administration Mission in Kosovo (UNMIK). The international community has yet to establish the final end state for Kosovo and the current UN mandate has no expiration date. Until that future is decided, Kosovo remains the final ember in the region where the historical fires of nationalistic hatred and ethnic violence ignited following the end of the Cold War. The intent of this paper, therefore, is to show why the U.S. must remain engaged in Kosovo by : presenting its relationship to our national interests; examining the U.S. Balkan policy and some of the options for a final end state; assessing the U.N. established conditions for success; and finally, concluding that the final political end state for Kosovo should be independence, once it achieves the goals established by the United Nations.

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KOSOVO'S INDEPENDENCE: THE FINAL POLITICAL END STATE

Concerned nations must remain actively engaged in critical regional disputes to avoid explosive escalation and minimize human suffering. In an increasingly interconnected world, regional crisis can strain our alliances, rekindle rivalries among the major powers, and create horrifying affronts to human dignity. When violence erupts and states falter, the United States will work with friends and partners to alleviate suffering and restore stability.

— George W. Bush

Since June of 1999, the United States, along with allies from both NATO and non-NATO countries, has conducted Peacekeeping Operations in the Serbian province of Kosovo at the culmination of a decade-long, violent struggle between the ethnic Albanian majority population and the Serbian Government. In 1989, the Federal Republic of Yugoslavia President, Slobodan Milosevic, stripped Kosovo of its provincial autonomy that was established in 1974 and deployed Yugoslav Army and police forces to enforce conditions that served to suppress individual freedoms of Kosovar Albanians. For the next ten years, what ensued was a slow campaign of oppression and brutality designed to make life in Kosovo unbearable for ethnic Albanians which led to an escalation of violence, a mass exodus, and ultimately required the United Nations to sanction the United States led, NATO bombing operations and force an end to the humanitarian tragedy.

After nearly four years of Peacekeeping, Kosovo remains a province of Serbia under the watchful eye of both Kosovo Forces (KFOR), which now includes many non-NATO peacekeeping forces, and the United Nations Interim Administration Mission in Kosovo (UNMIK).¹ The international community has yet to establish the final end state for Kosovo and the current UN mandate has no expiration date. Started on June 10, 1999, the current mandate was authorized for an initial period of 12 months (to June 10, 2000), "to continue thereafter unless the Security Council decides otherwise."²

Until that future is decided, Kosovo remains the final ember in the region where the historical fires of nationalistic hatred and ethnic violence ignited following the end of the Cold War. The intent of this paper, therefore, is to show why the U.S. must remain engaged in Kosovo by : presenting its relationship to our national interests; examining the U.S. Balkan policy and some of the options for a final end state; assessing the U.N. established conditions for success; and finally, concluding that the final political end state for Kosovo should be independence, once it achieves the goals established by the United Nations.

THE ROAD TO KOSOVO

Beginning in 1998 the oppression and violence in Kosovo increased to an all out ethnic cleansing by the Serbs. This resulted in nearly a million refugees fleeing to the neighboring countries of Albania and the Former Yugoslav Republic of Macedonia. In addition to numerous reports of atrocities committed by Serb forces, the refugee situation threatened to destabilize the region by increasing the burden of neighboring countries that were already economically challenged. For nearly an entire year, the UN and international community attempted to convince the Belgrade government to cease the violence, accept international support for a peaceful solution in Kosovo, and avoid another tragedy like the war in Bosnia-Herzegovina. Eventually, diplomatic efforts failed and on 24 March, 1999 NATO air strikes of Yugoslav forces in Kosovo and strategic targets in Serbia, including the capitol city of Belgrade, finally forced Milosevic to comply with international will and order his forces from Kosovo.

Following the NATO bombing operations from March to June 1999, the UN adopted Security Council Resolution 1244 (UNSCR 1244). The resolution called for the Serbian forces to leave, International security forces to move in, the United Nations to establish an interim government, and the safe return of all refugees and displaced persons.³ KFOR, comprised of NATO and Russian ground forces, occupied Kosovo to enforce the withdrawal of all Serbian military, para-military, and police forces from the province. Presently, KFOR's primary responsibility is still to maintain a safe and secure environment for all citizens of Kosovo regardless of ethnicity. The U.S. Army-led Multinational Brigade-East (MNB-E) conducts its portion of the KFOR mission in the southeastern area of Kosovo. The MNB-E sector borders the Former Yugoslav Republic of Macedonia (FYROM) to the south and the Kosovo provincial boundary with Serbia to the east. It shares internal sector boundaries to the north with MNB-Center, led by the United Kingdom, and Germany's MNB West in the west.

Today, UNMIK provides the interim civil administration according to UNSCR 1244. UNMIK's purpose is to establish and supervise democratic self-governing institutions that can take on responsibility until the international community agrees on Kosovo's political end state. This mandate includes: performing basic civil administrative functions; transferring authority to the provisional self-governing institutions; maintaining law and order; supporting humanitarian and reconstruction efforts; ensuring the safe return of refugees and displaced persons; and facilitating a political process to determine Kosovo's final end state.⁴

WHY KOSOVO REMAINS A U.S. NATIONAL INTEREST

Fundamental to understanding why the United States remains involved in Kosovo is a brief look into the current National Security Strategy (NSS). This is the key document that determines our overarching national interests both from a global perspective and, in some instances, specific regions. The September, 2002 NSS states:

The U.S. national security strategy will be based on a distinctly American internationalism that reflects the union of our values and our national interests. The aim of this strategy is to help make the world not just safer but better. Our goals on the path to progress are clear: political and economic freedom, peaceful relations with other states, and respect for human dignity.⁵

This global policy applies to U.S. interests in Europe because the NSS addresses the region differently than the other regions of the world. Europe is viewed as a center of global power and an invaluable national interests in economic and political stability. The three goals provide the basis for continued U.S. interest in the Balkans region of Europe in general, and Kosovo in particular.

POLITICAL AND ECONOMIC FREEDOM

First, a stable Balkans is important to security in Europe, a strategic U.S. political ally and economic partner. Active U.S. presence in Kosovo, specifically its military participation in KFOR, provides security for the international community as it works to bring political stability and integrate Kosovo and the Balkans into Europe's mainstream economy.⁶ The situation in Kosovo could spill over and destabilize the neighboring Balkan states, as it threatened to do before peacekeeping began in 1999. This could re-ignite ethnic fighting in Bosnia-Herzegovina and impact the struggle for economic and political stability of FYROM. In both countries, Europe and the international community have invested extensive resources to assist their efforts towards democratic and economic freedom.

The location of the MNB-E sector is also strategically important in the region. The southern border with FYROM and the eastern provincial boundary with Serbia, have been the stages for conflict even after peacekeeping began in 1999. For example, during seven months in 2001, ethnic Albanian extremists used the U.S. sector in Kosovo as a base to launch rebel attacks into FYROM. This "insurgency" had the potential for creating a civil war between the democratic government of FYROM and, in this case, the Macedonian ethnic Albanian minority. This new crisis required intensive European diplomatic efforts and KFOR military operations to resolve. The MNB-E conducted low intensity combat operations to interdict the rebel lines of communications along the border between Kosovo and FYROM. The operations halted the insurgents, led to a durable cease fire, and paved the way for a subsequent United Kingdom-led NATO mission to collect rebel weapons

in FYROM. For now, that effort has created a sustainable peace, but at the cost of additional European resources and a 1500 member NATO peacekeeping force within FYROM.⁷

President Bush summarized the importance of containing the spread of politically motivated violence during his visit to soldiers at Camp Bondsteel, Kosovo on 24 July, 2001, "Thanks to you, there are fewer arms flowing into Macedonia and a hope for peace in that land. Thanks to you and the service of our forces throughout the Balkans, the region is growing closer to the rest of Europe."⁸ The 2001 crisis in FYROM, is a reminder that the threat of violence, as a means to settle political disagreement in the Balkan region, still exists. That threat, if left unchallenged, could unhinge the process that the U.N. outlined for the international community to establish democratic self-governing institutions and a viable economy for Kosovo. Instability undermines that process, thwarts forward progress, and places added strain on European economies; thereby, impacting United States economic and political interests.

PEACEFUL RELATIONS WITH OTHER STATES

Next, the continued U.S. leadership in Theater Security Cooperation (TSC) arrangements in Europe is vital. TSC refers to the multitude of military security agreements with our allies that serve to advance mutual goals and counter threats.⁹ This applies to both the long-standing NATO alliance and to the relatively recent bi-lateral partnerships with former Soviet Union countries such as Russia, Ukraine, Poland, and Lithuania to name a few. Within MNB-E, soldiers from these countries work with their U.S. and NATO partners to ensure the security and safety of Kosovo.

One of the more important international relationships the U.S. has strengthened through peacekeeping in Kosovo is with Russia. In 1999, Russia helped achieve the Kosovo peace accord and along with the United States was one of the first nations to send troops into the province immediately following the cessation of the conflict. The Russians are multi-ethnic, but largely Slavic peoples. These Slavic ties provide legitimacy to the peacekeeping efforts to both the minority Kosovar Serbian population and the ethnic Slav government of FYROM. Russia contributes about 3,600 troops to the peacekeeping operation. Similar to other national forces, Russian troops remain under Moscow's political and military control. Russian support of the mission in Kosovo demonstrates its commitments to U.S.-Russia relations and the stability of Europe.¹⁰

Understandably, the war on terrorism and the war in the Middle East have shifted political and public attentions from the peacekeeping missions in the Balkans. Additionally, the resources required to prosecute the wars on terrorism and Iraq, namely active duty forces, have shifted the main effort towards these two areas.¹¹ Despite this, the continued deployment of U.S. forces in the province further underscores U.S. commitment to Kosovo and TSC. Any notion of a unilateral withdrawal from

Kosovo would send a message that could signal the end to the NATO alliance and abandon our allies in Kosovo. A withdrawal could also send the wrong message to other major regional alliances such as the Australia, New Zealand, and United States (ANZUS) alliance. Just as NATO and ANZUS declared the attack on the U.S. on September 11th, 2001 as an attack on all members of these two alliances, the U.S. must support the alliances in their endeavors.¹² The lessons learned from the NATO alliance's combat operations in Kosovo and peacekeeping will serve us in the future. "Wars aren't over until the peace is assured... the U.S. may fight wars alone, perhaps even in Iraq, but can't clean up without help."¹³

Referring again to President Bush's speech to MNB-E, the president stressed U.S. commitment to remain in Kosovo, "NATO is committed to building here. America and allied forces came into Bosnia and Kosovo; they came in together, and we will leave together. Our goal is to hasten the day when peace is self-sustaining; when local democratically-elected authorities can assume full responsibility; and when NATO forces can go home."¹⁴ Although this speech was given prior to the events of September 11th, 2001, the President has since renewed U.S. commitment in Kosovo in his annual letters to Congress in November 2002, while continuing to keep them informed and seeking their continued support.¹⁵

By the end of 2002, NATO reduced its troop strength in Kosovo from 38,000 to 33,000. Likewise, the U.S. plans to reduce the number of troops in Kosovo from over 5600 to 4300 by the summer of 2003.¹⁶ The gradual NATO and U.S. force reductions signify the improved security situation in the province. By coordinating its withdrawals with NATO, the U.S. demonstrates its cooperation to the NATO plans for peacekeeping in Kosovo. At the same time, both in Kosovo and in neighboring Bosnia-Herzegovina, the Army National Guard has already assumed the largest share of the mission. U.S. Peace Keeping involvement in the Balkans is entirely under the command of National Guard Divisions with support from Active Component units. This shift in priorities of active duty forces to the Middle East and Central Asia, does not diminish the importance of U.S. national interests in the region. By continuing to commit soldiers to the region, the U.S. is still protecting its interests.

This transition to Reserve Component forces and force reductions, however, does not signal that the end is in sight. While much has been accomplished in the area of security, several key issues remain: establishment of rule of law, economic regeneration, reducing organized crime, and taming ethnic Albanian nationalist extremism. This last issue serves as another example of the need for continued external presence as it continues to hinder normalization of regional ethnic cohabitation.¹⁷

RESPECT FOR HUMAN DIGNITY

Lastly, the U.S. fought the war in Kosovo to end Serbian ethnic cleansing of Kosovar Albanians and the humanitarian disaster the war created. Following the war, Albanian extremists took advantage of the initial security gap before KFOR arrived. Although relatively brief, the Kosovar Albanians were accused of reprisals against Kosovar Serbs. This included murder of innocent Serbs and committing a similar campaign of ethnic cleansing that forced the mass exodus of an estimated 200,000 ethnic Serbs to flee Kosovo to Serbia and Montenegro. While nearly all of the one million Kosovar Albanians have returned to Kosovo, the Kosovar Serbs and other minorities have not.

Today KFOR and the UNMIK serve together to foster ethnic cooperation so that the people of Kosovo can continue to form self-sustaining government institutions and progress economically. This is a key challenge because the two ethnic groups are historically polarized by language, culture, religion and nationalism. Approximately 90% of the province's population is ethnic Albanian and move freely about the province easily avoiding the few areas Serbs live in. They speak Albanian, follow Muslim culture or religion, and are firmly determined to make Kosovo an independent country. Many still bear a deep hatred for the Serbs. The remaining 10% of the population are Serbs who generally live in isolated enclaves and a few larger towns close to the Kosovo and Serbian boundary. They speak Serbo-Croat, follow Serbian Orthodox customs or religion and believe Kosovo should remain part of Serbia.

Because of U.S. support to KFOR and UNMIK stabilizing efforts over the last four year, the beginnings of peaceful coexistence are beginning to emerge. Most evident is the progress UNMIK made in establishing the necessary structures for provisional democratic self-government in Pristina, the provincial capital of Kosovo. The Provisional Institutions of Self-Government (PISG), including a President, Prime Minister, and a multi-ethnic, Kosovo Assembly, have been in place since March 2002, and municipal elections were successfully held for a second time on October 26, 2002.¹⁸ This achievement is important, but the continued threat of ethnic hatred directed at Kosovar Serbs, if left unchecked, could easily reverse the progress Kosovo has made towards slowly becoming a multi-ethnic society.

In summary, Kosovo remains an important U.S. National Interests. The objectives of United States policy worldwide are to support countries that are: continuing to evolve in to market democracies, cooperating with our regional allies to discourage organized aggression, and promoting human rights while promoting the rule of law.¹⁹ While Kosovo is not a sovereign country, these policy objectives are still appropriate because of the greater U.S. National Interests in maintaining a stable Europe.

THE POLITICAL END STATE OPTIONS FOR KOSOVO

There are several options the United States and the international community should consider as a possible final political end state for Kosovo. In order for the U.S. to help chart a path that will ultimately result in determining a final end state, it is necessary to address three questions. First, what are the basic principles of UNSCR 1244 that establish the possibility of an end state? Next, how does the Bush administration policy and recent events in the Balkans affect the current situation in Kosovo? Finally, what are the possible options for an end state?

UNITED NATIONS SECURITY COUNCIL RESOLUTION 1244

As mentioned earlier, UNSCR 1244 established UNMIK to assist Kosovo in developing a provisional form of government, “under which the people of Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia,” until the political end state is determined through a political process.²⁰ To implement the provisions of the resolution, the U.N. created the Senior Representative to the Secretary General (SRSG) position to head UNMIK. Currently the SRSG is Germany's Michael Steiner. He is the architect of UNMIK's plan to accomplish the U.N. mandate by means of the process called “Standards before Status.”

This process identifies the standards for eight areas, with a series of “benchmarks” to gauge progress toward meeting the standards of self governance and stability that Kosovo must achieve before a final status will be determined. Importantly the UNMIK goals, derived from the provisions of UNSCR 1244, are in concert with the goals and U.S. National Interests mentioned in the NSS. Both emphasize establishing democratic self-government, supporting economic reconstruction, and promoting human rights. This establishes the premise that once Kosovo achieves these goals, the international community will have to decide what that final outcome will be. The process also indicates that the status will move from the substantial autonomy within another state, towards a status of full independence.

THE BUSH ADMINISTRATION'S POLICY ON THE FINAL END STATE

In light of recent events in the Balkans involving the Federal Republic of Yugoslavia, the Bush Administration provided a glimpse of its current policy on Kosovo. In February 2003, Yugoslavia officially no longer existed. The Federal Republic of Yugoslavia (FRY) changed its name to Serbia and Montenegro, which gave Montenegro more autonomy and an increased status between the two republics. A referendum for Montenegro's complete independence is set for 2005. While still joined in state union with Serbia, Montenegro has peacefully gained greater independence over time. Montenegro's peaceful evolution from the FRY, rather than one of violence that has plagued the region, raised the issue of Kosovo's final status as the last piece of the Balkans puzzle to solve.

Serbia's Prime Minister Zoran Djindjic pressured the U.N. by calling for meetings in June 2003, coinciding with the fourth anniversary to the end of the war, and advocated expediting the process to determine the final end state.²¹ Prior to this turn of events, the Kosovar Albanians were the only party anxious to resolve the stalemate.

On February 12, 2003, the U.S. State Department responded to the statements by Serbia regarding Kosovo's status as potentially destabilizing, and reiterated that the U.S. position remained in support of UNSCR 1244 and the benchmark process of UNMIK. Specifically, "The best and only acceptable way to prepare for discussions concerning Kosovo's future status is through the achievement of key democratic goals -- a process called 'standards before status'.²² This implies that the U.S. administration prefers the Status Quo as opposed to an immediate solution to the end state question, even though Belgrade and Pristina are beginning to show a desire to start the debate.

While, in general, the U.S. supports this deliberate process, there are indicators that the U.S. believes UNMIK is not moving fast enough. Less than one week earlier, during his address to the UN Security Council, Richard S. Williamson, U.S. Representative to the United Nations for Special Political Affairs, stated that the U.S. was concerned over UNMIK's reluctance to relinquish some of its authority to the provisional government authorities at the central and municipal levels that have been established to this point. He cited as an example, the unwillingness of UNMIK to give real decision-making authority to the provisional Ministry of Finance and Economy, one of the key Ministries that will determine Kosovo's ability to self govern. At the same time SRSG Steiner has established the benchmarks, there is no operational plan for achieving them and no tangible measures of effectiveness.²³

A major setback to the possibility of dialog beginning between Belgrade and Pristina occurred on March 12, 2003, with the assassination of Prime Minister Djindjic in Belgrade. While it is too early to know who is responsible or the reason for the tragedy, speculation is that remnants of Milosevic's regime or the strong organized crime faction may have been involved.²⁴ Prime Minister Djindjic played a crucial role in helping Serbia come to terms with and move beyond its recent past. He promoted the economic and political reforms necessary for Serbia's integration into Europe, including initiating the dialog of the final status of Kosovo. In his statement expressing the condolences of the United States, Secretary of State Colin Powell, acknowledged the progress of Serbia when he said, "We are confident that Serbia's political leaders will continue Prime Minister Djindjic's vital work. The United States remains committed to helping Serbia undertake the economic and democratic reforms that will lead it toward a brighter and more prosperous future within Europe."²⁵

POSSIBLE OPTIONS

The UNMIK's plan of standards before status is designed to create a stable Kosovo, from which the international community can then determine the final end state. This plan, in accordance with UNSCR 1244, accomplishes the short-term goal of building stability, but does not define a specific end state. Officially, the political strategy for Kosovo has not been addressed by any U.S. or international governmental agency. However, there are many private organizations that have suggested some possible solutions.

One such agency is the United States Institute for Peace (USIP).²⁶ The USIP has been developing solutions for Kosovo since 1998. In their most recently published study, the institute suggests a continuum of possible solutions. The USIP immediately discards the options of immediate independence at one extreme and full return to Serbia at the other extreme. The former would lead to disaster because of Kosovo's instability and heavy dependence on the international community. The latter would, in all likelihood, return the province to the war that began this problem in the first place. Within these two extremes, the institute has developed possibilities that address independence, the Status Quo, as well as options that preserve nominal Serbian sovereignty.²⁷

The independence options include independence guaranteed after a fixed time period or independence at some unspecified time in the future, if Kosovo meets the UNMIK standards of governance.²⁸ The precedence for independence was set throughout the Balkans beginning in 1991 in Croatia, Slovenia, Bosnia-Herzegovina, Macedonia, and now momentum is moving towards Montenegro. In all, except Macedonia and Montenegro, independence came at the price of death and destruction. These wars were fought by republics, basically sovereign countries, that already had existing borders, governments, economies, and armies, to break away from a federation. What is distinct about Kosovo is that it is only a province of a sovereign country with the minimum means to govern itself, and without the means to support and protect itself. While independence is of foremost importance to the Albanian majority in Kosovo, the topic is not on UNMIK's agenda. UNMIK is focused on the programs to establish "substantial autonomy" in Kosovo, not the political process.

There are military and political implications for the U.S. if Kosovo becomes an independent country, regardless of the timing. First, independence will establish possible new military objectives for Kosovo. Without the means to secure itself, Kosovo will need at least a defensive force capability. The U.S. and its allies would have to train and equip such a force. Once this is accomplished, the significant reduction of U.S. forces, in conjunction with NATO, could occur. Second, Kosovo's Independence may set a precedence for other breakaway provinces in other regions, Russia's Chechnya and China's Tibet. These two permanent members of the U.N. Security Council would have a vote on any resolution to change the political status of Kosovo.

The Status Quo possibilities consist of maintaining the existing UNMIK and NATO protectorate or handing the province over to a regional alliance like the European Union.²⁹ This method would mirror the process that occurred in Bosnia-Herzegovina in early 2003. The United Nations ended its seven year old mission and handed it over to the European Union with NATO forces retaining the security mission. Although Bosnia-Herzegovina was granted immediate independence from the FRY under the Dayton Accords, the country still requires an international presence for internal security and assistance to rebuild its self-governance and stability. Perhaps the Bosnia-Herzegovina case supports a long-term process to ensure sustainable peace and stability before addressing the issue of independence is an indicator of Kosovo's future.

The Status Quo options support the U.S. Balkans policy, therefore stability in Europe, but defer the end state and refuse Kosovo any prospect of achieving independence in the near future. It is this current non-status that has continued to frustrate the elected leaders in Pristina and the Kosovar Albanian citizenry who believe they are capable of independence. Without the hope of independence many Kosovars are willing to allow the international community to continue its support. This could be self defeating because international investment may dwindle without progress.³⁰

Lastly, while the least desirable in the minds of the Kosovar Albanians, an agreement to become an autonomous entity, either as a province, as it was prior to Milosevic's revocation in 1989, or as a republic similar to Montenegro, may be the final solution. The Kosovar Albanians reject any such notion, but should consider the significance of the regime change in 2000. The new leadership in Belgrade was instrumental in ending the regime of Slobodan Milosevic and peacefully restoring democratic rule. Following election defeat, the former president and many responsible for the ethnic cleansing were deported by the current government and are now incarcerated facing trial for war crimes in Kosovo and Bosnia-Herzegovina at The Hague.³¹ Even with Prime Minister Djindjic's assassination, the recent overtures by the government of Serbia and Montenegro offer an inkling that they are willing to provide a possible solution despite the opinions of the U.S. and the SRSG that may be too soon.

The implications of these options for the U.S. are mixed. Initially to affect the transition, the U.S., as a part of KFOR, would be required to ensure the security of Kosovo until Serbian authorities demonstrated their abilities to maintain order. After that, some type of observer force, either U.N. or regional alliance, would still have to remain as the final guarantor of security. The U.S. would most likely participate, partly because of its initial leadership to resolve the 1999 crisis, but mainly to protect U.S. interests in the region. The more positive aspects of this solution are the political and economic benefits Belgrade can offer and the reduction of U.S. economic support. Serbia and Montenegro is being considered for European Union membership in 2004. Even though it is highly unlikely that the

Kosovo's end state will be decided by that time, as Serbia and Montenegro continues to move closer to Europe, the economic aid this brings will benefit Kosovo as a part of the state union.

These three solutions for a possible end state — independence, Status Quo, Serbian sovereignty — provide broad options that are shaped by UNMIK's plan, standards before status, international desires, and U.S. Policy. At this point the U.S. and the international community are committed to staying the course UNMIK has charted for Kosovo. Steering off the road would put Kosovo into uncharted territory either on a shortcut towards independence or a return to conflict with Serbia.

KOSOVO'S PROGRESS TOWARD AN END STATE

According to UNMIK, Kosovo must achieve eight goals before the international community will engage in the political process that will determine its end state. The goals are closely aligned with U.S. interests: political and economic freedom, peaceful relations with other states, and respect for human dignity. Although Kosovo has made significant progress since the goals were established, there is still a considerable amount of work ahead.

The eight goals are: Rule of Law, Functioning Democratic Institutions, Freedom of Movement, Returns and Reintegration, Economy, Property Rights, Dialogue with Belgrade, and Kosovo Protection Corps.³² Together, these goals are consistent with U.S. interests. The three goals of Freedom of Movement, Property Rights, and Returns and Reintegration support the U.S. National interest of respect for human dignity. The U.S. interest of political and economic freedom is served if Kosovo establishes Functioning Democratic Institutions, to include the Kosovo Protection Corps, and an Economy. Lastly, the U.S. interest of peaceful relations with other states is supported by beginning a Dialog with Belgrade. Most important, however, is the Rule of Law.

RULE OF LAW IS FUNDAMENTAL

Establishment of the rule of law is the foundation for developing a politically and economically stable Kosovo and the basis for respecting human dignity, regardless of the final end state. Since 1999, the United States has been committed to working with UNMIK, the Organization for Security and Cooperation in Europe (OSCE), and other international partners to bring the rule of law to Kosovo. This is key to the internal stability of Kosovo, particularly to prevent organized crime and corruption that affects democratic governance and the economy. The rule of law includes the development of law enforcement, judicial, and penal institutions that represent ethnic diversity and serves the people of Kosovo effectively and impartially.

With the withdrawal of the Serbian police from Kosovo according to UNSCR 1244, law enforcement became the responsibility of UNMIK-Police (UNMIK-P), consisting of officers sent by

their home countries to serve with the U.N. Currently, 45 nations contribute police officers. The OSCE and UNMIK-P are responsible for recruiting and training qualified Kosovars to serve in the Kosovo Police Service (KPS). The creation of the KPS has been one the more successful UNMIK projects to date. The KPS is multi-ethnic (16%) which surpasses the ethnic makeup of the province and employs a fair share of women (16%).³³ By January 2003, UNMIK had trained nearly 5200 KPS officers deployed in all five regions of the province and at border crossings.³⁴

UNMIK, with help from the OSCE, has established a justice and penal system in Kosovo. Today, the total number of judges and prosecutors is 382 and seven correctional facilities. In December, 2002 the SRSG appointed 42 judges and prosecutors with a mix of 19 ethnic Albanians, 21 Serbs, and two other minorities. These appointments came as a result of the process by which the Kosovar assembly recommends judicial candidates to the SRSG.³⁵ The ethnic mix shows the assembly's dedication to creating multi-ethnic branches of government. Initially, KFOR handled detentions until UNMIK established adequate detention/corrections facilities. Presently, the Kosovo Correction Service (KCS) operates and employs over 1100 correctional officers, which mirror the ethnic diversity of Kosovo.³⁶

Without the rule of law, it will be difficult for Kosovo to improve human rights and develop political and economic stability—the U.S. national interests. The establishment of the rule of law has shown steady progress with the establishment of the KPS, the judiciary, and the KCS. What remains to be seen is the ability of these institutions to function without U.S and international oversight.

RESPECT FOR HUMAN DIGNITY

Until the rule of law is firmly established, whereby ethnic persecution and violence is punished by a fair and impartial judicial system, little will improve inter-ethnic respect. The UNMIK goals, supporting the U.S. interest of respect for human dignity, address the right of all Kosovars to live in peaceful co-existence. The goals are intended to encourage returns and reintegration of minorities to Kosovo, improve freedom of movement for all Kosovars, and solve property rights issues.

Returns and Reintegration

Returns and reintegration of Internally Displaced Persons (IDPs) and refugees, mainly Serbs, continue to be negligible. This problem is tied to the security issues of freedom of movement and property rights. Some former Serbian residents were resettled in Kosovo by the Belgrade government during the last century, or were refugees from the 1991-95 wars in Croatia and Bosnia-Herzegovina. In many cases, they were given property that had been confiscated from Albanian inhabitants.³⁷

The OSCE and the Office of the United Nations High Commissioner for Refugees (UNHCR) issued a joint assessment of the situation of ethnic minorities in Kosovo on March 10, 2003. The return of displaced minorities in 2002 was 2,741, compared to 1,906 in 2000. That leaves close to 100,000 displaced Kosovo Serbs and other minorities, living mainly in Serbia and Montenegro, but also in Bosnia-Herzegovina and Macedonia.³⁸ Some have settled permanently elsewhere and some are living abroad waiting for the security situation in Kosovo to improve before returning. The report also noted that many Serb IDPs and refugees return to mono-ethnic areas, due to security concerns. Harassment, threats, and occasional violence persist in many ethnically-mixed areas. This not only affects returns, but also the remaining Serbs who continue to sell their property and leave the province permanently. The UNHCR/OSCE report concludes that confidence-building measures tied to freedom of movement, property rights, and most importantly, interethnic dialogue must be a priority in order to create minimum levels of stability before significant returns can take place.³⁹

Freedom of Movement

The biggest obstacle to solving the freedom of movement problem is ethnic segregation, mainly by choice, between the Kosovar Albanian majority and the Kosovar Serb minority populations. The lack of freedom of movement affects an ethnic minority's right to access markets and services when it is restricted by the opposite ethnic majority in the community. In Kosovo this is mostly apparent in isolated Kosovar Serb enclaves in rural areas, but also affects ethnic Albanians living in mixed communities where they the minority. However, there are examples of progress in ethnically-mixed communities. The city of Mitrovica is one of the few largely Serb-dominated cities in northern Kosovo. In 2002, the Serbian government cooperated with UNMIK to convince the Kosovar Serbs to stop restricting freedom of movement of minority Kosovar Albanians in the city. Additionally, UNMIK-P and KPS increased their patrols in Mitrovica to help improve the freedom of movement.⁴⁰ Likewise in the southern part of Kosovo, KFOR security requirements for Serbs in Albanian-dominated areas have slowly reduced as the situation normalizes.

Property Rights

Throughout the ten years of violence leading up to and including the war, property rights, mainly homes and land, changed hands through illegitimate means. Part of the Milosevic regime's ethnic cleansing campaign included destroying public records of property. The OSCE, along with UNMIK, has had the daunting task of trying to sort through the process of establishing rightful ownership. As of July 2002, the OSCE had over 19,000 claims to settle mainly from the conflict in 1999. This is seen as a major hindrance to the return of IDPs and is not strictly tied to ethnic rivalry. Many homes were either destroyed throughout the years or occupied by IDPs as they returned following the

conflict. To compound this problem, illegal construction has been carried out on land that is illegally occupied.⁴¹

In Sum, the progress Kosovo has shown, to achieve the goals associated with respect for human dignity, is limited by an immature internal security situation. Kosovo still requires U.S. and NATO military backing to enforce security until the KPS can legitimately provide a secure environment. The good news is that ethnically motivated crimes, particularly violent crimes, continue to decline in Kosovo. UNMIK is hoping the situation in Kosovo will be sufficiently stable to enable a marked increase in minority returns this year. However, these returns will likely create many more property rights claims for UNMIK and the provisional government to resolve.

POLITICAL AND ECONOMIC FREEDOM

The Two UNMIK goals of Functioning Democratic Institutions and Economy are designed to create greater autonomy for Kosovo. Presently, the establishment of democratic institutions in Kosovo is at an early stage and uncertainty about Kosovo's future is discouraging foreign investment and limiting economic development.⁴² Yet, UNMIK in conjunction with the OSCE, continues to provide advice and support to government officials at all levels to further the concept of democratic government. This involves a comprehensive training program that will enable the PISGs to develop a constructive role in political and public life, including the need for long-term municipal planning.⁴³

Functioning Democratic Institutions

After three years of successful elections, democratically-oriented structures are beginning to take root. Serb integration into the government, however, is still problematic. The Kosovo assembly is controlled by ethnic Albanian lawmakers. The election held in October, 2002, to include electing counselors to manage everyday issues, was seen as a crucial step for UNMIK efforts to foster normal life and reconciliation. Following the elections, however, the ethnic Serbs threatened to boycott Kosovo's new government because they were only given control of the Agriculture Ministry. The Serbs also demanded to run the ministry overseeing the return of Serbian refugees. SRSG Steiner, insisted that refugee return was part of the United Nations mandate, but agreed to accept a Serb-appointed adviser.⁴⁴

To strengthen the government institutions, UNMIK initiated the transfer of substantial responsibilities to the local government by creating a transfer council. The transfer council is co-chaired by the SRSG and the Prime Minister of Kosovo, Bajram Rexhepi. UNMIK retains final authority as set out in resolution 1244 and will increase its focus on its core responsibilities, in particular the protection of minority rights, the rule of law and security, and external relations. In March 2003, the council started the transfer of responsibilities, phased throughout the year, from

UNMIK to the PISGs. Mr. Steiner noted the new responsibilities would also raise the stakes for the Kosovar government. "Kosovo's institutions will have greater powers and face greater sanctions if they abuse those powers," and, "I'm very happy today because we created the Council, and the more authorities you have, the more responsibilities you bear. I hope we are on the path to be more efficient, in the interest of all Kosovo citizens."⁴⁵

Another important institution, specified as an UNMIK goal, is the Kosovo Protection Corps (KPC). Part of the UNSCR 1244 called for the disarmament, demobilization, and reintegration of the Kosovo Liberation Army (KLA), the rebel fighters who resisted the Serbian onslaught. Many KLA members formed the nucleus of the KPC. The KPC consists of 3,000 active members and 2,000 reservists, including 500 members of minorities. The KPC's primary function is to assist the provisional government in civilian reconstruction, disaster relief, infrastructure repair, and in cleaning up the province. It is open to all of the ethnic communities in Kosovo.⁴⁶

The KPC functions under the political authority of the UNMIK and the operational control of KFOR. KFOR military units throughout Kosovo have established partnerships with KPC units. Some of these are aligned along functional lines. For instance, KFOR engineer units are partnered with KPC engineer units. This close relationship allows KFOR to help train and mentor the KPC and enable it to make a useful contribution to the restoration of peace and security for all the communities of Kosovo. The KPC will most likely become the armed force if Kosovo gains independence. However, this concerns many Kosovar Serbs who still associate the KPC with the former KLA.

Economy

Probably the area that has shown the least amount of progress towards substantial autonomy is Kosovo's economy. The European Union (EU) is attempting to create a market-based economy to give Kosovo the possibility of further integration among its neighbors and within Europe. Prior to the war, much of the industry was owned and managed by Serbs. The Albanians were either farmers or served as the labor force in the Serbian-managed factories. Following the war, the Serb management fled the province leaving behind an unskilled workforce. Additionally, much of the machinery was grossly outdated, reflecting years of communist-style facilities and equipment.

Kosovo relies heavily on international economic support from both the U.S. and Europe. Despite four years of international support, the economic progress in Kosovo is still slow. In partnership with UNMIK and other international agencies in the region, the EU is working to regenerate and modernize the economic structure of Kosovo. Its aims are to oversee and coordinate the rebuilding of the physical infrastructure that make this possible and by leading the process of

management change, which would make progress a reality⁴⁷. The EU is responding to this challenge by providing economic and technical assistance projected at \$4.65 billion through 2006.⁴⁸

Conversely, U.S. economic assistance to Kosovo reflects a slight decline. The 2004 U.S. budget proposal shows a reduction from \$85 million to \$79 million to Kosovo and a similar reduction in U.S. economic assistance elsewhere in the Balkans. Kosovo's immediate neighbors, Serbia and Montenegro dropped from \$135 million to \$113 million and Macedonia from \$50 million to \$39 million.⁴⁹ This is partially due to U.S. domestic and foreign concerns, such as Homeland Defense and other military operations.

Some indicators suggest Kosovo is taking the appropriate steps to help improve the economy. In January 2002, Kosovo joined the twelve Eurozone members of the EU, by converting its currency from the German Mark to the Euro. In the months leading up to the changeover, the people of Kosovo were encouraged to open bank accounts to help modernize the financial environment. In December 2001 alone, the number of bank accounts held at Kosovo's seven licensed banks doubled. This increase reflected the Kosovar's strong desire to build an economy that will simplify integration with Europe.⁵⁰

Thus far, Kosovo's progress to improve its democratic and economic freedom is encouraging. Kosovo has continued to take small steps towards self-sustaining government institutions. Democratic elections to select multi-ethnic government officials are well established. The transfer of more responsibility from UNMIK to the provisional government in 2003 will be Kosovo's first real test to see if it is ready for autonomy. A major determining factor for greater independence will be the government's ability to begin weaning Kosovo from its reliance on international economic support. Additionally, the institutions created from the rule of law will help Kosovo make greater strides to improve economic stability in a region that is fraught with organized crime, corruption, and unemployment.

It is clear that UNMIK's eight goals are inherently intertwined; and that they are linked to U.S. policy. The rule of law establishes the foundation for a multi-ethnic society that can govern itself and prosper economically. The U.S. and the international community have laid out an achievable plan provided that the citizens of Kosovo continue to build mutual respect for human dignity, in spite of ethnic differences. A recent statement by Mr. Steiner, the SRSG, succinctly summarized the genuine measures of success the province must achieve to gain the respect of the international community, and begin the political process for determining Kosovo's end state: "Kosovo must prove that it is creating a multi-ethnic society where every Kosovar regardless of ethnic origin can live in security and dignity."⁵¹

CONCLUSION

In the final analysis, once the U.S. and its allies chose to fight a war to stop Serbia from killing and expelling its own citizens, they committed themselves to finding a pathway for Kosovo's independence. Likewise, the international community is obligated to this end state as long as Kosovo supports the peaceful cohabitation and respect of all ethnic groups in Kosovo. Anything less would be hypocritical.

The last four years have shown that Kosovo continues to move, step by step, towards self-sustaining democratic and economic freedom in a multi-ethnic framework. The U.S. and international community have been a positive example for Kosovo and the goals they have established will eventually set the conditions for Kosovo to become independent. Kosovo's elected leaders have made progress by learning that the only way to make the argument for independence is to create a multi-ethnic society. The major challenge for Kosovo's leadership will be to unite the people of Kosovo in this cause.

Ultimately, Serbia will have a say in the process of determining Kosovo's end state. Presently, Kosovo's status as a U.N. protectorate appropriately restricts its ability to establish diplomatic relations with its neighbors. This is the responsibility of UNMIK. However, prior to his death in March 2003, Prime Minister Djindjic and his deputy were invited by SRSG Steiner to the first direct talks between Serbian officials, UNMIK, and Kosovo's politicians since NATO intervened in 1999. UNMIK made its position clear, that at this point, the end state discussion is not on the agenda, but encouraged technical discussions that continue to build cooperation between the two parties.⁵²

Clearly this is a slow process that will take time to build the critical governmental, economic, and human rights pillars that will ultimately allow Kosovo to emerge as a stable independent country. The lesson learned in Bosnia-Herzegovina, where U.S. and allied military peacekeepers are required to maintain security after seven years of independence, has taught the international community to proceed more carefully. Ideally, Kosovo will not require international peacekeeper's, to include the U.S. military, to maintain its internal safety and security. The best solution for Kosovo is to become independent once it proves that it can govern itself, economically support itself, and treat all citizens with dignity.

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ENDNOTES

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