

CRS Report for Congress

Received through the CRS Web

Kosovo and U.S. Policy

Updated December 4, 2001

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

Report Documentation Page				Form Approved OMB No. 0704-0188	
Public reporting burden for the collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to a penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.					
1. REPORT DATE 04 DEC 2001		2. REPORT TYPE		3. DATES COVERED 00-00-2001 to 00-00-2001	
4. TITLE AND SUBTITLE Kosovo and U.S. Policy				5a. CONTRACT NUMBER	
				5b. GRANT NUMBER	
				5c. PROGRAM ELEMENT NUMBER	
6. AUTHOR(S)				5d. PROJECT NUMBER	
				5e. TASK NUMBER	
				5f. WORK UNIT NUMBER	
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) Congressional Research Service, The Library of Congress, 101 Independence Ave, SE, Washington, DC, 20540-7500				8. PERFORMING ORGANIZATION REPORT NUMBER	
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)				10. SPONSOR/MONITOR'S ACRONYM(S)	
				11. SPONSOR/MONITOR'S REPORT NUMBER(S)	
12. DISTRIBUTION/AVAILABILITY STATEMENT Approved for public release; distribution unlimited					
13. SUPPLEMENTARY NOTES					
14. ABSTRACT					
15. SUBJECT TERMS					
16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT Same as Report (SAR)	18. NUMBER OF PAGES 22	19a. NAME OF RESPONSIBLE PERSON
a. REPORT unclassified	b. ABSTRACT unclassified	c. THIS PAGE unclassified			

Kosovo and U.S. Policy

Summary

In 1998 and 1999, the United States and its NATO allies attempted to put an end to escalating violence between ethnic Albanian guerrillas and Yugoslav/Serb forces in Yugoslavia's Kosovo region. They were outraged by Serb atrocities against ethnic Albanian civilians, and feared that the conflict could drag in other countries and destabilize the region. These efforts culminated in a 78-day NATO bombing campaign against Serbia from March to June 1999. Yugoslav leader Slobodan Milosevic agreed to withdraw his forces from the province in June 1999.

Since June 1999, Kosovo has been governed by an interim U.N. civil administration, under the terms of U.N. Security Council Resolution 1244. After elections are held and an autonomous government is in place, Kosovo's final status is to be considered. Almost all ethnic Albanians want independence for Kosovo; Serbs say it should remain within the Federal Republic of Yugoslavia (FRY). The NATO-led peacekeeping force KFOR is charged with providing a secure environment for the implementation of UNSC Resolution 1244.

Kosovo held municipal elections on October 28, 2000. The Democratic League of Kosovo (LDK), led by moderate Ibrahim Rugova handily defeated its leading competitor, the Democratic Party of Kosovo, led by ex-Kosovo Liberation Army commander Hashim Thaci. Almost all ethnic Serbs in Kosovo boycotted the vote. In May 2001, the U.N. civil administration issued a "Constitutional Framework" for Kosovo. The Constitutional Framework provides for an elected legislature and an autonomous government with limited powers, but does not deal with Kosovo's final status. Elections for the Kosovo assembly were held on November 17, 2001. The LDK won a plurality, but not a majority, of the vote. About half of eligible Serb voters participated in the vote, after being urged to do so by the Yugoslav and Serbian governments.

Bush Administration officials have said that they support autonomy for Kosovo within the FRY, but not independence. In 2000, the Bush campaign suggested that the United States would seek to withdraw its forces from KFOR and other Balkan peacekeeping missions. After taking office, however, President Bush said that, while the United States was looking to reduce its forces in the region, the United States would only do so in conjunction with its NATO allies. He said that NATO forces had "gone in together" and would "come out together." After the September 11, 2001 terrorist attacks in the United States, Administration officials said that U.S. forces in the Balkans could be withdrawn if they were needed for the war on terrorism. In 1999, Congress explicitly approved nor blocked U.S. participation in NATO air strikes against Serbia, but appropriated funds for the air campaign and the U.S. peacekeeping deployment in Kosovo. In 2000, several Members unsuccessfully attempted to condition the U.S. military deployment in Kosovo on congressional approval and on the implementation of aid pledges made by European countries. Congress provided funding for reconstruction in Kosovo, but limited U.S. aid to 15% of the total amount pledged by all countries.

Contents

Most Recent Developments	1
Introduction	1
War in Kosovo: February 1998-June 1999	2
Current Situation in Kosovo	4
The Issue of Kosovo's Final Status	6
International Response	7
KFOR	8
Civil Administration (including Police and Justice)	9
Institution-Building	11
Humanitarian Aid and Refugee Returns	12
Reconstruction	13
War Crimes	14
U.S. Policy	15
Congressional Response	18

Kosovo and U.S. Policy

Most Recent Developments

On November 17, 2001, voters in Kosovo and displaced persons outside of the province went to the polls to select a 120-seat Assembly. The Assembly contains 100 deputies elected by all of the voters of Kosovo, and an additional 20 seats set aside for the Serbian, Bosniak, Turkish and Roma minorities. The moderate Democratic League of Kosovo (LDK in Albanian) won 47 seats in the Assembly. The nationalist Democratic Party of Kosovo (PDK), the largest party formed from the former Kosovo Liberation Army, won 26 seats. Return, a coalition of Serbian parties, won 22 seats. The Alliance for the Future of Kosovo (AAK), an ex-KLA party that has tried to position itself as a pragmatic force, won 8 seats. Four small ethnic Albanian parties won one seat each. The remaining 13 seats were won by parties representing the Bosniak, Turkish and Roma communities in Kosovo.

The Assembly will elect a President and a government. Experts believe that LDK leader Ibrahim Rugova may be chosen as President, while the government could be led by the LDK in a broad coalition of ethnic Albanian parties and minority groups. The new Kosovar institutions will have limited powers of self-government, under the supervision of the U.N. Mission in Kosovo. UNMIK and Western countries have warned ethnic Albanian leaders not to use the institutions to attempt to declare Kosovo's independence from Yugoslavia.

The September 11 terrorist attacks on the United States were condemned by Serbian and Kosovo Albanian leaders. However, some Serbian officials attempted to turn the changed global political situation to their advantage by claiming that Bin Laden's Al-Qaeda organization is operating in Kosovo. Kosovo Albanian leaders hotly denied the charge.

Introduction

In 1998 and 1999, the U.S. and its NATO allies attempted to put an end to escalating violence between ethnic Albanian guerrillas and Yugoslav forces in the Federal Republic of Yugoslavia's Kosovo region. They were outraged by Serb atrocities against ethnic Albanian civilians, and feared that the conflict could drag in other countries and destabilize the region. These efforts culminated in a 78-day NATO bombing campaign against Serbia from March to June 1999. Yugoslav leader Slobodan Milosevic agreed to withdraw his forces from the province in June 1999, clearing the way for the deployment of U.S. and other NATO peacekeepers. While NATO's action ended Milosevic's depredations in Kosovo, it has left U.S. and other Western policymakers with many difficult issues to deal with. These include creating

the conditions for the resumption of a normal life in Kosovo, including setting up an autonomous government and reconstruction of the province, as well as dealing with the thorny issue of Kosovo's final status. Additional challenges emerged after the deployment, including the rise of ethnic Albanian guerrilla movements in southern Serbia and Macedonia, which threatened to destabilize the region before they were dismantled in 2001.

U.S. engagement in Kosovo has been controversial. Proponents of engagement say that instability in Kosovo could have a negative impact on the stability of the Balkans and therefore of Europe as a whole, which they view as a vital interest of the United States. In addition, they claim that such instability could deal a damaging blow to the credibility and future viability of NATO and Euro-Atlantic cooperation. They say the involvement of the United States is critical to ensuring this stability, because of its resources and political credibility. Critics, including some in Congress, say that the situation in Kosovo does not have as large an impact on vital U.S. interests as other issues, particularly the war on terrorism in the wake of the September 11 terrorist attacks on the United States. They say that the Kosovo mission harms the readiness of U.S. forces to deal with these more important contingencies. They see the mission in Kosovo as an ill-advised, open-ended exercise with unclear objectives. They call on European countries to take on the whole burden of the peacekeeping mission. Both congressional advocates and opponents of U.S. engagement insist that the Europeans pay the lion's share of reconstruction aid to Kosovo.

War in Kosovo: February 1998-June 1999

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

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

Kosovo At a Glance

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

Population: 1.956 million (1991 Yugoslav census)

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

The United States and other Western countries used sanctions and other forms of pressure to try to persuade Milosevic to cease repression and restore autonomy to Kosovo, without success. The increasing deterioration of the situation on the ground

led the international Contact Group (United States, Britain, France, Germany, Italy and Russia) to agree on January 29, 1999 on a draft peace plan for Kosovo. They invited the two sides to Rambouillet, near Paris, to start peace talks based on the plan on February 6. As an inducement to the parties to comply, on January 30 the North Atlantic Council agreed to authorize NATO Secretary-General Javier Solana to launch NATO air strikes against targets in Serbia, after consulting with NATO members, if the Serb side rejected the peace plan. NATO said it was also studying efforts to curb the flow of arms to the rebels. The draft peace plan called for 3-year interim settlement that would provide greater autonomy for Kosovo within Yugoslavia, and the deployment of a NATO-led international military force to help implement the agreement.¹ On March 18, 1999, the ethnic Albanian delegation to the peace talks signed the plan, but the Yugoslav delegation rejected it.

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

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

Within weeks of the pullout of Yugoslav forces from Kosovo and the deployment of NATO-led peacekeeping force KFOR, the overwhelming majority of ethnic Albanian refugees returned to their homes. At the same time, over 200,000 ethnic Serbs and other minorities living in Kosovo left the province, according to the

¹ The text of the plan can be found at [http://www.state.gov/www/regions/eur/ksvo_rambouillet_text.html]

U.N. High Commissioner for Refugees. International officials estimate the number of Serbs living in Kosovo at about 100,000. Many of the Serbs remaining in the province live in northern Kosovo, many in or near the divided town of Mitrovica. The rest are scattered in isolated enclaves in other parts of the province, protected by KFOR troops. A key reason for the departures is violence and intimidation by ethnic Albanians. Hundreds of ethnic Serbs and members of other minorities have been murdered. Kosovo Serbs say that since the pullout of Yugoslav forces, over 1,500 ethnic Serbs have gone missing. Hundreds of houses of Serb refugees have been looted and burned.

Current Situation in Kosovo

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

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

After consultation with local leaders, UNMIK issued a Constitutional Framework for Provisional Self-Government in Kosovo in May 2001. The Constitutional Framework calls for the establishment of a 120-seat legislature, which will elect a President and a Prime Minister. Twenty seats are reserved for ethnic minorities, including 10 for Serbs, but Serbs do not have a veto power on laws passed by the ethnic Albanian majority in the body. UNMIK retains oversight or control of policy in many areas, including monetary policy, customs policy, police, judiciary and

foreign relations. UNMIK can invalidate legislation passed by the parliament if it is in conflict with U.N. Security Council Resolution 1244. KFOR remains in charge of Kosovo's security. The Constitutional Framework does not address the question of Kosovo's final status. Leaders of ethnic Albanian parties voiced disappointment that the document does not allow for a referendum to decide Kosovo's final status, but said their parties would participate in the November 2001 elections. They also said that the Constitutional Framework gives Kosovars the illusion of self-rule rather than the reality, since it reserves many key powers for UNMIK. Kosovo Serb leaders condemned the Constitutional Framework, saying it paved the way for Kosovo's independence and did not contain a mechanism to prevent the ethnic Albanian-dominated legislature from abusing the rights of Serbs.²

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

The Assembly will elect a President and a government. Experts believe that LDK leader Ibrahim Rugova may be chosen as President, while the government will probably consist of an LDK-led coalition that could include a broad range of ethnic Albanian and minority parties. The new Kosovar institutions will have limited powers of self-government, under the supervision of the U.N. Mission in Kosovo.

UNMIK and Western officials have warned ethnic Albanian leaders not to use the new autonomous government institutions to attempt to declare Kosovo's independence, instead urging them to concentrate their efforts in governing Kosovo effectively. However, some analysts believe that even if the Kosovar Albanian-led government refrains from openly challenging the international community on the status issue, in part for fear of losing Western aid, it may chafe at its limited powers under the Constitutional Framework and UNMIK's continued tutelage.

In contrast to their boycott of the 2000 local elections, Kosovo Serbs turned out in substantial numbers to vote in the November 2001 legislative elections. Turnout in Serb-majority areas was about 47%, according to the OSCE, while turnout in Serbia and Montenegro was about 57%. (This compares with a turnout of about 67% in Albanian-majority areas). Serb turnout may have been depressed by conflicting messages from Serb leaders. In the months leading up to the vote, Yugoslav and Serbian leaders in Belgrade condemned UNMIK and KFOR's ineffectiveness in protecting Serbs in Kosovo and criticized the Constitutional Framework and the planned elections. However, after reaching a November 5, 2001 agreement with UNMIK, they called for Kosovo Serbs to vote. Nevertheless, some Kosovo Serbs

²The text of the constitutional framework can be found at [<http://www.un.org/peace/kosovo/pages/regulations/constitframe.htm>]

continued to call for a boycott, saying that Serb participation would legitimize Kosovo institutions that would eventually lead to independence from Yugoslavia. OSCE observers noted some efforts by boycott supporters to intimidate potential voters, especially in Serb-controlled northern Kosovo.

Another important issue in Kosovo is the status of ethnic Albanian prisoners in Serbian jails. A February 2001 amnesty law has led to the release of many of those jailed, although about 200 persons remain imprisoned. About half of the group are common criminals, while the other half have been convicted of “terrorism.” Kosovo Albanians charge that the prisoners are being held by Serbia in order to barter them for Serbs held in Kosovo jails on war crimes charges, as well as for information on the fate of Serbs kidnaped in Kosovo since KFOR’s deployment.

The Issue of Kosovo’s Final Status

The November 2001 elections in Kosovo mark an important step forward in the international community’s efforts to stabilize the province. However, the issue of Kosovo’s final status remains unclear. Ethnic Albanians in Kosovo strongly favor independence of the province from the FRY and its international recognition as a sovereign state as soon as possible. Kosovo’s independence is strongly opposed by the United States and other Western countries, as well as by all of Kosovo’s neighbors, except Albania. They fear that an independent Kosovo could destabilize the region by encouraging separatist ethnic Albanian forces in Macedonia, as well as the Serbia’s Presevo Valley, where many ethnic Albanians live. Some UNMIK officials are also reportedly skeptical about the ability of the Kosovars to run their own affairs, an attitude perhaps reflected in the restricted powers given to the autonomous government by the Constitutional Framework.

However, some experts have expressed skepticism about the feasibility of the international community’s efforts to postpone clarification of the final status issue to an indefinite future. They believe that it is unrealistic to try to ignore the clearly expressed desire of the overwhelming majority of the population of Kosovo on the issue that they see, rightly or wrongly, as most important to them. Some also believe that the uncertainty created by postponing the resolution of this issue could have a negative impact on Kosovo’s political and economic stability. However, these experts agree that Kosovar Albanians have to show they can run their own affairs and engage in responsible relations with neighboring countries. In October 2000, an independent commission of experts produced a report advocating “conditional independence” for Kosovo. Under the proposal, the international community would gradually turn over full powers to the Kosovo government and recognize Kosovo as a sovereign state, if it agreed to certain conditions, which could include respecting the territorial integrity of neighboring countries, real guarantees of democracy and minority rights, a renunciation of violence to solve internal and external disputes, and regional cooperation.³

³The report, with an September 2001 update, can be found at [<http://www.kosovocommission.org>]

The FRY and Serbian governments are strongly opposed to Kosovo's independence. The democratic leadership in Belgrade is not pleased with the loss of effective Serbian control over the province enshrined in UNSC Res. 1244, but nevertheless calls for its strict implementation, since it supports at least nominal FRY sovereignty over the province.

FRY and Serbian leaders have expressed anger and frustration at the inability of KFOR, the NATO-led peacekeeping force in the province, to stop violence against Serbs in Kosovo, and to provide conditions for the return of Serb refugees to their homes. However, Serbian leaders have had to balance their criticism of Western policy in Kosovo with their need to secure Western aid to rebuilding their economy. Moreover, they may believe that they can restore at least some control over Kosovo by working skillfully with the international community. Belgrade's last-minute decision to urge Kosovo Serbs to vote in the November 2001 elections may reflect these considerations. The November 5 agreement between UNMIK and Yugoslav President Vojislav Kostunica called for measures to improve the conditions for Serbs in Kosovo, and clarified that the Kosovo institutions will not be empowered to decide the final status of the province. It also called for institutionalizing cooperation between the FRY and UNMIK by establishing a working group of representatives of UNMIK, the FRY and the new Kosovo government.

Serbian Deputy Prime Minister Nebojsa Covic, who coordinates Belgrade's policy on Kosovo, has floated a cantonization plan for the province. Under the plan, Serbian-majority areas of the province would be controlled by local Serb authorities, with their own police, and possibly with the deployment of Serbian police and army troops. Ethnic Albanian authorities would control the rest of the province. Such a plan would have the benefit, from Belgrade's point of view, of consolidating its control over northern Kosovo, where most Serbs in the province now live, and where important economic assets, such as the Trepca mining complex, are found. Ethnic Albanian leaders have strongly opposed the idea for these very reasons. International officials fear that cantonization could lead to the eventual partition of the province along ethnic lines, which could in turn spark renewed violence.

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. Resolution 1244 says KFOR is to oversee the return of "hundreds, not thousands" of Yugoslav troops to Kosovo to liaise with the international presence, mark minefields, provide a "presence" at Serb historical monuments and "key border crossings." To date, no Yugoslav Army troops have returned to Kosovo for these purposes, but in March 2001, NATO approved the phased return of Yugoslav Army forces to the formerly demilitarized buffer zone between Kosovo and the rest of Serbia.

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

Bernard Kouchner, formerly France's Health Minister, served as Special Representative to oversee UNMIK until January 2001. He was replaced by Hans Haekkerup, Denmark's Defense Minister, on January 15, 2001. Gary Matthews of the United States is Principal Deputy Special Representative. Initially four deputies served under them, and were responsible for the pillars of civil administration, humanitarian aid, democratic institution-building, and reconstruction. The U.N. leads the first pillar (the fourth pillar, on humanitarian aid, was phased out in mid-2000). The OSCE is in charge of institution-building, and the European Union leads the reconstruction effort. In May 2001, UNMIK launched a new police and justice pillar in its structure that will oversee an increase in the strength of the local police and in the international judiciary. The authorization for UNMIK automatically continues unless the Security Council decides otherwise. A U.N. Security Council delegation visited Kosovo in June 2001 to review conditions for holding general elections in November. The mission stressed that the elections will "enhance the democratic process in Kosovo and the stability of the region."⁴ In an October 2001 report to the Security Council, U.N. Secretary-General Kofi Annan expressed concerns about continued inter-ethnic violence and criminal activity.

KFOR

According to DoD and NATO sources, KFOR has about 37,000 troops in Kosovo, as well as about five thousand more in support roles outside the province. KFOR is commanded by French Lt.-Gen. Marcel Valentin. The United States had about 5,400 troops in the province, and about 300 support troops in Macedonia. The U.S. controls one of five KFOR sectors in Kosovo. Other leading contributors are Italy (4,750), Germany (3,900) France (4,700) and Britain (3,300). Each has its own sector in Kosovo. Other participating countries serve under commanders from these countries. The U.S. sector contains troops from Russia, Poland, Greece, Ukraine, the United Arab Emirates and Lithuania. Russia has about 3,200 troops in KFOR, but does not have its own sector.

KFOR's mission, in accordance with UNSC 1244, is to monitor, verify, and enforce the provisions of the Military Technical Agreement and the KLA

⁴Report of the Security Council Mission on the implementation of Security Council resolution 1244, June 19, 2001. S/2001/600.

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 successfully oversaw the pullout of Yugoslav troops from Kosovo and the implementation of the KLA demilitarization agreement. However, KFOR has not been entirely successful in maintaining order in Kosovo, including in stopping attacks against Serbs and other minorities. KFOR troops, including U.S. soldiers, have been fired on or assaulted in numerous incidents. Scores of KFOR soldiers have been injured and several peacekeepers have been shot and killed. Other soldiers have been killed when their vehicles struck mines, including one U.S. soldier. Despite the fact that the U.N. international police force in Kosovo is up to authorized levels, KFOR still plays a substantial role in policing duties in Kosovo, in particular in dealing with riots and other serious incidents. KFOR has deployed a 320-man paramilitary police unit consisting of Italian and Estonian troops to assist in policing tasks.

In 2000 and 2001, U.S., Russian and other KFOR peacekeepers detained scores of men and seized substantial quantities of weaponry in an attempt to stop ethnic Albanian guerrillas from moving men and supplies into 3 mile-wide demilitarized Ground Safety Zone (GSZ) in southern Serbia, which served as a staging area for guerrilla attacks against Serbian police in the Presevo valley region. On March 8, 2001, NATO agreed to the gradual elimination of the GSZ. In March through May 2001, KFOR conducted a phased return of most of the GSZ to the Yugoslav army and Serbian police forces. The ethnic Albanian guerrilla groups disbanded and several hundred surrendered to KFOR troops in Kosovo.

In addition to the problems in southern Serbia, from March to August 2001 KFOR had to deal with a guerrilla insurgency in Macedonia. On March 7, U.S. and other KFOR troops within Kosovo, in a coordinated effort with Macedonian forces in their own country, flushed guerrillas from the border town of Tanusevci. U.S. troops exchanged fire with a group of them. No U.S. troops were hurt, but two guerrillas were wounded. Angry Macedonian officials charged that KFOR has failed to stop the transport of weapons and men from Kosovo to the guerrillas over the heavily forested and mountainous border region. Hundreds of U.S. and other KFOR troops had limited success in blocking rebel supply routes in the remote and rugged border region. After the parties in Macedonia reached a peace agreement in August 2001, NATO countries sent a small force, separate from KFOR, to monitor the disarmament of the rebels and security situation in the country.⁵

Civil Administration (including Police and Justice)

The international civil administration component of UNMIK comprises three offices: a police commissioner, a civil affairs office, and a judicial affairs office. Tom

⁵For more on the NATO and U.S. military role in Kosovo, see CRS Issue Brief IB10027, *Kosovo and Macedonia: U.S. and Allied Military Operations*. For more on KFOR, see KFOR's website at [<http://www.kforonline.com>] and the U.S. KFOR contingent's own site at [<http://www.tffalcon.hqusareur.army.mil/home.htm>].

Koenigs of Germany is Deputy Special Representative in charge of this pillar. In May 2001, UNMIK established a new police and justice pillar to provide greater focus on these areas. Jean-Christian Cody of France currently heads the police and justice pillar. Since taking office, UNMIK representatives have issued regulations on the legislative and executive authority of UNMIK, the establishment of a customs service, use of the Deutsche Mark as the commonly used currency in Kosovo, small-scale lending services, and the self-government of the municipalities after the local elections. UNMIK oversees administration of public funds in Kosovo, including payments of salaries and pensions. UNMIK has also established customs controls on goods entering the province from Serbia, a practice vehemently opposed to by Kosovo's local Serb communities.⁶

In the absence of local institutions, UNMIK first established an integrated administrative structure with local authorities. In mid-July 1999, Special Representative Kouchner chaired the first meeting of the Kosovo Transitional Council (KTC), a broadly representative consultative body under UNMIK that includes ethnic Serb representatives. The Transitional Council would generally meet on a weekly basis. The KTC held its final meeting in October 2001, prior to the first elections for the Kosovo assembly. In December 1999, Kouchner signed an accord on establishing a new Joint Interim Administrative Structure (JIAS). The structure included an Interim Administrative Council and 19 administrative departments. The Council comprised three Albanian members, one Serb, and four UNMIK representatives. The Interim Administrative Council is to continue functioning until the self-government institutions, created following the November 2001 elections, are established.

After the October 2000 municipal elections, UNMIK assisted with the establishment of thirty provisional municipal assemblies. UNMIK has made attempts to appoint Kosovo Serb and other minorities to the municipal assemblies. UNMIK has gradually devolved authority in various sectors to the municipalities.

In March 2001, UNMIK chief Haekkerup established the Working Group on the Interim Legal Framework for Provisional Self-Government, a multi-ethnic panel to propose measures to achieve provisional self-government in the province. On May 16, Haekkerup signed into law the regulation on the Constitutional Framework for Provisional Self-Government. The Framework calls for the establishment of a 120-member assembly, with 20 seats guaranteed for ethnic minority communities (including 10 for the ethnic Serb community). UNMIK is to retain ultimate executive authority, including veto power, and exclusive authority in some areas, such as justice, customs, monetary policy, and the Kosovo Protection Corps. Since the promulgation of the Constitutional Framework, UNMIK has been working to set up the functions and competencies of the foreseen institutions of self-government. UNMIK bodies have also been preparing for the transfer of their activities to local governing structures. Human rights safeguards are prominently featured in the Framework. The Framework does not prejudge a final settlement for Kosovo and makes no reference to holding a referendum on Kosovo's status, a long-held demand of Kosovo's Albanian leaders. KFOR will remain guarantor of peace and security in the province.

⁶For more information on UNMIK's activities, see UNMIK's web site on the Internet at [<http://www.un.org/peace/kosovo/pages/kosovo1.htm>].

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

In June 1999, the U.N. Representative swore in a multi-ethnic panel of nine judges (five Albanians, three Serbs, and one Turk). The judicial panel operates under a modified version of Yugoslavia's criminal code. By October 2000, 405 judges and prosecutors had been appointed by UNMIK, mostly ethnic Albanians. There are currently 8 international judges and 6 international prosecutors appointed to serve in Kosovo. 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. As part of the new UNMIK pillar on police and justice affairs, UNMIK plans to increase the number of international judges and prosecutors.

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 2,000 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 4,100 cadets have graduated from basic recruit training for the KPS. The ultimate strength of the KPS is to reach up to 6,000 by the end of 2002.

Civil and voter registration, in preparation for municipal elections on October 28, 2000, began on April 28 and was completed on July 17. About 1 million voters registered. However, Kosovo's Serb and Turk communities largely boycotted the process. 28 political parties and organizations and 5,500 candidates registered to run

in 30 municipalities. Nearly 80% of eligible voters participated in the largely peaceful vote. Results in 27 municipalities certified by the OSCE on November 7 showed the LDK winning decisively with 58% of the vote. UNMIK appointed assemblies in the three non-certified (majority Serb) municipalities.

On May 14, 2001, UNMIK chief Haekkerup announced that general elections would be held on November 17, 2001. Voters were to elect representatives to a 120-member Kosovo assembly, with 20 seats reserved for minority communities. Voter registration began on July 30 and ran until September 22. 26 political parties were certified to run. U.N. Secretary-General Annan and all 15 members of the Security Council called on all communities in Kosovo, in particular the Serb and other minority groups, to participate in the upcoming vote. Although Belgrade eventually came out in favor of Serb participation in the vote after a great deal of international pressure, many local Kosovo Serb leaders continued to object to the elections.

On November 17, international observers organized by OSCE and the Council of Europe judged the election to be a success and an improvement over the 2000 municipal vote. Some incidents of violence and intimidation contributed to low turnout in some Serb areas. Overall turnout dipped to 64% from 78% in the 2000 vote. UNMIK Chief Haekkerup certified the final results of the vote on November 24.

The OSCE mission in Kosovo also works to develop a democratic and independent media and promote the rule of law. A Media Advisory Board comprised of Albanian and Serb experts was created in August 1999. The OSCE established Radio-Television Kosovo (RTK) as an independent public broadcaster. With regard to human rights, OSCE personnel regularly monitor the human rights situation throughout the province. Reviews of the human rights situation have condemned the continuation of ethnic violence against non-Albanian minorities in Kosovo. The latest joint OSCE/UNHCR report on ethnic minorities (from October 2001) reported incidents of violence targeted against minorities, but said that the security situation had improved in comparison with the earlier reporting period. In July 2000, UNMIK established an office of the ombudsman for Kosovo to investigate complaints about abuses of authority. The Kosovo Ombudsman is Marek Nowicki of Poland.⁷ The OSCE also established a Kosovo Judicial Institute and a Kosovo Law Center to assist in promoting institutions of the rule of law in Kosovo.

Humanitarian Aid and Refugee Returns

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

⁷For more on the OSCE mission in Kosovo, see the web site at [<http://www.osce.org/kosovo>].

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

As ethnic Albanian refugees returned to Kosovo, large numbers of ethnic Serbs and Roma (Gypsies) left the province, mainly for Serbia and Montenegro. UNHCR estimated that over 200,000 Serbs and Roma left Kosovo after 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. However, few have been able to return because of the unstable security environment in Kosovo. Returning Serbs have frequently come under attack by the ethnic Albanian majority. Some target areas for the return of Kosovo Serbs have been identified, but all are where some Kosovo Serbs are already residing. The first organized returns to Pec, a target area, began in August 2001. UNMIK has been working with the Kosovo leadership on a framework for the return of Kosovo Serbs.

Violence in the Presevo region in southern Serbia and in neighboring Macedonia in 2001 led thousands of ethnic Albanians to flee to Kosovo. The United Nations reported that over 80,000 refugees from Macedonia crossed into Kosovo in 2001. More than half have since returned to Macedonia, although an estimated 26,000 have stayed in Kosovo.

Reconstruction

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

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

\$759.3 million was pledged by the EU and EU member states. The United States pledged \$156.6 million, and was the largest single country donor.

At a February 2001 meeting, international donors took stock of what has been achieved in Kosovo and what needs to be done through 2003. International aid and the efforts of ordinary Kosovars have resulted in progress in rebuilding housing and key physical infrastructure. Over half of the 120,000 damaged or destroyed houses have been rebuilt, electricity generation now exceeds pre-war levels, and many roads and bridges have been rebuilt. However, much reconstruction work still needs to be done. Some progress has been made in reviving Kosovo's economy. The small business sector is growing, and the situation in the agricultural sector, which employs about 40% of the population, has also improved. Nevertheless, Kosovo's economy is still very weak. Unemployment in Kosovo may be as high as 40%, according to UNMIK.

International efforts are focused on privatization and fostering private sector growth, including by creating a legal framework and strengthening the financial sector. UNMIK says Kosovo will need an additional \$1.353 billion in reconstruction and investment funding for the period 2001-2003. UNMIK has expressed concern about shortcomings in coordinating aid. For example, UNMIK officials say that perhaps too much has been spent on overlapping civil society initiatives, and not enough on key areas such as building the local police and court systems, education, and agriculture.⁸ According to the EU and World Bank, from June 1999 through June 2001, donors obligated 2.959 billion DM (\$1.34 billion) in reconstruction aid to Kosovo, and 1.818 billion DM (\$824 million) has been spent.

War Crimes

On May 27, 1999, the International Criminal Tribunal for the Former Yugoslavia (ICTY) announced the indictment of Yugoslav President Slobodan Milosevic, Serbian President Milan Milutinovic, FRY Deputy Prime Minister Nikola Sainovic, Yugoslav Army Chief of Staff Dragoljub Ojdanic, and Serbian Minister of Internal Affairs Vlatko Stojiljkovic for war crimes and crimes against humanity committed by Yugoslav and Serbian forces in Kosovo. The indictments were the first issued by the Tribunal relating to the Kosovo conflict. (These indictments were amended in June and October 2001 to add new charges related to the Kosovo conflict.) The ICTY is focusing its efforts on high-level officials. Local courts in Kosovo headed by international judges and prosecutors are trying cases against low-level accused war criminals.

In November 2000, Del Ponte told the U.N. Security Council that the ICTY had completed its efforts to exhume the bodies of war crimes victims in Kosovo. She said that the ICTY had exhumed just under 4,000 bodies. Del Ponte said that the number found did not necessarily represent the actual total number of victims, since there was evidence that Yugoslav and Serb forces burned some bodies or tried to conceal them

⁸For 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*.

in other ways. Moreover, Tribunal officials stress that they are not attempting to find every atrocity victim in Kosovo, but are collecting evidence for indictments and trials. The true number of ethnic Albanians killed by Serb forces is not precisely known. A June 2000 report by the International Red Cross listed 3,368 missing persons in Kosovo. Many observers believe most of those missing were killed during the conflict.

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

Anxious to avoid a U.S. boycott of a June 29, 2001 conference of aid donors to the FRY, the Serbian government transferred Milosevic to the ICTY on June 28. Milosevic's trial for crimes committed in Kosovo is expected to commence in February 2002. Several other indicted war criminals continue to live in Serbia, including Serbian President and Milosevic-era holdover Milan Milutinovic. Moreover, it is possible that indictments could be forthcoming against other former and serving Serbian police and FRY military officials who occupied key positions during ethnic cleansing operations in Kosovo. In a November 2001 document prepared for the trial of Milosevic, ICTY prosecutors said they were investigating the roles of Milosevic's subordinates in his crimes, including current Yugoslav Army chief Nebojsa Pavkovic and Sreten Lukic, now head of Serbia's police forces. In November 2001, Del Ponte told the U.N. Security Council that the Yugoslav federal government has blocked cooperation with the ICTY since the Milosevic transfer, while the Serbian government has tried to be more helpful.⁹

U.S. Policy

From the beginning of the conflict in Kosovo, the Clinton Administration condemned Serbian human rights abuses and called for autonomy for Kosovo within Yugoslavia, while opposing independence. The Clinton Administration pushed for air strikes against Yugoslavia when Belgrade rejected the Rambouillet accords in March 1999, but refused to consider the use of ground troops to eject Yugoslav forces from Kosovo. However, even before the air strikes, the Clinton Administration said that U.S. troops would participate in a Kosovo peace-keeping force if a peace agreement were reached. After the conflict, President Clinton said that the U.S. and NATO troop commitment to Kosovo could be reduced as local autonomous

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

institutions took hold. He said that the United States and the European Union must work together to rebuild Kosovo and the region, but that “Europe must provide most of the resources.” In the remaining 18 months of the Administration, U.S. officials hailed successes in returning ethnic Albanians to their homes and in starting reconstruction, but admitted much still needed to be done in many areas, including stopping violence against Serbs in the province.¹⁰

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

During the 2000 Presidential campaign, Condoleezza Rice, later appointed by President-elect Bush as his National Security Advisor, said that U.S. military forces are overextended globally, and that peacekeeping responsibilities in the Balkans should be taken over by U.S. allies in Europe. However, after taking office, the Administration appeared to adopt a more cautious tone. In February 2001, Secretary of State Colin Powell said that the United States had a commitment to peace in the Balkans and that NATO forces would have to remain in Bosnia and Kosovo for “years.” He said the United States was reviewing U.S. troop levels in Bosnia and Kosovo with the objective of reducing them over time, but stressed that the United States would act in consultation with its allies and was not “cutting and running.”

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

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

The September 11 terrorist attacks in the United States could result in a change of the Administration’s position on the U.S. deployment in the Balkans. In October 2001, the Administration informed U.S. allies in NATO that some U.S. forces may have to be withdrawn from the Balkans to take part in the war on terrorism, and asked European countries to make up any shortfalls. The Europeans reportedly

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

agreed to the request. However, no significant withdrawal of U.S. troops from Kosovo has been reported thus far.

The United States condemned the ethnic Albanian guerrillas in Macedonia as a threat to peace and stability in the region. On June 27, President Bush issued an Executive Order prohibiting Americans from "transferring, paying, exporting, withdrawing or otherwise dealing in the property or interests in property of persons involved in violent and obstructionist actions" in the Balkans. Bush also barred entry to the United States of those "who actively obstruct implementation of the Dayton Peace Accords or UN Security Council Resolution 1244 and who otherwise seek to undermine peace and stability in the region" or "who are responsible for wartime atrocities committed in the region since 1991." The order lists 35 persons and organizations covered by the restrictions, including the leaders of ethnic Albanian guerrilla groups in Macedonia and southern Serbia, as well as persons and groups in Kosovo supporting them.¹¹

During his visit to Kosovo, President Bush warned that "those here in Kosovo who support the insurgency in Macedonia are hurting the interests of ethnic Albanians throughout the region. The people of Kosovo should focus on Kosovo. They need to concentrate on developing civil institutions that work and a political climate that supports and sustains democracy, the rule of law, ethnic tolerance, and cooperation with neighbors. November's election will be an important step in that direction. We call on all people of Kosovo to participate, so that no one is denied the benefits of democracy." The United States pushed for the signature and implementation of the Macedonian peace agreement adopted in August 2001. The United States has provided logistical and other support, but no troops, to a NATO-led force in Macedonia that is monitoring the implementation of the peace agreement.

On April 2, 2001, Secretary of State Colin Powell issued a certification required by the FY2001 foreign operations appropriation law (P.L. 106-429) that Serbia was cooperating with the ICTY and meeting other conditions. The move came one day after Serbian police had arrested Milosevic. The certification permitted the Administration to obligate the balance of \$100 million in aid earmarked for Serbia in FY2001, as well as support multilateral loans to the FRY. However, Secretary Powell added that U.S. support for the holding of an international donors conference for the FRY, scheduled for June 29, would depend on continued progress toward full cooperation with the Tribunal. After Milosevic's transfer to the ICTY on June 28, the United States participated in the donor's conference, pledging total of \$181.6 million in grant assistance for the FRY.¹²

U.S. officials welcomed the successful completion of Kosovo's first general election on November 17. They praised the free and fair character and the inclusion of Kosovo's Serbs and other minorities in the vote. The Administration has

¹¹ For the text of the Executive Order, see the web site of the Treasury Department's Office of Foreign Assets Control at [<http://www.treas.gov/ofac/>].)

¹² Recent U.S. policy statements on Europe, including Kosovo, can be found at [<http://usinfo.state.gov/regional/eur/>]

emphasized, however, that the new provisional institutions in Kosovo will not have the authority to make decisions on Kosovo's final status.

Congressional Response

In 1999, the 106th Congress debated whether U.S. and NATO air strikes in Kosovo were in the U.S. national interest, and whether the President could undertake them without congressional approval. In the end, Congress neither explicitly approved nor blocked the air strikes, but appropriated funds for the air campaign and the U.S. peacekeeping deployment in Kosovo after the fact. In 2000, some Members unsuccessfully attempted to condition the U.S. military deployment in Kosovo on Congressional approval and on the implementation of aid pledges made by European countries. Many Members of Congress said that they expected U.S. allies in Europe to contribute the lion's share of aid to the region and expressed concern that European countries were slow to implement their aid pledges. Congress moved to limit U.S. aid to Kosovo to 15% of the total amount pledged by all countries.¹³

On July 24, 2001, the House passed H.R. 2506, the FY 2002 foreign aid appropriations bill. H.R. 2506 provides \$600 million in aid for central and eastern Europe under the Support for East European Democracy (SEED) program, but no earmark for Kosovo. The bill says that aid to Kosovo "should not exceed 15 percent of the total resources pledged by all donors for calendar year 2002 for assistance for Kosovo as of March 31, 2002." The bill also bars U.S. aid for "large scale physical infrastructure reconstruction" in Kosovo. The committee report on the bill (H.Rept. 107-142) expresses concern about unexploded ordnance and mine removal activities in Kosovo. It directs the Secretary of State to report to the committee by February 1, 2002 on the status of these activities, and assess how to provide additional resources, as needed. The report suggests the use of the U.S. Army Corps of Engineers for this purpose, as well as the reprogramming of SEED funds. The Senate version of H.R. 2506, passed on October 24, 2001, provides \$615 million for central and eastern Europe. It also contains the 15% aid limitation provision as well as the ban on U.S. aid for large-scale infrastructure reconstruction. On March 14, 2001, the Senate passed S.Res.60, which called on FRY authorities to release all Kosovo Albanian prisoners in their custody.

¹³For detailed information on the activities of the 106th Congress, see CRS Report RL30729, *Kosovo and the 106th Congress*, November 6, 2000.



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

G-1998-19-S.I.