





Charles University Prague
Faculty of Social Sciences
Institute of International Studies

Bc. Vladimír R a n d á ě k

The OSCE Kosovo Verification Mission 1998-1999

A Thesis Presented in Partial Fulfilment
of the Requirements for the Degree of

Magister Scientiae

in

European Studies

Prague 2008

Author: **Bc. Vladimír Randáček**

Supervisor: **Prof. PhDr. Lenka Ravná, CSc.**

Opponent: **Prof. Dr. Wilfried von Bredow** (Philipps-Universität Marburg)

Year: **2008**

Hodnocení:

Bibliographic Notation

RANDÁČEK, Vladimír. The OSCE Verification Mission 1998-1999. Prague: UCharles University, Faculty of Social Sciences, Institute of International Studies, 2008. 120 s. Supervisor Prof. PhDr. Lenka Rovná, CSc., Opponent Prof. Wilfried von Bredow (Philipps-Universität Marburg).

Annotation

The OSCE Kosovo Verification mission (KVM) was established in October 1998, in order to verify the compliance with the UN Security Council Resolutions relevant to the Kosovo conflict. The breakdown of the peace process in March 1999, led to the withdrawal of the mission and painted it as a failure. It is surprising, how many authors speak about a failure of the KVM, while giving no reasonable argumentation. This study will try to show, that this negative assessment is largely a product of misinterpretation of the KVM's mandate and misunderstanding of the very purpose of verification (observation) missions. It was not the task of the KVM to prevent the ceasefire violations, neither to provide a peaceful solution to the conflict. It was to verify (observe) the compliance with the UN Security Council Resolutions. Verification (observation) missions do not seek any concrete achievements (mission goals; as e.g. peacekeeping or peace enforcement missions), their "goal" is their performance. They are to report the compliance with the agreements (in case of KVM also to provide a guidance), but however, the development of the situation is not supposed to be in their hands. Therefore, it is inappropriate to speak about successes or failures of these missions, but rather about effectiveness of their performance.. Escalation of violence was a primary strategic goal of the Kosovo Liberation Army (KLA) in order to undermine the ongoing peace process and achieve international military intervention, which they saw as the only way to independence. The unarmed KVM could do little or nothing to stop or prevent it. Wrong timing, insufficient staffing and deteriorating security conditions together with complete absence of enforcement measures were to large extent preventing the verifiers to perform its duties. Though, the mission had achieved considerable achievements mainly in keeping the ceasefire through brokering numerous small-scale disputes and thus acquiring necessary time for the peace process.

Keywords

OSCE, Kosovo Verification Mission, Kosovo, Yugoslavia, Serbia, Conflict Resolution, Early Warning Systems.

Prohlášení

1. prohlašuji, že jsem předkládanou práci zpracoval samostatně a použil jen uvedené prameny a literaturu.
2. Souhlasím s tím, aby práce byla zpřístupněna veřejnosti pro účely výzkumu a studia.

V Praze, dne 21. 05. 2008

Vladimír R a n d á ě k

Hereby, I would like to express my cordial thanks to Prof. Dr. Wilfried von Bredow, for his valuable consultations and guidance over the period of preparation of this thesis during my studies at the Philipps-Universität Marburg.

I would also like to express my thanks to Prof. PhDr. Lenka Rovná, CSc., for her kind cooperation and help during my short stays in Prague.

At last, but not least I would also like to express my thanks to the collective of the OSCE Prague Office, for their helpful guidance during my research at the KVM Archive.



Teze diplomové práce

Jméno: Vladimír Randáček
E-mail: vladimir.randacek@gmail.com
Obor: Evropská studia
Semestr: VI.
Akademický rok: 2007/2008

Téma práce: OSCE Kosovo Verification Mission 1998-1999

Název práce: **OSCE Kosovo Verification Mission 1998-1999**

Jazyk: English
Termín dokončení: květen 2008
Ved. dipl. semináře: Prof. PhDr. Lenka Rovná, CSc.
Konzultant: Prof. Dr. Wilfried von Bredow (Philipps-Universität Marburg)

Topic Specification:

Conflict prevention, early warning and early action have become crucial elements of any proactive foreign policy. It is generally acknowledged that the cost of effective conflict prevention is much lower than the human and financial costs of a conflict. Over the last decade, the number of regional and especially ethnically motivated domestic conflicts in the world is still increasing. Europe itself has not been spared. The phenomenon of extreme nationalism, ethnic cleansing, genocide and expulsion of whole populations have fully appeared after the dissolution of Yugoslavia at the beginning of 1990s. While the eyes of the world were aimed at the bloodsheds in Croatia and Bosnia, another crisis was smouldering at the very neighbouring Kosovo.

The growing importance of the European Union and reconsidered NATO, is slowly starting to replace the sovereign foreign policies of the traditional European powers, which proved to be tragically ineffective. However, both European and Transatlantic structures, from their very character can never fully replaced the role of OSCE and UN (mainly with regard to the Russian Federation) as a widely respected platforms for a political dialogue and instruments for a common action, which work on the basis of neutrality and sovereign equality. The OSCE member states covers the geographical area from Vancouver to Vladivostok and through its activities addresses a wide range of security-related issues including arms control, conflict prevention, early warning, crisis management, post-conflict rehabilitation, human rights, election monitoring and economic and environmental security.

When the crisis in Yugoslavia broke out in 1991, the European Community was given a chance to deal with this indeed European problem. However, after failing to solve previous conflicts in the area¹, the European Union resp. NATO, backed by the United States, again assumed the leading position in the international efforts for solution of the long smouldering conflict in Kosovo.

After more than six months of escalating armed conflict between the self-constituted Kosovo Liberation Army (UCK) and the Yugoslav armed forces, and five months before the start of the NATO bombing campaign, the UN Security Council in Resolution 1199, called both parties for an immediate cease-fire and for an international presence to monitor the withdrawal of the Yugoslav “security units used for civilian repression” and allegations of human rights

¹ considering the recognition of Croatia and Slovenia (Dec. 1991 - Jan. 1992) when Germany dealt regardless on the common position of the EC, and after the premature recognition of Bosnia (Feb. 1992; neither Croatia), which subsequently lead to the biggest wave of atrocities in Europe since the World War II.,

violations committed by both parties of the conflict. It was agreed, that the observation will be carried out by the Organisation for Security and Co-operation in Europe (OSCE).

On 16 October 1998, as a result of difficult negotiations, an agreement between the Federal Republic of Yugoslavia (FRY) and the OSCE was signed in Belgrade. The agreement, accepted under a high international pressure, obliged Yugoslavia to stop all security operations, reduce its forces in the area to pre-hostilities levels, and ensure the protection of human rights for all inhabitants of Kosovo. The provisions of the agreement stipulated that it was to be “verified” by an OSCE-ODIHR² mission in strength of 2000 unarmed international civilian personnel, known as the OSCE Kosovo Verification Mission (KVM). The mission’s mandate was to monitor compliance with the SC Resolution 1199 and the adherence of the cease-fire. With the collapse of the so called Rambouillet peace process, the OSCE-KVM has been withdrawn from Kosovo on 20 March 1999, due to a deteriorating security situation in the area. Four days later, the NATO air strikes were launched (24 March 1999).

Never before the OSCE set up such a large and complex mission, there was little or no prior OSCE experience, no personnel, no equipment, no concepts, and little knowledge of the ground. Some authors are speaking about its failure, some are even accusing it from gathering intelligence for NATO.

The Aim of the Study:

It is surprising, how many authors speak about a failure of the KVM, while giving no reasonable argumentation. This study will try to show, that this negative assessment is largely a product of misinterpretation of the KVM’s mandate and misunderstanding of the very purpose of verification (observation) missions. It was not the task of the KVM to prevent the ceasefire violations, neither to provide a peaceful solution to the conflict. It was to verify (observe) the compliance with the UN Security Council Resolutions.

Verification (observation) missions do not seek any concrete achievements (strategic mission goals; as e.g. peacekeeping or peace enforcement missions), their “goal” is their performance. They are to report the compliance with the agreements (in case of KVM also to provide a guidance with them), but however, the development of the situation is not supposed to be in their hands. Therefore, it is inappropriate to speak about successes or failures of these missions, but rather about effectiveness of their performance.

² Office for Democratic Institutions and Human Rights – the human-rights observation component of the OSCE

The purpose of this study is to evaluate, whether the KVM was, within the given conditions, effectively fulfilling its assigned tasks. In order to find the answer, this study will analyse the mandate, operational environment and performance of the KVM, during the period from its deployment (October 1998 – 22nd March 1999). The study will attempt to demonstrate, that KVM was far more effective than it has been given credit for. It will also try to underline lessons for future verification operations in a highly volatile environment.

Structure of the Work (Preliminary):

Contents

Abbreviations

Peacekeeping and Monitoring Operations in Post Cold War Europe

OSCE and its Position in the Security Architecture of Europe

Literature Review and Methodology

Outline

PART I

Brief History of Kosovo until 1992

The Kosovo Crisis 1992-1998 and the First OSCE Involvement

The Warring Factions

PART II

The Structure of the KVM

The Performance of the KVM

Key Findings

Appendixes

Bibliography

Resources

Bibliography (Preliminary):

Bellamy, Alex J./Stuart Griffin: OSCE Peacekeeping. Lessons from the Kosovo Verification Mission

In: *European Security*, Vol. 11, Issue 1 – Spring 2002, pp. 1-26
Routledge, 2002

Burghard, Güntert: Early Warning and Conflict Prevention as Tasks of the European Union and EU-OSCE Co-operation

In: *The OSCE Yearbook 1999*
Centre for OSCE Research, Hamburg 1999

Crawford, Timothy W.: Pivotal Deterrence and the Kosovo War: Why the Holbrooke Agreement Failed

In: *Political Science Quarterly*, Vol. 116 (Winter 2001-2002), No. 4, pp. 499-523
The Academy of Political Science, New York 2002

Eiff, Hansjörg: The OSCE Mission in Kosovo

In: *The OSCE Yearbook 1999*
Centre for OSCE Research, Hamburg 1999

Ginsberg, Roy H.: The European Union in International Politics: Baptism by Fire

The New International Relations of Europe Series
Lanham, Md.: Rowman and Littlefield 2001

Heinemann-Grüder, Andreas; Paes, Wolf-Christian: Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army (Brief 20); 53 p.

Edited by Benstead, Lynn, Bonn International Center for Conversion
Friedrich Naumann Stiftung, Bonn 2001

Huber M., Lewis D., Oberschmidt R., du Pont Yannick: The Effectiveness of OSCE Missions: The Cases of Uzbekistan, Ukraine and Bosnia and Herzegovina

Netherlands Institute of International relations „Clingendael“, Conflict Research Unit
The Hague 2003

Loquai, Heinz: Kosovo - A Missed Opportunity for a Peaceful Solution to the Conflict?

In: *The OSCE Yearbook 1999*
Centre for OSCE Research, Hamburg 1999

Maisonneuve, Michael J.R., Brig.-Gen.: The Osce Kosovo Verification Mission

In: *Canadian Military Journal*, Vol. 1 No. 1 Spring 2000, pag. 49-54

Reuter, Jens: Kosovo 1998

In: *The OSCE Yearbook 1999*
Centre for OSCE Research, Hamburg 1999

Volmer, Ludger: Crisis Prevention in Europe and the Strengthening of the OSCE

In: *The OSCE Yearbook 1999*
Centre for OSCE Research, Hamburg 1999

Sources (Preliminary)

Documents gained from the research in the KVM Archive (OSCE Office Prague)

Agreement on the KVM from 16th October 1998 between the OSCE and Federal Republic of Yugoslavia from 16. October 1998

<http://www.osce.org> (visited 07.04.2008) / alt.

<http://www.ess.uwe.ac.uk/Kosovo/Kosovo-Documents3.htm> (visited 07.04.2008)

Kosovo/Kosova As Seen, As Told. An analysis of the human rights findings of the OSCE Kosovo Verification Mission October 1998 to June 1999
OSCE/ODIHR, Warsaw 1999

OSCE Permanent Council Decisions

Nr. 259 (15.10.1998)

http://www.osce.org/documents/pc/1998/10/20570_en.pdf (visited 09.04.2008)

Nr. 263 (25.10.1998)

http://www.osce.org/documents/pc/1998/10/20583_en.pdf (visited 09.04.2008)

Nr. 296 (08.06.1999)

Preliminary Assessment of the Situation of Ethnic Minorities in Kosovo

<http://www.unhcr.org/cgi-bin/texis/vtx/home/opendoc.pdf?tbl=SUBSITES&id=3c3c552f4>

OSCE/UNHCR, July 1999

UN Security Council Resolutions

1160 (1998) - <http://www.un.org/peace/kosovo/98sc1160.htm> (visited 07.04.2008)

1199 (1998) - <http://www.un.org/peace/kosovo/98sc1199.htm> (visited 07.04.2008)

1204 (1998) - <http://www.un.org/peace/kosovo/98sc1203.htm> (visited 07.04.2008)

Marburg, 15. 02. 2008

Vladimír R a n d á ě k, v.r.

Vyjádření vedoucí diplomního semináře a vedoucí práce:

Podpis vedoucí diplomního semináře a vedoucí práce:

Prof. PhDr. Lenka Rovná, CSc.

Index

Index	1
List of Abbreviations	3
Introduction	4
Overview	6
Discourse on Literature	7
1 CONFLICT PREVENTION IN POST-COLD WAR WORLD	11
1.1 The Dilemma of Conflict Prevention: State Sovereignty – Right or Responsibility?	11
1.2 Intra-State Conflicts in Modern World	13
1.3 Conflict Prevention and the Early Warning Systems Concept	17
1.4 The Role of OSCE in the European Security	23
2 THE KOSOVO CRISIS AT A GLANCE	26
2.1 Historical Background	26
2.2 From the Constitution of 1974 till Armed Conflict (1998)	30
2.3 Escalation of the Violence (March–June 1998)	36
2.4 The Holbrooke Agreement	41
3 THE BELLIGERENTS	48
3.1 The Yugoslav Security Forces	48
3.2 The Armed Forces of Kosovo (FARK)	51
3.3 The Kosovo Liberation Army (KLA)	53
3.4 The Role of the International Community	58
4 THE OSCE KOSOVO VERIFICATION MISSION	61
4.1 First Activities of the OSCE	61
4.2 Mandate	65
4.3 The Establishment and Deployment	69
4.4 Structure	71
4.5 Training	73
4.6 Equipment	74
4.6 Operational Environment	75
5 THE SIX MONTHS IN REVIEW	77
5.1 Introduction	77

5.2 The Racak Incident and Aftermath	79
5.3 The Rambouillet Talks.....	81
5.4 The Withdrawal	82
6 KEY FINDINGS.....	84
6.1 Mission Mandate	84
6.2 Recruitment and Establishment.....	87
6.3 Command.....	89
6.4 General Impact of the Mission.....	89
6.5 The impact of the work of the Human Rights Division	91
6.6 Cooperation with other International Organisations and NGOs.....	92
6.7 Equipment.....	92
7 CONCLUSIONS	93
Résumé v českém jazyce	96
Literature.....	99
Sources.....	101
Appendix I – United Nations Security Council Resolution 1160 (1998)	105
Appendix II – United Nations Security Council Resolution 1199 (1998).....	109
Appendix III – United Nations Security Council Resolution 1203 (1998).....	113
Appendix IV – Agreement on the Kosovo Verification Mission.....	117
Appendix V – The Rambouillet Agreement.....	121
Appendix VI – Code of Conduct of the OSCE Kosovo Verification Mission	125
Appendix VII – OSCE KVM Alert Status Action	127
Appendix VIII – The four Albanian vilayets as of 1898	128
Appendix IX – Kosovo: Situation As of July 1998	129
Appendix X – Kosovo Road Map	130
Appendix XI – Pictures from the Field.....	131
Appendix XII – OSCE KVM Command Structure As on 5 th March 1999.....	132
Appendix XIII – OSCE KVM Locations As of 5 th March 1999.....	133
Appendix XIV – KVM Personnel and Selected Equipment List November 1998 – March 1999	134

List of Abbreviations

APC	Armoured Personnel Carrier
CC	Coordination Centre
CiO	Chairman-in-Office
CPY	Communist Party of Yugoslavia
CSO	Committee of Senior Officials
EC	European Community
EU	European Union
EWS	Early Warning System
FARK	Armed Forces of Kosovo
FRY	Federal republic of Yugoslavia
FYROM	Former Yugoslav Republic of Macedonia
HoM	Head of Mission
HQ	Headquarters
HRD	Human Rights Division
ICTY	International Criminal Tribunal for the Former Yugoslavia
IDP	Internally Displaced Person
IO	International Organisation
IOM	International Organisation for Migration
KSCS	Kingdom of Serbs, Croats and Slovenians
KDOM	Kosovo Diplomatic Observer Mission
KLA	Kosovo Liberation Army
KVCC	Kosovo Verification Coordination Centre
KVM	OSCE Kosovo Verification Mission
KVMIC	KVM Induction Centre
LKCK	National Movement for the liberation of Kosovo
LPK	Popular Movement for Kosovo
MPRI	Military Professional Resources Incorporated
NATO	North Atlantic Treaty Organisation
NAC	NATO North Atlantic Council
NGO	Non-Governmental Organisation
OAU	Organisation of African Unity
OSCE	Organisation for Security and Co-operation in Europe
RC	Regional Center
RMO	Regional Multilateral Organisation
RSO	Regional Security Organisation
SRK	Special Representative for Kosovo
UN	United Nations
UNAMIR	United Nations Assistance Mission to Rwanda
UNOSOM	United Nations Operation in Somalia
UNPF	United Nations Peace Forces
UNPROFOR	United Nations Protection Force
UNPREDEP	United Nations Preventive Deployment
UNSCR	United Nations Security Council Resolution
USSR	Union of Soviet Socialist Republics
YNA	Yugoslav National Army
YA	Yugoslav Army

Introduction

The OSCE Kosovo Verification mission (KVM) was established in October 1998, in order to verify the compliance with the UN Security Council Resolutions relevant to the Kosovo conflict. The breakdown of the peace process in March 1999, led to the withdrawal of the mission and painted it as a failure.

It is surprising, how many authors speak about a failure of the KVM, while giving no reasonable argumentation. This study will try to show, that this negative assessment is largely a product of misinterpretation of the KVM's mandate and misunderstanding of the very purpose of verification (observation) missions. It was not the task of the KVM to prevent the ceasefire violations, neither to provide a peaceful solution to the conflict. It was to verify (observe) the compliance with the UN Security Council Resolutions.

Verification (observation) missions do not seek any concrete achievements (strategic mission goals; as e.g. peacekeeping or peace enforcement missions), their "goal" is their performance. They are to report the compliance with the agreements (in case of KVM also to provide a guidance with them), but however, the development of the situation is not supposed to be in their hands. Therefore, it is inappropriate to speak about successes or failures of these missions, but rather about effectiveness of their performance.

Escalation of violence was a primary strategic goal of the Kosovo Liberation Army (KLA) in order to undermine the ongoing peace process and achieve international military intervention, which they saw as the only way to independence. The unarmed KVM could do little or nothing to stop or prevent it. Wrong timing, insufficient staffing and deteriorating security conditions together with complete absence of enforcement measures were to a large extent preventing the verifiers to perform their duties. Though, the mission had achieved considerable achievements mainly in keeping the ceasefire through brokering numerous small-scale disputes and thus acquiring necessary time for the peace process.

The purpose of this study is to evaluate, whether the KVM was, within the given conditions, effectively fulfilling its assigned tasks. In order to find the answer, this study will analyse the mandate, operational environment and performance of the KVM, during the period from its deployment (October 1998 – 22nd March 1999). The study will attempt to demonstrate, that KVM was far more effective than it has been given credit for. It will also try to underline lessons for future verification operations in a highly volatile environment.

The study analyses the topic exclusively in actual contemporary situation and does not consider the events which followed after 22nd March 1999 (date of withdrawal of the mission

from Kosovo). It also does not analyze the KVM's factual findings, unless they were related to the performance of the mission. All the local names are used in their contemporary official forms, i.e. Serbian in Kosovo.

For elaboration of this work, I have used a comparative method, whereas comparing the original mandate of the KVM, and its performance in the field, taking into account the limitations set by the contemporary security situation in Kosovo.

Overview

For a better orientation in the text as well as for an easy feedback, the study is organised into seven chapters (marked as 1-7), which are further divided into a number of sub-chapters (marked as e.g. 3.1-3.4), which deal with concrete topics.

- 1 Chapter one briefly introduces the recent global security development and briefly describes the conflict prevention concept with a special focus on early warning systems and the role of the OSCE in the European security architecture.
- 2 Chapter two offers a comprehensive overview of the Kosovo crisis, starting with the historical introduction, covering all the key events till the withdrawal of the KVM shortly before the NATO bombing campaign against Yugoslavia in March 1999. Understanding the historical consequences is, according to my opinion, crucial for understanding the essential motives and political incentives of the conflict.
- 3 Chapter three provides description of structure, strength and strategic objectives of both of the belligerents and provides a short overview of the key aspects of the international involvement in the crisis until the deployment of the KVM. This Chapter, together with the Chapter five, should introduce the reader with the contemporary security situation in Kosovo, and the threats under which the KVM had to operate.
- 4 Chapter four provides detailed overview of the KVM, including its mandate, structure, performance and operational environment. This chapter is inserted between the chapters three and five to enable the reader to better understand the limitations and possibilities of the KVM in performing its tasks within the given conditions.
- 5 Chapter five provides a basic overview of the development of the conflict during the period of the KVM deployment, covering simultaneously all the key events of the peace process and in the field.
- 6 Chapter six analyses the information from Chapters three, four and five, and derives concrete findings.
- 7 Chapter seven draws conclusions from the findings of Chapter six.

Discourse on Literature

During the elaboration of this study, I have put a great effort on impartiality and balanced approach. The same approach I used in choice of the literature and resources. Although there are many materials dealing with the Kosovo crisis, there are only few dealing exclusively with the KVM (with the exception of the articles of Bellamy&Griffin, Maissoneuvre and the OSCE publication “KOSOVO/KOSOVA As Seen, As Told”). However, none of them is focused on the same aspects as this paper. Therefore, I could not be much inspired by other author’s constructions and approaches, but instead I had to work with primary sources, construct my own approach and derive original conclusions.

In regards to the origin, the sources can be divided into two basic groups:

- Primary sources: OSCE, UN and other intergovernmental and governmental documentation, decisions, press releases, international treaties, etc. This group is mostly comprised of materials from the OSCE KVM Archive (OSCE Prague Office), the large and comprehensive analysis of the findings of the KVM Human Rights Division “KOSOVO/KOSOVA As Seen, As Told” and materials available at various governmental and intergovernmental online archives (e.g. www.osce.org, www.un.org, www.nato.int, www.parliament.co.uk, etc.).
- Secondary sources: publications, studies and articles of various NGOs, independent think tanks and individual researchers. However, as there is no study dealing with the same topic as this paper, I could use these sources mainly during elaboration of the first three chapters. Especially, I would like to point out the studies from the OSCE Yearbook, published by the Centre for OSCE Research (CORE). They represent a source of high quality analysis, providing an objective view of both recent and current OSCE activities.

For the elaboration of the Chapter One (Introduction), I have been mainly working with studies, dealing with the phenomena of conflict in the post-cold war international security (e.g. *Bailes&Wibarta: Armed Conflicts and International Security*; *Hopmann: Building Security in Post-Cold War Eurasia*), conflict prevention concept and early warning systems (e.g.

Mason&Richard: *Conflict Analysis Tools*; Jentleson, Bruce W.: *Coercive Prevention, Normative, Political, and Policy Dilemmas*; Dress.: *Designing a Peacebuilding Infrastructure*) and the role of the OSCE in the security architecture of Europe (Øverland: *A Gap in OSCE Conflict Prevention*; Burghardt: *Early Warning and Conflict Prevention as Tasks of the European Union and EU-OSCE Co-operation*; Hopmann: *Building Security in Post-Cold War Eurasia: The OSCE and U.S. Foreign Policy*).

During the work on the Chapter Two (Kosovo Crisis at a Glance), I have been working with literature, describing the broader political and historical consequences of the Kosovo crisis (e.g. Becker: *The Kosovo Conflict: Political and Socio-Economic Aspects*; Troebst: *The Kosovo Conflict 1998*; Renter: *Kosovo 1998*; Cranford: *Pivotal Deterrence and the Kosovo War*).

During writing of the Chapter Three (The Belligerents), I had to use literature dealing with the politico-military aspects of the Kosovo conflict, i.e. political background, strategic goals, organisation and strength of the parties and the involvement of the international community (e.g. Heinemann&Paes: *Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army*; Kosovo/Kosova as Seen, as Told; and also Troebst: *The Kosovo Conflict 1998*).

During elaboration of the Chapter Five (The Six Months in Review), I was using studies focused on the development of the peace process (e.g. Cranford: *Pivotal Deterrence and the Kosovo War*) and the simultaneous situation in the field (e.g. Mitchell, Sandra: *Human Rights in Kosovo*; Gazdžini: *NATO Coercive Military Activities in the Yugoslav Crisis*). In the majority of cases, the materials were acquired online, from corresponding webpages and various on-line libraries.

Particularly, I would like to point out several studies, which had been key sources for my work:

- The studies of Bailes&Wiharta and Hopmann provides a key overview of the post-Cold War security development, providing useful tables and statistics, necessary for introduction to the global, resp. European security situation in late 1990s.
- The studies of Dress, Jentleson and Mason&Richard provides the theoretical background to the modern conflict prevention. They draw up a basic overview of the Conflict Prevention and Early Warning concepts.
- The studies of Øverland, Burghardt and Hopmann analyses the role of the OSCE in the development of the Post-Cold War security architecture in Europe. They offer an

understandable analysis of the specifics of the OSCE position among the other international organisations in the area of Europe and Central Asia.

- In the studies of Crawford and Gazzini I have found a great deal of analysis dealing with the failure of the international (NATO) policy towards the Kosovo peace process. However, from the most part, I could not draw from them, as their topics are from the most part beyond the scope of this study. However, I have been inspired in his basic thesis that the failure lies in a different levels of international politics, than was out of the reach of the KVM. Both of the authors puts the criticism mainly on the inability of NATO to deter both of the parties to the conflict equally and thus establish suitable conditions for the KVM. These publications provided an introduction into the contemporary international politics.
- The study of Heinemann&Paes provides a detailed analysis of the Kosovo Liberation Army, covering all the key information as history, political background, structure strength, financing, of the Kosovo Albanian rebels, which is, according to my opinion, necessary for complete understanding of the comprehensive nature of the Kosovo conflict and the environment, where the KVM was supposed to work in. Other useful information on this topic I have found in the study of Troebst. However, as it is focused mainly on the development of the field operations, it provides only brief description of the warring sides.

As stated above, for elaboration of the key parts of the work (Chapters Four, Six and Seven), I have been referred to primary sources. These were all sources of a high credibility, providing reliable factual information such as numbers, dates and figures. However, as they are written exclusively by authors personally involved through being employed in the correspondent international organisations (OSCE, NATO, etc.), they lack adequate level of critical approach. I had mainly used:

- The KVM archive in the OSCE Prague Office – through the OSCE Researcher-in-Residence Programme, I had obtained an access to nearly all the key KVM documentation, including the daily, weekly and bi-weekly reports, planning documents, organisational tables, statistics, etc. These documents were crucial in order to construct a factual overview about the actual shape of the mission, and about the possibilities and limitations coming out of it. The correspondence also helped me to understand the contemporary visions and perceptions of the

responsible officials, which was indeed interesting to compare with the later development.

- The OSCE publication KOSOVO/KOSOVA As Seen As Told is an extensive overview of the KVM Human Rights Division (HRD) findings. It was a very good supplementary source, which enables better imagination of the contemporary security environment in Kosovo. However, it provides only a very limited information on the mission itself as it is focused only on the findings and does not provide any remarks considering to the structure or performance of mission itself.
- In order to verify some of the key information from the secondary sources, and to gain the essential legal background, I have used corresponding international treaties, resolutions, decisions, press releases, etc. available in various online archives (*www.osce.org*, *www.un.org*, *www.nato.int*).

1 CONFLICT PREVENTION IN POST-COLD WAR WORLD

1.1 The Dilemma of Conflict Prevention: State Sovereignty – Right or Responsibility?

One of the main dilemmas of conflict prevention is the question of right for an external intervention. The difficulty lies in the distinction between understanding of state sovereignty as a right and state sovereignty as a responsibility.¹ History shows, that the conception of state sovereignty changed over the last century, starting with the President Wilson's 14 points (1918), opening the questions of national self-determination and collective security. However, even if a noble idea, it was executed exclusively by the victorious Allied powers without regards to some of the defeated nations, what bequeathed the destructive heritage of irredentism (Germany, Hungary, Bulgaria). Even the only real result of Wilson's thesis – the establishment of the League of Nations did not grant it any effective instruments how to prevent another armed conflicts and aggressions, what finally led to the World War II.

The establishment of the United Nations already learned from those lessons and embodied the organisation with many efficient instruments of conflict prevention. The question of state sovereignty can be found under the Article 2 of the UN Charter, where is written: "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state."² Understanding of the state sovereignty as a right had been prevailing over/during the Cold War period (1945-1990). However, as history has proven so far, the state can not be always considered as competent to solve its internal conflicts, especially if the government is controlled by one of the quarrelling parties (Yugoslavia, Rwanda).

Staying neutral is not an option. As Bruce W. Jentleson writes in his study about the coercive prevention „While they [the international actors] may profess neutrality, by limiting their involvement to humanitarian rescue or simply staying out, there is no “non position” in the sense of no impact one way or the other.“³ If one side of the conflict realises that it currently possess the advantage of military power, so long as the other side cannot count on international involvement or direct support, there can be no surprise that war becomes an option of choice. This was highly visible on the case of the war in Bosnia. While the Bosnian Serbs possessed sufficient military power (in means of equipment), the arms embargo was applied on all sides of

¹ Jentleson: Coercive Prevention, pp. 19

² Charter of the United Nations, Chapter I, Art. 2;

³ Jentleson: Coercive Prevention, pp. 14

the conflict including the poorly equipped government forces. That indeed caused a substantial prolonging of the war.

The sovereignty-as-responsibility understanding is based on the conception of the human individual, not the state as the right and duty bearing unit in international society.⁴ It implies, that the state is established for its people, not the opposite. As the ex-UN Secretary General Kofi Annan said: „The UN Charter ... was issued in the name of “the peoples”, not the governments of the United Nations ... The Charter protects the sovereignty of peoples. It was never meant as a license for governments to trample on human rights and human dignity. Sovereignty implies responsibility, not just power”.⁵ This is embedded in the Article 3 of the Charter, which affirms that „everyone has the right to life, liberty and the security of person.” Article 55 commits the UN to „promote ... universal respect for, and observance of, human rights and fundamental freedoms” and Article 56 pledges all members „to take joint and separate action” in this regard.⁶ Further commitments are also embodied in the Genocide Convention, the Universal Declaration of Human Rights, and other international covenants that make no distinction on whether the offender is a foreign invader or one’s own government.⁷

As a fundamental involvement into the state’s sovereignty, any decision of the Security Council for an early action must be appropriately legitimised by factual evidence. One of the crucial instruments providing the basic field-based information for such legitimisation, are the early warning systems (EWS), particularly the international observation missions (see further). From their very nature, observation missions do not represent any military force and as so they generally require the consent of the hosting state. Certainly, more efficient would be a broad introduction of the so called „challenge inspections“ as it is a new practice in arms control and non-proliferation, where the „international authority can come in without national permission and apply extant treaty provisions and concomitant norms that are to govern state behaviour on these issues.“⁸

Another important question is about the legitimacy for intervening. As the world’s only universal multilateral political body, the UN possesses the unique delegation to provide legitimization (authorize) for preventive, peacemaking and peacekeeping interventions. No other international organisation can claim a comparable role in establishing global norms or authorizing actions in their name. However, even the UN is often unable to act effectively

⁴ Cit. Jentleson: *Coercive Prevention*, pp. 19

⁵ Cit. Jentleson: *Coercive Prevention*, pp. 20

⁶ In the case of Kosovo (1998), the OSCE pointed out, that the problem was not exclusively an internal affair of Yugoslavia, because it involved human rights and the security of the whole region. See Reuter, Jens: *Kosovo 1998*, pp. 189

⁷ Cit. Jentleson: *Coercive Prevention*, pp. 20

⁸ Cit. Jentleson: *Coercive Prevention*, pp. 21

enough to serve its norms. Therefore, several regional multilateral organisations (RMOs) have been established in order to play supportive (but not substitutive) role in regional conflict prevention and resolution, both military (OAU) or diplomatic nature (OSCE).

1.2 Intra-State Conflicts in Modern World

During the 20th century, war crimes such as genocide increased in an alarming manner, starting with the Boer war in South Africa and the expulsion of Armenians in the Ottoman empire, ending in the “recent” events in Cambodia, Somalia, Rwanda or Bosnia. This was indeed mainly boosted by the technological development and rapid increase of the world population. However, a similar development

Tab. 1 Regional distribution, number and types of major armed conflicts 1990-2003

Region	90		91		92		93		94		95		96		97		98		99		00		01		02		03	
	G	T	G	T	G	T	G	T	G	T	G	T	G	T	G	T	G	T	G	T	G	T	G	T	G	T	G	T
Africa	8	3	8	3	6	1	6	1	5	1	4	1	2	1	4	-	10	1	10	1	8	1	7	-	6	-	4	-
America	4	-	4	-	3	-	3	-	3	-	3	-	3	-	2	-	2	-	2	-	2	-	3 ^a	-	3 ^a	-	3 ^a	-
Asia	4	8	3	7	4	7	4	5	4	5	4	6	4	5	3	5	3	5	2	6	2	6	2	6	2	6	2	6
Europe	-	-	-	1	-	3	-	5	-	4	-	3	-	1	-	-	-	1	-	2	-	1	-	1	-	1	-	1
MiddleEast	1	3	2	4	2	3	2	4	2	4	2	4	2	4	2	2	2	2	1	2	2	2	2	2	2	2	1	2
Total	17	14	17	15	15	14	15	15	14	14	13	14	11	11	11	7	17	9	15	11	14	10	14 ^a	9	11 ^a	9	10 ^a	9
Total	31		33		29		30		28		27		22		18		26		26		24		23 ^a		20 ^a		19 ^a	

G = government and T = territory, the two types of incompatibility.

^a This number includes the conflict between the USA and al-Qaeda. See Eriksson, M., Sollenberg, M. and Wallenstein, P., ‘Patterns of major armed conflicts, 1990–2001’, *SIPRI Yearbook 2002: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2002), pp. 67–68, for an elaboration of the preliminary assessment of this case and its ambiguities.

Source: Bailes, Wiharta: *Armed Conflicts and International Security*, pp.6

can be expected to continue in the twenty-first century. The United Nations, NATO, European Union, OSCE and other multilateral international actors are constructed to brake this trend. Certainly, the best way to save the victims is to find the most effective method how suffocate the conflicts before mass atrocities begin. One of the instruments for doing this is deployment of observers as “the eyes and ears of the international community”.

Since the end of the Cold War, the total number of “major armed conflicts”⁹ in the world has generally declined. Also the number of „traditional“ conflicts between states has

⁹ The formal definition of an „major armed conflict“ according to the Stockholm International Püece Research Institute (SIPRI) and the Conflict data Project of the Uppsala University (UCDP) is: „a contested incompatibility that concerns government and/or territory over which the use of armed force between the military forces of 2 parties, of which at least 1 party

decreased. However, this has been replaced by a reciprocal increase of intra-state (internal, civil) conflicts (See tab. 1).¹⁰ In Eurasia, the security landscape changed in a dramatic way. Conflict were mostly flared by the breakup along ethnic lines, with regional, linguistic or religious elements serving as the primary markers of identity.¹¹

The stirring history of some of the regions (Balkans, Caucasus), marked by large forced movements of populations, laid an terrible heritage, unknown by the “Western” society, where the ethnic links to territory are often multiple and produce secessionist and irredentist tensions, largely resulting in long and deadly conflicts.

However, it is rather unusual for an intra-state conflict to remain a purely “civil“, keeping within one state’s boundaries. Especially in the case of Africa, cross-border ethnic links and massive refugee movements easily overflow to the neighbouring countries and create temptations for their interventions. The crisis in ex-Yugoslavia showed, that conflict that begins as an intra state may also turn out into inter-state one, via creation of two or more new states. An overall tendency shows, that the major number of conflicts shifts to the developing countries and regions of the world, in particular to the Southern hemisphere (see Tab. 2).¹² The number of conflicts in Europe reached its peak in 1993, as war in Yugoslavia and in several parts of former Soviet territory flared up. The number of conflicts in the Middle East remained static over the last decades, while Latin America have shown a slight decrease.¹³ Thus the world’s conflict hotspots became Africa and Asia (especially South and South-East Asia). This explains the general shift of concern of the European and Northern-American countries from open armed conflict as a threat to their security, towards struggle against the international terrorism and the so called „soft security“ issues such as social and economic dysfunction as its primary causes.

Another remarkable feature is, that the proportion of the conflicts motivated by control of government and those motivated by territory (these might involve either inter-state border disputes, or secessionist claims of particular regions) was during the period of 1990-2003 approximately balanced.¹⁴ It is possible to state, that conflicts over control of government consistently dominate in Africa, while conflicts over territory are more typical for Asia.¹⁵ The death toll is always the most complicated point. The data availability and accuracy are usually

is the government of a state, has resulted in at least 1000 battle-related deaths in any single year“. Bailes, Wiharta: *Armed Conflicts and International Security*, pp. 5

¹⁰ From 1946 to 1989 there were 15 major inter-state conflicts, but in 1990, only one from total 31 conflicts. Bailes, Wiharta: *Armed Conflicts and International Security*, pp. 8

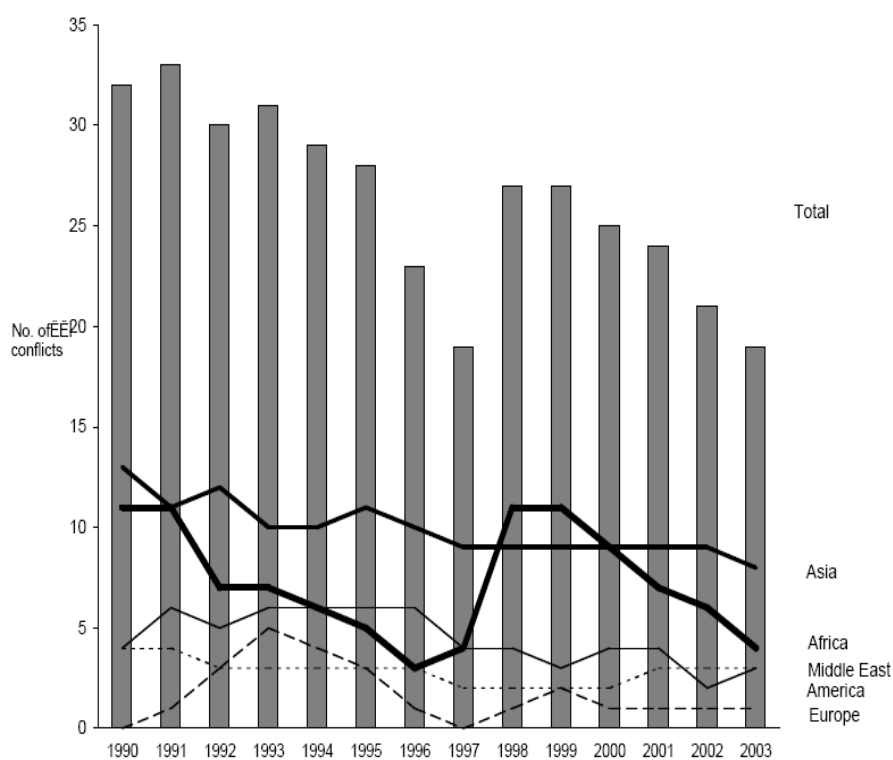
¹¹ Hopmann: *Building Security in Post-Cold War Eurasia*, pp. 5

¹² Bailes, Wiharta: *Armed Conflicts and International Security*, pp. 8

¹³ Bailes, Wiharta: *Armed Conflicts and International Security*, pp. 8

¹⁴ Bailes, Wiharta: *Armed Conflicts and International Security*, pp. 9

¹⁵ Bailes, Wiharta: *Armed Conflicts and International Security*, pp. 9

Tab. 2 Regional distribution and total number of major armed conflicts 1990-2003

Source: Bailes, Wibarta: *Armed Conflicts and International Security*, pp. 7

very poor. Killings in combat generally compose the smallest part of the casualties total, while the deaths by secondary causes (disease, famine, displacement consequences, etc.) prevail. The overall trend of successful democratisation process in the Central and Eastern Europe linked with the enlargement of NATO and the EU, distinctively contributed to the general stability of the region (See Tab. 3). Practically, there was no war in Europe since 1945 till the Yugoslav crisis. The Cold War block confrontation in Europe, with their nuclear arsenals ready for total mutual destruction, effectively blocked the willingness for any military confrontation on both sides. The tension then flew into a number of “proxy wars” between the protégés in other parts of the world. However, the foundations of many of such conflicts (especially in Africa) were mostly laid centuries ago by drawing the colonial borders without respect to the actual ethnic lines of division. The end of the Cold War in Europe was succeeded by an alternative system of positive partnership networks, agreements, and negotiating processes, designed to have a stabilisation effect such as NATO’s Partnership for Peace, the efforts of the OSCE, or the NATO’s and the EU’s enlargement processes.

One of the basic explanations could be the lessons learned from the impact of the World War II, which led to the establishment of international bodies as the United Nations, Council of Europe, European Union and later the Organisation for Security and Co-operation in Europe.

However, in the other parts of world, the developing democracies may often be vulnerable to instabilities that could easily trigger internal or external conflicts.

Tab. 3 Number of Multilateral peace missions

Year	1993	1997	2000	2001	2002	2003
Total nr of multilateral missions	34	52	55	51	48	52
Number of new missions	9	11	3	5	4	14
Missions carried out by:						
United Nations	20	23	22	18	19	19
OSCE	5	12	12	13	11	10
NATO	–	1	2	4	4	4
EU ^a	1	1	3	3	1	5
CIS	3	4	4	3	3	3
Other regional organizations ^b	1	4	5	3	3	4
Non-standing coalitions ^c	4	7	7	7	7	8

^a Includes missions led by WEU.

^a For example: AU, ECOWAS, CEMAC, OAS.

^c Includes missions that are directly tasked and authorized by the UN, but are carried out by an ad hoc coalition of states.

Source: Bailes, Wibarta: *Armed Conflicts and International Security*, pp. 29

Internal conflicts can have many different causes ranging from ethnic, religious or ideological concerns (and their combinations) to territorial interests (usually over control of important natural resources). A particularly stubborn sort of conflicts is that linked with extremist ideologies producing an a priori intransigent attitude, unwilling to recede from absolute demands. That nowadays applies mainly to the Islamic fundamentalism (Afghanistan, Iraq, Pakistan, Algeria). Another problematic type of conflict is that motivated by combination of ethnicity and territory. Those are also of intransigent and long-lasting nature, especially if the secessionist groups define their demands in absolute terms that allow no compromises than secession and complete independence, thus challenging the survival of the very unity of the given state (Kosovo, Chechnya, Indonesia /Aceh/, Sri Lanka). In variety of such cases, even granting of any level of autonomy is not enough to solve the problem as the stubborn attitudes of the local leaders continue to cause problems e.g. with other residual ethnic groups, particularly those of the “parent” state nationality (Kosovo, Sri Lanka). But also the ideologically motivated conflicts such as those in Colombia, Nepal, or the Philippines are among the most cruel and costly. In general, the prerequisite for a peaceful solution of such kind of disputes lies in the ability of the parties to step aside from their absolute positions and agree on a constructive compromise.

The broad majority of modern intra-state conflicts are caused by multiple reasons. Often, the rebels try to produce chaotic conditions and use partisan type of warfare (Iraq, Afghanistan,

Pakistan) including criminal and terrorist practices as genocide, ethnic cleansing (Bosnia, Kosovo, Rwanda), kidnapping, torture, public assassinations, suicide bombing (Iraq, Afghanistan, Pakistan, Sri Lanka) or use of child soldiers (Cambodia, Africa). Very often, the rebelling fraction's ability to fight is financed from criminal activities like drug production (Afghanistan, Colombia), trafficking (Kosovo) or illegal trade such as with diamonds (Africa). One of the options how to brake stop these practises is to decrease the intensity of the conflict trough squeezing these activities and getting the control over the international trade with arms i.e. with Small Arms and Light Weapons (SALW), which are the typical "poor man's weapons" fuelling the intensity of many local conflicts. However, the case of Rwanda machete-killing genocide shows, that it is not always enough. An ideal place for such deadly type of conflicts are the so called "weak" or "failed" states (Afghanistan, Iraq), which, e.g. due to a regime change, lost its official monopoly of the use of force and it is no longer able to stop the violence.

However, there is still not any single pattern of international conflict management. As history shows, intra-state conflicts are more difficult to settle through peaceful means than the conflicts between states. Numerous studies find negotiations in intra-state wars successful in only 29 % cases compared to 55 % of successes in negotiating the inter-state conflicts.¹⁶ During the 1945-1993 period, only 14 of 91 cases were successfully resolved through negotiations. Moreover, there is no equal correspondence between the human-dimension of the conflicts and international response to them (see Tables 3-4). To be fair, it is necessary to mention that neither the UN nor anyone else has the resources to intervene everywhere and even if the resources would be present, it would certainly not be always possible to reach the necessary universal consent. In some cases it even seems that the pattern of intervention is dictated more or less by the strategic interests and policies of the certain world powers. Some of the longest-running deadly conflicts have not yet seen any external military intervention at all (Myanmar, Sudan up to 2004).

1.3 Conflict Prevention and the Early Warning Systems Concept

Conflict prevention can be defined as „actions and institutions that are used to keep political disputes between and within states from becoming violent, and to hinder existing violent conflicts from escalating“¹⁷ It can be applied both to:¹⁸

¹⁶ Jentleson: Coercive Prevention, pp. 15

¹⁷ Cit. Øverland: A Gap in OSCE Conflict Prevention? Pp. 3

¹⁸ Øverland: A Gap in OSCE Conflict Prevention? Pp. 3

- Initial outbreak of violence
- Its escalation
- The relapse of sleeping conflicts into it

Some authors use the metaphor comparing conflict prevention logic with preventive medicine logic as „don't wait until the cancer has spread or the arteries are fully clogged.“¹⁹ Some are critical to it saying that it is just an appealing medical metaphor that is far from the reality of a political conflict. They continue to question „the ability of social science to precisely forecast the outbreak of violent domestic conflicts.“²⁰ Yes, it is indeed hard to assess the level of success of any conflict prevention action, as conflict prevention from its very nature misses the factual feedback necessary for a retroactive evaluation or justification of an external intervention or laid in other words „How does one prove that one prevented something that didn't happen?“²¹ The difficulty is, that the performance has to be judged largely by what has not happened, as the very success of conflict prevention means the absence of violent conflict i.e. factor, that normally draws the public attention necessary to generate the political will required to undertake an action. As Terrence Hopman wrote: “Conflict prevention successes are frequently overlooked in large part because, from the point of view of the media and most political figures, when conflicts are prevented it appears that nothing happened.”²²

Within the field of conflict prevention, several important „contraceptive“ terms have been developed to distinguish the particular methods and approaches:

- preventive action
- preventive engagement
- preventive deployment
- conflict prevention
- crisis prevention
- preventive diplomacy²³

„Preventive diplomacy“ is certainly the most important of them. It has been lifted by the UN Secretary-General Dag Hammarskjöld, who tried to use it for insulating conflicts from the contemporary bipolar rivalry. The concept has been unearthed again in 1992 by the UN

¹⁹ Cit. Øverland: A Gap in OSCE Conflict Prevention? Pp. 4

²⁰ Cit. Øverland: A Gap in OSCE Conflict Prevention? Pp. 4

²¹ Cit. Øverland: A Gap in OSCE Conflict Prevention? Pp. 4

²² Hopmann: Building Security in Post-Cold War Eurasia, pp. 40

²³ Øverland: A Gap in OSCE Conflict Prevention? Pp. 3

Secretary General Boutros Boutros-Gali in his „Agenda for Peace“, where he defined four basic components of it:²⁴

- fact-finding
- confidence-building
- early warning
- preventive deployment

However, there are uncertainties about using the term „preventive diplomacy“ as the word „diplomacy“ can be easily understood more narrowly than necessarily. Sometimes it is substituted by using the term „preventive action“ or simply with the broader term „conflict prevention“, as the later one can be often to large extent in practise understood synonymously.²⁵ The general definition of early warning and its tool – the early warning systems (EWS) is “any organised initiative for the systematic collection of information from areas of crisis in order to:

- anticipate the start and/or escalation of violent conflict;
- develop strategic responses to crisis;
- propose clear and feasible options for the international community and its bodies, humanitarian agencies, governments and other parties involved, to support their decision making and effective response strategies.”²⁶

This can include various practices ranging from basic data collection and analysis to prompt risk assessment from the crisis area.

The EWS has been evolving since the 1950s, particularly in two basic ways – while the Cold War military/strategic intelligence evolved towards pre-emption, the civilian systems evolved mainly towards forecasting humanitarian and natural disasters such as famines, droughts and epidemic (e.g. United Nations Humanitarian Early Warning System).²⁷ Currently, the early warning focuses mainly on identifying the most salient conflict indicators, providing balanced situational analysis, assessing mid-term and long-term crisis scenarios and suggesting suitable opportunities for peacemaking.²⁸ During the last two decades, the EWS have been mainly used to analyse complex humanitarian emergencies such as genocide, forced displacements, other

²⁴ Ghali: An Agenda for Peace, pp. 11-19

²⁵ Øverland: A Gap in OSCE Conflict Prevention? Pp. 3

²⁶ Cit. Dress, Tobi P., J.D.: Desingning a Peacebuilding Infrastructure, pp. 28

²⁷ Dress, Tobi P., J.D.: Desingning a Peacebuilding Infrastructure, pp. 29

²⁸ Cit. Dress, Tobi P., J.D.: Desingning a Peacebuilding Infrastructure, pp. 29

human rights violations, etc. Meanwhile, the EWS have been broadly divided into four methodological categories.²⁹

- Qualitative early warning systems – field-based analysis by experts monitoring the situation and conducting research directly in the crisis zone. These field works are fact-finding observation (verification) missions. Field expertise is crucial for success of any early warning and conflict prevention. Only experts in field (observers) can comprehend the specific context, local popular views and emotions of a given conflict.
- Quantitative early warning systems – are using systematic data collection and processing of empirical information according to a given set of criteria. It is mainly analytical work applied in causal and systems-dynamics models where conflict-causing factors are isolated and attempts are made to reveal links between them and the outbreak of violent conflict. These models, based on a pre-defined set of indicators, are aimed to identify the conditions under which violence threatens to occur. They analyse the relations between the indicators and their importance to assess the possibility of flaring the conflict.
- Some agencies use both of these methods simultaneously and combine constant monitoring (qualitative), event data analysis (quantitative), factfinding missions in the field and external expertise from a network of governments and NGOs.³⁰
- At last, but not least, there are various networks which play only supporting role in the conflict warning systems. As different humanitarian agencies acquire the will and means to improve their communications with others for purposes of early warning, networks have proliferated although they do not create any strictly formal system. They also help to access resources, which might not otherwise be available and thus have the advantage of being cost-effective, since repeated field studies do not have to be done. Besides from publishing and seminar-organisation they also provide access for leading experts to exchange the analytical information, etc.

Though the ability to predict and specify a conflict stays limited as conflicts are human-made scenarios containing the element of irregularity and unpredictability,³¹ the EWS have become an essential component of conflict prevention that provides key information, scenario-

²⁹ Dress, Tobi P., J.D.: *Designing a Peacebuilding Infrastructure*, pp. 29

³⁰ See Dress, Tobi P., J.D.: *Designing a Peacebuilding Infrastructure*, pp. 29

³¹ Dress, Tobi P., J.D.: *Designing a Peacebuilding Infrastructure*, pp. 30-31

and risk analysis, necessary prior a deployment of any international peacekeeping force. There are several typical alert indicators that signs conflict, which, observed and correctly identified in the early phases, can provide sufficient time to undertake adequate preventive or pre-emptive actions. These indicators are broadly defined as:³²

- Mounting Demographic Pressures
- Sharp and/or Severe Economic Decline
- Criminalization or De-legitimization of the State
- Uneven Economic Development along Group Lines³³
- Rise of Factionalized Elites
- Legacy of Vengeance-Seeking Group Grievance

Almost every study on conflict prevention concludes, that the most common reason of failure is the lack of political will. At this point, we should look at the deep reasons of this phenomenon. Governments often fear losing the popular support due to possible casualties or costs of larger military involvement. Investing into an effective warning systems and giving the chance for an early action can effectively save these costs as preventing a conflict from escalating to violence is much more limited objective than ending violence once it has begun. The earlier is the possibility of conflict recognized, the more and easier options for an early action are opened. However, the options narrow and do not stay open over the time.

It is the costs of waiting or inactivity, more than the costs of acting early, that are so high, it is conflict prevention, not inaction, that is the more rational and realistic strategy. As the OSCE High Commissioner on National Minorities Max van der Stoep has expressed: “It is evident from the experience of Bosnia, Chechnya, Nagorno-Karabakh, Georgia and elsewhere, that once a conflict has erupted, it is extremely difficult to bring it to an end. In the meantime, precious lives have been lost, new waves of hatred have been created and enormous damage has been inflicted. It is my firm belief that money spent on conflict prevention is money well spent, not only because it is cheaper, but especially because it saves so many lives.”³⁴

³² Chido, Diane E.: *Images of Twentieth Century Genocide: Decoding Images and Heeding Warnings*, pp. 101

³³ In Rwanda, for example, the Hutu government started importing massive numbers of machetes, far above the number needed for agriculture, a full year before the violence began in earnest. On 29 March 1994 (one week before the killing began) military leaders “suggested that the burgomasters should instruct people in the use of traditional weapons, including swords, spears, bows and arrows, and machetes” See Human Rights Watch: “Leave None to Tell the Story: Genocide in Rwanda.” (March 1999), accessed on 8 April 2006 at: http://www.hrw.org/reports/1999/rwanda/Geno1-3-02.htm#P29_10436 and “The Rwandan Genocide: How It Was Prepared.” A Human Rights Watch Briefing Paper, April 2006, Number 1., accessed 8 April 2006 at: <http://hrw.org/backgrounder/africa/rwanda0406/>

³⁴ Hopmann: *Building Security in Post-Cold War Eurasia*, pp. 20

The number of violent ethnic conflicts will certainly not decrease until the majority of local disputes will not be ignored till they become crises or extensive humanitarian emergencies. Very often these conflicts begin as localized disputes or result of tensions that could be resolved at local or national, or sub-regional levels if there were taken early preventive actions such as mediation or grievance settlement. In many cases, local disputes are addressed only after they become armed conflicts, what requires crisis intervention operations consuming massive supplies of resources. The aggressors are not only the ravaging bands in the field, but often highly organised fighting machines with an effective tactical and strategic planning. Their leaders are brutal, but they are not mad men. They make calculations and as such they have to be seen as rational. They do follow a logical calculus and the price they can pay depend on the interests of the ruling elite and often also on consent of their society. They indeed take into account what action the international community is likely to take (as it was with the KLA in the case of Kosovo). There have been numerous cases over the modern history when states have foregone apparent opportunities to reach their aims because they assessed the costs to be too high. The case of the 1993 UN preventive military deployment in FYROM (first as a part of UNPF, later UNPREDEP) is an important example of a successful early preventive action. The deployment of troops to the field at the very early stage of the conflict cycle compensated the limited size of the peacekeeping force and although the mission strength was modest, its presence was enough deterring factor.

However, there is still a huge gap between early warning and early response. Effective conflict prevention still continue to be sporadic and mostly too weak, too late, often depending on the vagaries of geopolitics. The dependence of any large-scale military actions upon a presence of the U.S. military is the most frequent cause of the international community's current inability to act.³⁵ Moreover, there are also examples that even if warned in time and having certain military presence in the field, the international community, resp. the UN did not use these means in order to stop the occurring violence. This was the case of Rwanda. When UNAMIR commander General Romeo Dallaire passed a warning based on detailed information from a Hutu informant to the UN Headquarters and asked for authorization to take preventive action,³⁶

³⁵ The Nordic countries and Canada took on the bulk of the burden for this operation, but the U.S. troops, despite being small in number and confined to low-risk duties, were disproportionately important as "a signal to all those who want to destabilize the region," as stressed by President Kiro Gligorov of Macedonia. For more see Jentleson: *Coercive Prevention*, pp. 16

³⁶ Concretely searching for and confiscating arms caches revealed by the informant who even provided precise locations for many of them. A study by the Carnegie Commission dates the last opportunity for an emergency intervention short of massive military force was the last week of April, by which time mass violence had spread to the countryside. One of the main reasons why the Hutu "crisis committee" decided to expand violence to the countryside was "the failure of the international community to respond forcefully to the initial killings in Kigali and other regions." Jentleson: *Coercive Prevention, Normative, Political, and Policy Dilemmas*, pp. 17

he was turned down. Dallaire repeated his requests the next month but the reply was same. He was turned down even during the April 1994 crisis when asked for strengthening the UNAMIR force.³⁷

Although the international community had achieved several successes during the first decade of the post-Cold War era, it was, however, more significantly stigmatised by missed opportunities. Many of interventions authorized by the UN Security Council over the 1990s (Iraqi Kurds, Somalia, Bosnia, Haiti, East Timor, Kosovo), have been rather reactive than preventive, stopping or reducing already flaring conflicts where practices of mass violence already occurred. Many international observation and peacekeeping missions, which could actually be, from the professional point of view (i.e. within the tasks set) considered as successful, are due to a negative media misinterpreted as failures. Among others, this was the case of the UNPROFOR mission to Bosnia (1992-1995), UNOSOM II mission to Somalia (1992-1993) and the OSCE Kosovo Verification Mission (1998-1999).

1.4 The Role of OSCE in the European Security

The very origins of OSCE lay already in the 50s when the Soviets proposed summoning a conference, which would finally resolve the “German question” and confirm the post-war status quo in Europe (1954). This attempt was left unheeded as the Western countries did not agree with some of the proposed implications.³⁸ In the mid 1960s, the USSR, now under the auspices of the Warsaw Pact, again proposed summoning a conference on security and co-operation, which would not only confirm the status quo in Europe, but also introduce for larger economic co-operation between the two blocks. The idea met with a positive reaction of the neutral and non-aligned states, but NATO conditioned its participation with several conditions including the participation of the U.S. and Canada, reconfirmation of the status of Berlin, number of conventional weapons in Europe and at last, but not least, human rights.³⁹ After the positivist West German Chancellor Brandt’s “Ostpolitik” the West-East tension considerably relaxed and the Soviet union agreed on the conditions and promised its participation. Finally, Finland offered to host the preparatory talks which lasted from 22nd November 1972 till 8th June 1977, concluding with the “the Final Recommendations of the Helsinki Consultations”(also known as the “Blue Book”), which drew up arrangements for a three-stage conference. All the

³⁷ Jentleson: *Coercive Prevention*, pp. 17

³⁸ OSCE: *History of the OSCE*, pp. 1

³⁹ OSCE: *History of the OSCE*, pp. 1

states had to participate as “sovereign and independent States and in conditions of full equality”, with all the decisions to be taken by consensus. The issues were organized under four headings:

- Security in Europe
- Co-operation in the Fields of Economics, Science, Technology and Environment
- Humanitarian and other Fields
- Follow- Up to the Conference

The fact that Western states succeeded to supplement of the human rights issues to the conference agenda later proved to be a fatal success and the CSCE provided a large contribution to the fall of the Eastern Block. In December 1975, when the “Final Act” was signed, a series of conferences were held dealing with European security issues.

The collapse of the former Eastern block was simultaneously followed by the collapse of both Warsaw Pact and Comecon and members of the NATO and EU originated only in the West. The only surviving organisation dealing with security issues and covering the Eastern area was the CSCE. It adapted to the new security challenges and transformed from a bridge between the Eastern and Western Europe into a platform where all the states “from Vancouver to Vladivostok” including the US, Canada and the former Soviet republics can equally participate to build peace and stability in the region.

In 1994, at the summit in Budapest, the organisation was transformed into a fully institutionalized regional security organisation (RSO) under the Chapter VIII of the UN Charter, with a permanent secretariat and associate bodies. The new organisation was named as the Organisation for Security and Co-operation in Europe. The CSCE was from the beginning a political, not a legal organisation.⁴⁰ This fact enabled it to be more flexible than if operated under formal treaties. There was an initiative of some of the member states during the Budapest summit, to grant the OSCE a special status under international law in conjunction with proclaiming as a RSO under the Chapter VII of the UN Charter. However, the attempt was turned down by majority of the member states, mainly by the US, arguing that it would be on account of its flexibility.⁴¹ Another important contribution of the Budapest summit was the adopting of the Code of Conduct on Politico-Military Aspects of Security, which sets a regional normative framework for all aspects of military activity, including civil-military relations, the conduct of warfare, and the behavior of military personnel in combat.

⁴⁰ Hopmann: Building Security in Post-Cold War Eurasia, pp. 14

⁴¹ Hopmann: Building Security in Post-Cold War Eurasia, pp. 14

Over the following years, the OSCE gradually became the third main contributor to the European security after EU and NATO, and, except the UN, also the most universal one.⁴² OSCE also preserved its unique linkage between the politico-military issues and the human rights dimension, establishing the Office for Democratic Institutions and Human Rights (ODIHR) and High Commissioner on National Minorities (HCNM). Over the past decade, the OSCE activities has covered different security issues extending from politico-military matters, over human and minority rights to economic and environmental issues. Concretely in the field of conflict-prevention its main focus is to identify and respond to brewing conflicts in order to prevent the outbreak of violence. In the field of conflict resolution OSCE has provides third-party functions (good services) as assisting in the negotiation of ceasefires between warring parties. Further, it monitors peace, ceasefires and compliance with bilateral or multilateral arrangements.

Surprisingly, to achieve such large scope of activities, the organization operates with considerably smaller budget than other organizations of its type and with entire permanent staff of only cca 250 people (including interpreters and 180 persons employed at the secretariat).⁴³ For illustration, the entire budget of the OSCE for 1998 was about 2.2 billion Austrian schillings (U.S. \$180 million), more than 82 % of which was allocated solely to the largest OSCE missions and projects in Kosovo, Croatia, and Bosnia.⁴⁴

Many of the critics of OSCE are pointing out its past “failures” in conflict prevention and resolution. Most cite are the cases of Croatia and Bosnia (1991-1992), Kosovo (1998-1999) or to resolve the frozen conflicts in Nagorji-Karabakh, Transdnestria and Georgia (Abkhazia, South Ossetia).⁴⁵ OSCE has undoubtedly much greater potential to contribute to the Eurasian security than it is generally recognized. It has several very important comparative advantages comparing with other institutions like its universality and human dimension accent. Its criticized weaknesses originate mainly from the inadequate resources and lack of political support. However, it has proven that once it is given with any amount of resources, it is capable to use them with maximal results.

⁴² Majority of experts and leaders especially from Russia argue that only the OSCE can play the role of a pan-European security institution in the next decades. See Hopmann: *Building Security in Post-Cold War Eurasia*, pp. 3

⁴³ Hopmann: *Building Security in Post-Cold War Eurasia*, pp. VI

⁴⁴ Hopmann: *Building Security in Post-Cold War Eurasia*, pp. 14

⁴⁵ Hopmann: *Building Security in Post-Cold War Eurasia*, pp 46

2 THE KOSOVO CRISIS AT A GLANCE

2.1 Historical Background

Modern Albanians derive their origins from the Indo-European Illyrian tribes,⁴⁶ which settled the area during the first Indo-European migration into Europe, ergo much earlier, than the Slavic Serbs who immigrated there in the 6th century. The particular area of today's Kosovo was inhabited by the Illyrian tribe of Dardanians. In 160 BC, the area was conquered by the Roman Empire and annexed as the province of Illyricum (59 BC). In 87 AD, the region became part of the province Moesia Superior, later (post 284) further reorganized by Diocletian into smaller provinces, from which Dardania included eastern parts of modern Kosovo, while the western part belonged to the province of Prevalitana. During 6th century AD, the area was annexed by the Byzantine Empire. During the 6th and 7th century AD, the area was under constant Slavic expansions. During the 9th century AD, the region fell under the rule of Bulgarian Empire, and in 1018 it was re-absorbed into Byzantium. In 1180, the young Serbian state took control over it.

Serbia was not an integrated state entity at the time. It was divided into a number of smaller kingdoms with dominating centres in Raška (modern central Serbia) and Duklja (Montenegro). By 1216, the king Stefan Nemanja and his successor Stefan Prvovencani, united the Serbian states creating an entity covering most of the area of today's Serbia and Montenegro. The rule of the Nemanjić dynasty (14th century), was the age of establishment of many orthodox churches and monasteries built throughout Serbian territory and especially in Kosovo. Monasteries such as in Metohija, were usually given by large estates and possessed a great authority within the Serbian state. At that time Prizren and Priština became alternatively the seats of the Nemanjić rulers. Kosovo was traditionally of a great economic importance for the region, with Pristina as one of the major trading centres in the region lying on a junction of the trade routes to the Adriatic ports. There was a number other ethnicities living along with Serbs and Albanians, among others Vlachs, Greeks, Armenians, Saxons and Bulgarians. However, the Ottoman tax-register of 1455, which took into account religion and language, shows the population share of 65% Serbs and only 4-5 % Albanians.⁴⁷ After the death of tsar Stefan Dusan, the Serbian state dissolved into many smaller vassal territories. The Ottomans took the advantage of the weakened Serbian power and invaded the country.

⁴⁶ Becker, Jens: *The Kosovo Conflict: Political and Socio-Economic Aspects*, pp. 10; Ptolomey in the 2nd century AD names an Illyrian tribe living in the territory of today's central Albania as "Albanoi" See <http://www.britannica.com/eb/topic-12564/Albanoi> (visited 30.04.2008)

⁴⁷ Becker, Jens: *The Kosovo Conflict: Political and Socio-Economic Aspects*, pp. 11

On 28th June 1389, the united Christian army of the prince (knez) Lazar Hrebljanovic suffered a crushing defeat from the sultan Murat I. in what is now known as the first battle at the Kosovo Polje.⁴⁸ Both of the rulers had been killed during the fight. Serbia maintained its independence and a sporadic control over Kosovo until the final defeat in 1455, however, the battle was a fatal blow to the Serbian resistance and subsequently became the main symbol of national heroism and unity of the Serbs. The mysterious death of Lazar, executed by the Turks or slain on the battlefield, has been regularly commemorated (the cult of Lazar).⁴⁹

Together with the anti-Ottoman fight Hunyady in the neighbouring Hungary, Skanderbeg in Albania and Vlad III. Tepes in Wallachia, was the Serbian resistance one of the main braking factors to the overwhelming Ottoman expansion to Europe, which gave important time to the Habsburg territories and Italian states to prepare for the defence.

The Ottoman rule was to last for next five centuries. Within the Ottoman territorial division, Kosovo had a status of vilayet.⁵⁰ During the war of 1683-1699, the region was temporarily occupied by the Habsburg forces under leadership of Margrave Ludwig von Baden (October 1689) which found a great support from the local Christians, but was soon pushed back by the Ottomans (summer 1690). That year, the Serbian Patriarch of Pec Arsenije III. led a wave of cca 37,000 Christian (mostly Serb) families from Kosovo, to evade the Turkish vengeance. Waves of Christian (which meant mainly Serb) emigration from Kosovo continued throughout the whole 18th century. There is an evidence of increasing Albanian population Over the 17th century, initially around Metohija, which is considered to be a result of out of the south-west (i.e. modern Albania). In 1766, the Ottomans abolished the Pec Patriarchate and considerably reduced the Christian rights in the region. During the whole period of the Ottoman rule the area was subjugated to an extensive islamisation, during which majority of the Albanian population converted to Islam.

In 1878, representatives of the four Albanian-inhabited vilayets (See Appendix VIII) founded the League of Prizren in order to demand autonomy from the Ottoman power and resist the territorial claims of the emerging Balkan states. The establishment of the League was an important landmark in the movement for Albanian self-determination. In 1910, an Albanian uprising begun in Pristina and soon spread over the whole Kosovo and western Macedonia, demanding autonomy and modulation of taxation. The revolt was initially supported by the Young Turk movement who promised to fill its demands. However, after the Young Turks came

⁴⁸ Second battle of Kosovo Polje was fought in 1448 between the Ottoman army lead by sultan Murat II and the Hungarian army lead by John Hunyady. Although the battle was larger than the first battle at Kosovo Polje, it had the same result. The Hungarian army was pushed out of the field but Hunyady was able to maintain Hungarian resistance against the Ottoman expansion over his lifetime. Both of these battles had a significant role in the anti-Ottoman resistance in the Balkans.

⁴⁹ Becker, Jens: *The Kosovo Conflict: Political and Socio-Economic Aspects*, pp. 10

⁵⁰ Vilayet – geographical administrative unit within the Ottoman Empire.

into power, they soon forsaken their promises and in June 1910, the Turkish army brutally suppressed the uprising. The Albanian nationalist organisations were outlawed, Albanian schools were closed down and the entire cultural life was paralysed.

Even if proclaimed already in 1912 during the first Balkan War, the independence of Albania was officially sealed by the Treaty of Bucharest in November 1913, closing the second Balkan war. The decision was strongly opposed by Serbia, who wanted to acquire corridor to the Adriatic through the Albanian-inhabited territories, but the Serbian demand was rejected by Austria and Italy. However, still about a half of the Albanian population was left outside the borders of the newly formed Kingdom of Albania.⁵¹ Large territories where Albanians created majority were to be found in Montenegro (around the town of Ulqin on the Adriatic), Serbia (Kosovo and Polog, i.e., the Western part of Vardar Macedonia), and Greece (Çamçria region in the Epirus Mountains).

The territory of Kosovo was annexed by the Kingdom of Serbia and by the Kingdom of Montenegro (Metohija) during the first Balkan War. This territorial division was confirmed by the Treaty of London in January 1913. From the Serbian point of view, it was the “fulfilment of a national vision”,⁵² whereas the Albanians regarded it as a division of their nation. The new borders were more a matter of political and military ambitions of the particular Balkan states resp. protégés of the European great powers and were largely ignoring the right of self-determination of the local populations.

After the World War I.⁵³ both of the Kingdoms (Serbia and Montenegro) became parts of the new Kingdom of Serbs, Croats and Slovenians (KSCS). The new state did not grant the Albanian population with a minority status and the cultural rights going with it. The leading nation – Serbs regarded Kosovo as their ancestral homeland and the Albanians were being regarded as aliens. Education and publication in Albanian language was prohibited, voting right was granted, but the strong intimidation of the only substantial Albanian political party – the Dzemijet movement, prevented it from obtaining a single mandate at the parliamentary elections of 1925.⁵⁴ There were several evacuation campaigns to Turkey and increasing discrimination and repression from the side of the state authorities such as arrests and single killings.⁵⁵ This treatment increased the irredentist moods, which escalated in the uprising of 1923-1924,⁵⁶ when the guerrillas partly succeeded to drive out the Yugoslav forces and liberate separate areas where

⁵¹ Troebst, Stefan: *The Kosovo Conflict 1998*, pp. 2

⁵² Cit. Becker, Jens: *The Kosovo Conflict: Political and Socio-Economic Aspects*, pp. 11

⁵³ During the war Kosovo was occupied by the Austrian army.

⁵⁴ Becker, Jens: *The Kosovo Conflict: Political and Socio-Economic Aspects*, pp. 12

⁵⁵ Becker, Jens: *The Kosovo Conflict: Political and Socio-Economic Aspects*, pp. 11

⁵⁶ The „Kacak“ movement (“Committee for the National Defence of Kosova”), formed in 1918 in Shkoder, with aim to unify all Albanian lands. The movement enjoyed considerable support from Albania, especially after 1920 when some of the well-known Kosovar Albanians became senior officials in Albania's government.

they established a kind of self-government. The Serb armed forces had a great difficulty to suppress the revolt, using methods as punishment of whole families.⁵⁷ The suppression leaved a constant negative factor in the Serbo-Albanian relations. Over the period of the KSCS (1918-1929), Kosovo was split into four districts (counties), whereas three were part of the entity of Serbia (Zvečan, Kosovo and southern Metohija) and one of Montenegro (northern Metohija) and the proportion of the Serbian population in Kosovo considerably increased. The dictatorship of the king introduced in 1929 led only to further decline of the political life in the country. At that time, Kosovo was one of the most under-developed regions of southern Yugoslavia. Between the world wars (1918-39), approximately 87% of the population – Albanians, Serbs and others – still worked within the agricultural sector.⁵⁸

After the partition of the Kingdom of Yugoslavia during the World War II., most of the territory of Kosovo was joined under the Italian-occupied Greater Albania and smaller parts were under the German-occupied Serbia and Greater Bulgaria. The partisan movement, led by the Communist party of Yugoslavia (CPY) had great difficulty to find the support among the local population in comparison with other regions of the ex-Yugoslavia.⁵⁹ After the experiences stressed above, the Albanians were largely sceptical to the cooperation with the other Yugoslav nations and a smart occupation policy of Italy and Germany, playing on the nationalist feelings (creation of the Italian-occupied “Greater Albania” and the Albanian Waffen-SS Division Skanderbeg), won the hearts of many Albanians. As well as in other parts of the ex-Yugoslavian kingdom, also in Kosovo the whole period of 1941-1945 was characterised by mass ethnic violence and brutal repressions. Thousands of Serbs were forcibly expelled out of the region by armed Albanian paramilitary groups. The death-toll figures are estimated at 10,000-40,000 people and 70,000-100,000 refugees.

After Italy withdrew from the war in the fall of 1943, Kosovo subsequently became part of the Serbian Republic within the post-war Yugoslavia (1944), although Western Macedonia was granted status of a new Yugoslav Republic.⁶⁰ Shortly before the end of the war there were tendencies from the side of the Communist Party of Albania, to join Kosovo to Albania, however, they were explicitly rejected by the CPY.⁶¹

Nevertheless, the victory of the communist partisans in World War II put through the theory of equal rights for all the nations and nationalities of Yugoslavia, meant a revaluation of the status of Kosovo, which obtained the status of an autonomous region of Serbia (1946). This

⁵⁷ Becker, Jens: *The Kosovo Conflict: Political and Socio-Economic Aspects*, pp. 11-12

⁵⁸ Becker, Jens: *The Kosovo Conflict: Political and Socio-Economic Aspects*, pp. 12

⁵⁹ Becker, Jens: *The Kosovo Conflict: Political and Socio-Economic Aspects*, pp. 12

⁶⁰ Troebst, Stefan: *The Kosovo Conflict 1998*, pp. 2

⁶¹ Becker, Jens: *The Kosovo Conflict: Political and Socio-Economic Aspects*, pp. 12

rather low degree of autonomy was considerably upgraded when it became an autonomous province in 1963.⁶² Over the time, the local Kosovo authorities subsequently became in hands of the ethnic Albanians. The local Serbs, complaining of discrimination and often becoming targets of unpunished ethnic motivated attacks, started to migrate out of the province since the 1960s.⁶³ This, along with the higher fertility of the Albanian population caused that the ethnic Albanians constituted an overwhelming majority of the population of Kosovo. By 1968, when a wave of Albanian demonstrations had arisen in Pristina, Albanians in Kosovo already represented 67.2% of the total population, while Serbs only 23.6%.⁶⁴ At that time, Kosovo was still one of the poorest regions within the whole country, with a standard of literacy only on 25,7 % (1981).⁶⁵

2.2 From the Constitution of 1974 till Armed Conflict (1998)

The adoption of the new federative constitution in 1974 was a major step in the devolution of government to the republics. The problem of the disproportional size of Serbia (40 % of the total population of Yugoslavia) was resolved by giving large degree of autonomy to the provinces of Kosovo and Vojvodina. The provinces were given by an extensive political, cultural and economical autonomous status within Serbia (although not yet a full republican status which would notionally grant the right to secede).⁶⁶ They became constituent members of the federation with their own separate seat within the rotating collective state presidency,⁶⁷ provincial assembly (parliament), special representation in the Serbian parliament with a veto right against legislation, separate central bank, police, autonomous educational and judiciary system, and also a provincial communist party (League of Communists of Kosovo). Albanians thus obtained key positions in the party and provincial government.⁶⁸

Over 1980s, the tensions between the communities in Kosovo intensified, as the Albanian community favoured greater autonomy and the Serbs plus other minorities on other hand preferred closer ties with Serbia. There was no will for unification with Albania among the Kosovo Albanians yet, as the country was ruled by a Maoist regime at the time with considerably worse living conditions. In March 1981, the Kosovo Albanian demands for a full republican

⁶² Troebst, Stefan: *The Kosovo Conflict 1998*, pp. 2

⁶³ KOSOVO/KOSOVA As Seen, As Told, pp. 29

⁶⁴ Becker, Jens: *The Kosovo Conflict: Political and Socio-Economic Aspects*, pp. 14

⁶⁵ Becker, Jens: *The Kosovo Conflict: Political and Socio-Economic Aspects*, pp. 13-14

⁶⁶ "The provincial government was allowed to make bilateral contracts, i.e. concerning economic matters, to formulate an independent educational policy, by running an Albanian-speaking university, and to set up its own media." See Becker, Jens: *The Kosovo Conflict: Political and Socio-Economic Aspects*, pp. 13

⁶⁷ This practice actually started after the death of Tito in 1981.

⁶⁸ Reuter, Jens: *Kosovo 1998*, pp. 183

status for the province broke out into mass student protests followed by violent riots, which met with a brutal police repression.⁶⁹ The government in Belgrade proclaimed a state of emergency over the province and deployed the federal army. According to official figures, the unrest continued over the next seven years, during which 7,000 Albanian activists received short prison sentences and over 1,750 others were sentenced for longer terms up to 15 years.⁷⁰

Albeit majority of the subjects of the human rights violations in Kosovo after 1981 were Albanian nationalists, the law enforcement bodies of the Kosovo autonomous province were already mostly staffed by Albanians. This made the local Serbian population to feel as the disadvantaged minority as well. The sentiments were finally stirred up by the publication of the Memorandum of the Serbian Academy of Arts and Sciences in September 1986. The memorandum, including issues as an alleged conspiracy against Serbia by Slovenia and Croatia, warned the Kosovo Serbs, that they would face total genocide unless they could reverse the "Albanianisation" of the province.⁷¹

On 24 April 1987, Slobodan Milosevic, at that time already a prominent figure in the Serbian communist party, was meeting the local Serbian representatives at the place of the ancient battle at Kosovo Polje. During his speech⁷² a large crowd demonstrating in his support was brutally driven out by the local police forces.⁷³ Milosevic used the opportunity, came out and addressed them in front of the television cameras saying "no one should dare to beat you". This gained him a status of hero and a protector of Kosovo Serbs. Milosevic, playing skilfully the tune of the Serbian nation under eternal threat was by the end of September 1987 the most powerful person in Serbia, in control of both the republican communist party and government, putting a strong impulse to escalation of the crisis in Kosovo. In summer 1998, Serbian was made the only official language in Kosovo, pushing Albanian aside from the official communication. Simultaneously, massive Serb demonstrations asked for withdrawing the autonomy status of Kosovo and Vojvodina. The discontent of the Albanian population culminated in february 1989 in a strikes and demonstrations.⁷⁴ The Belgrade government sent in the army and federal police and imposed state of emergency, which lasted till 1992.

Over 1988, several proposals were made to revise the autonomy status of Kosovo and Vojvodina and transfer the crucial powers⁷⁵ back to the republican government in Belgrade. The

⁶⁹ "At the University of Pristina chanting students "We are Albanians, not Yugoslavs", "Unity with Albania" provoked fierce reactions from the Yugoslav authorities. Cit. Becker, Jens: *The Kosovo Conflict: Political and Socio-Economic Aspects*, pp. 16

⁷⁰ KOSOVO/KOSOVA As Seen, As Told, pp. 27

⁷¹ KOSOVO/KOSOVA As Seen, As Told, pp. 28

⁷² „Nobody Should Beat You“ – A Speech of Slobodan Milosevic at Kosovo Polje from April 24-25, 1987

⁷³ The police used battons against the demonstrators. See KOSOVO/KOSOVA As Seen, As Told, pp. 28

⁷⁴ Troebst, Stefan: *The Kosovo Conflict 1998*, pp. 3

⁷⁵ E.g. transferring the control of police, court system, economy, education system and language policies back to the republican government in Belgrade. See KOSOVO/KOSOVA As Seen, As Told, pp. 28

leading members of the communist parties in both provinces resigned and the Serbian parliament approved the appropriate constitutional amendments (March 1989). In the same month, under a deliberate intimidation by secret police and great political pressure from Belgrade, the Kosovo Assembly voted in favour of these amendments,⁷⁶ which were further approved by the republic-wide referendum (July 1988). Subsequently, the final steps of the removal of the autonomy including dissolving of the provincial assemblies followed. What remained was only the participation of the provincial representatives in the collective SFRY presidency and in the Federal Assembly.⁷⁷ The new order met with a strong opposition from the side of Kosovo Albanians, who refused to participate both in the referendum and the following elections. Because the 50 % participation clause was not fulfilled, the new Kosovo assembly could not be established. Expectedly, it triggered off mass demonstrations which were brutally suppressed by Serbian security forces resulting in an unknown number of casualties.

Milosevic later even further fan the fire when, during his speech at the celebration of the 600th anniversary of the historical battle of Kosovo polje on 28 June 1989, called for a Serbian re-settlement of Kosovo. Mass demonstrations and violent clashes with police followed for all of 1989 and spring of 1990, culminating in late January with a death toll of at least 27 Albanians.⁷⁸

In the meanwhile, the Serb authorities started a wave of cleansing the Albanians from all positions in the public and economic spheres in Kosovo. At least 100,000 people were fired from police, judiciary, civil and public services, municipal and regional authorities, schools, hospitals, cultural institutions, media, factories, mines, etc., and replaced by Serbs, Montenegrins, Turks or pro-Serbian Albanians. Simultaneously, all Albanian political organisations as well as all cultural and sports associations were forbidden and most Albanian print and other media closed down.⁷⁹ On 3rd September 1990, the mass dismissal resulted in a general strike with participation of up to 200,000 people. The state authorities retaliated by preventing their return to the work places.⁸⁰

The dissolution of the Kosovo Assembly in July 1990 evoked another strong wave of Albanian protests. Afterwards, on 2nd July 1990, 114 of its former deputies (out of 180)⁸¹ secretly met and declared Kosovo as an “independent and equal entity within the framework of the Yugoslav federation and an equal subject with its counterparts in Yugoslavia.”⁸² At that time, most of Kosovo Albanians were still favouring secession from Serbia but staying within the

⁷⁶ With 168 against 10, with 2 abstentions. See Troebst, Stefan: *The Kosovo Conflict 1998*, pp. 3

⁷⁷ KOSOVO/KOSOVA As Seen, As Told, pp. 28

⁷⁸ Troebst, Stefan: *The Kosovo Conflict 1998*, pp. 3

⁷⁹ Troebst, Stefan: *The Kosovo Conflict 1998*, pp. 4

⁸⁰ Troebst, Stefan: *The Kosovo Conflict 1998*, pp. 4

⁸¹ “Albanian, Turkish and Muslim delegates” Cit. Troebst, Stefan: *The Kosovo Conflict 1998*, pp. 3

⁸² *Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army*, pp. 10

Yugoslav federation.⁸³ The act was condemned and proclaimed as illegal by both Serbia and SFRY. In September 1991, the former Kosovo deputies organized a referendum on sovereignty and subsequently, on 7th September, at a secret meeting in Kacanik, 111 of the former Kosovo Assembly deputies proclaimed a full independence of Kosovo. The Belgrade authorities immediately brought criminal charges against the persons involved. The republic-wide parliamentary elections in December 1990 were boycotted by most of the Kosovo Albanians. The results showed 100 % in favour of independence out of 87 % turnout and subsequently, a provisional government was formed.⁸⁴ The “Republic of Kosovo” was recognized only by the parliament of Albania (22nd October 1991), however not by the Albanian foreign ministry.⁸⁵ The European Community’s (EC) “Badinter Arbitration Commission”,⁸⁶ drawing up recommendations for the recognition of the former Yugoslav republics, did not consider the formerly autonomous provinces Kosovo and Vojvodina within the Socialist Republic of Serbia to be federating sovereigns of the Socialist Federal Republic Yugoslavia with the right to form their own state,⁸⁷ notwithstanding the fact that according to the valid constitution of 1974, the federation was constituted by eight units, with the two autonomous Serbian provinces (Kosovo and Vojvodina) having *de facto* same status as the six republics.⁸⁸ Surely, the analogy with the situation of the Serbs in Krajina in Croatia, also could put an political element in the EC position, while some of the member states (Germany) were afraid of an encouragement of Krajina Serb separatism by a recognition of an independent Kosovo. The EC however, considered the Krajina issue promising in the interest of pressing Belgrade to restore Kosovo’s autonomy.⁸⁹

In order to increase the state control over the province, the Belgrade government started to replace the state officials in the province en masse by Serbs and loyal Albanian, explaining it as de-communisation. The dissatisfaction of the Albanians broke out into a general strike in September 1990. In March 1991, the Kosovo representative to the Serbian Assembly was

⁸³ Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army, pp. 10

⁸⁴ KOSOVO/KOSOVA As Seen, As Told, pp. 28

⁸⁵ Reuter, Jens: Kosovo 1998, pp. 184

⁸⁶ Special permanent body of the European Community under the chairmanship of Robert Badinter. The five-member Commission consisting of the presidents of Constitutional Courts of the member states, was to draw up opinions for the particular cases. During its existence, the Commission handed over fifteen opinions on the major legal questions arisen by the split of the Socialist Federal Republic of Yugoslavia. Of the 3 Yugoslav republics, which the EC had recognized at the end, the Badinter Commission Report supported only the claim of Slovenia. The report also supported the claim of Macedonia, but the recognition was blocked by Greece because of the dispute considering the official name.

⁸⁷ Troebst, Stefan: The Kosovo Conflict 1998, pp. 4

⁸⁸ However, the EC also did not question the Kosovo and Vojvodina right for autonomy. See Troebst, Stefan: The Kosovo Conflict 1998, pp. 5; “At the beginning of 1992 Western diplomats - off the record - justified this position by arguing that it would be necessary to impose substantial sacrifices on the Serbs in Croatia and Bosnia and for that reason one could not demand that they relinquish Kosovo as well. There were rumours at the time that the West had explicitly concluded a deal with Milošević on this matter - that, in return for the Serbian President's agreement that Blue Helmets could be stationed in Krajina, the Kosovo problem would not be put on the international agenda.” Cit. Reuter, Jens: Kosovo 1998, pp. 183-184

⁸⁹ Troebst, Stefan: The Kosovo Conflict 1998, pp. 5

recalled for “anti-Serbian activities” and his post was abolished.⁹⁰ Although the decision was soon revised, the tensions finally lead to a departure of the Kosovo delegation out of the assembly two months later, when the Assembly confirmed a candidate chosen by Serbia as a new Kosovo representative for the federal presidency.

In the meanwhile (1991), Yugoslavia received a new moderate government headed by the Prime Minister Milan Panic, an American businessman of Serbian origin, who promised the renewal of Kosovo’s autonomy. However, Panic lost his office in December 1992, without having enough time to carry out his plans.⁹¹

Followingly, the Serbian government tightened its policy, closing public media in Albanian language and abolishing the teaching in Albanian in most of secondary schools and finally at the University in Pristina. Albanians responded by boycotting the state schools and maintaining a parallel system of Albanian-language education, often provided by teachers who had lost their jobs. The first parallel elections took place in May 1992. By this time the SFRY ceased to exist as four of its constituent republics had declared independence, and 28th April 1992 Serbia and Montenegro formed new Federal Republic of Yugoslavia (FRY). However, the act was not recognized by the Western countries at that time.

On 24 May 1992, the Kosovo Albanian „shadow“ state organised its parliamentary elections. The elections were overwhelmingly won by the democratic League of Kosovo (LDK), lead by Ibrahim Rugova, who was proclaimed as the President of the Republic of Kosovo.⁹² But at that time the attention of the international community was mainly focused on the events in Bosnia. The inter-ethnic tension was again increased during the massive re-settlement campaign of cca 10,000 Krajina Serbs into Kosovo in 1995. Many Albanians also felt betrayed when Kosovo was left off the agenda of the Dayton peace talks in November 1995. The absence of gains of Rugova’s non-violence policy further undermined his position at the home-front, although it reached a certain success when the Yugoslav authorities approved the renewal of the Albanian educational curriculum the following year (1996). However, before the decision could be implemented, the situation again deteriorated as the police brutally suppressed another student demonstrations.

In February 1996, France surprisingly recognized the Federal Republic of Yugoslavia, supposedly in return for the release of two French bomber pilots, which has been negotiated

⁹⁰ KOSOVO/KOSOVA As Seen, As Told, pp. 28

⁹¹ Reuter, Jens: Kosovo 1998, pp. 188

⁹² „...with a 89.32 per cent, 96 seats went to LDK, 29 to other Kosovo Albanian parties, and 5 to "people of Muslim ethnicity." Fourteen seats remained vacant; they were reserved for Montenegrins and Serbs from Kosovo should they decide to take them. On the same day, elections for the Presidency of the Republic of Kosova took place. In addition to 766,069 voters in Kosovo, also 105,300 Kosovo Albanians abroad participated. With 99.56 per cent, Rugova, the only candidate, was elected.“ Cit. Troebst, Stefan: The Kosovo Conflict 1998, pp. 4

during the secret negotiations in 1995. Soon followed the recognition from the United Kingdom, Sweden, Denmark, the Netherlands, Portugal, Italy and Germany. Once again (after the recognitions of Croatia and Slovenia in 1991 and 1992), the EU had failed in co-ordinating a common policy towards Belgrade. It was of little effect that the European Parliament, referring to the continuing violations of human rights in Kosovo, criticized the decision of these member states.⁹³

In the night of 10-11th September 1997, KLA launched an coordinated assault on police facilities and vehicles. Yugoslav forces retaliated with a series of raids in the KLA stronghold of Drenica.⁹⁴ In November of the same year, the KLA made its first public appearance of IRA fashion, when its uniform fighters appeared during the funeral of a killed Kosovo Albanian teacher.⁹⁵ On 1 October 1997, several thousands of students went in the streets of Pristina to demonstrate for the establishment of the Education Agreement from 1996. While on this occasion the police did not intervene, another student demonstration on 30th December 1997 was brutally suppressed. Over the rest of 1997 and 1998, the violence continued. In March 1998, the second parallel elections were organised by the Kosovo Albanians, again convincingly won by Rugova's LDK.

The demographic development in the province was unambiguous (See Tab. 1). As the only safety-valve for the steep Kosovo Albanian population growth was the large labour migration.⁹⁶ The number of Kosovo Albanians living in the Western countries, mainly in Germany, Switzerland and Scandinavia, was estimated to 600,000 plus another 300,000 in the U.S. and Canada.⁹⁷

⁹³ Reuter, Jens: Kosovo 1998, pp. 184

⁹⁴ Troebst, Stefan: The Kosovo Conflict 1998, pp. 6

⁹⁵ Troebst, Stefan: The Kosovo Conflict 1998, pp. 6

⁹⁶ Kosovo has the highest birth rate in Europe (23.1 per 1000 in 1989). See Troebst, Stefan: The Kosovo Conflict 1998, pp. 1

⁹⁷ Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army, pp. 10; „From 1991 to 1994, an estimated number of 400,000 Kosovo Albanians have left Kosovo for political reasons for Switzerland and the European Union, in particular, Germany, Austria and Sweden. By the end of 1995, 340,700 Kosovo Albanians had sought political asylum outside the FRY. According to UNHCR estimates and figures given by the governments of Albania and Montenegro, the Kosovo War of 1998 resulted in the flight of another 98,100 Kosovo Albanians to Montenegro (42,000), Albania (20,500), other parts of Serbia (20,000), Bosnia-Herzegovina (8,600), Macedonia (3,000), Slovenia (2,000) and Turkey (2,000). In addition 200,000 Kosovo Albanians were dislocated within Kosovo. Funds sent to Kosovo from the Kosovo Albanians living in these countries were also the backbone of the later LDK's parallel Kosovo self-government, as the exiles introduced the so called „homeland tax“ amounting to 5% of the individual income. There was also a considerable number of Kosovo Albanians living in Albania. However, there were also population movements of Serbs and Montenegrins from Kosovo. Between 1991 and 1996, some 19,000 Serbian refugees from Bosnia, the Krajina and other parts of Croatia were resettled in Kosovo, whereas during 1998, several tens of thousands Kosovo Serbs fled or were forced to leave the region to the own Serbia. In the spring of 1997, almost the entire Croat population of Kosovo had emigrated to Croatia.“ See Troebst, Stefan: The Kosovo Conflict 1998, pp. 1; Funds sent to Kosovo from the Kosovo Albanian diaspora countries were later the backbone of the LDK's parallel Kosovo self-government, as the exiles introduced the so called „homeland tax“ amounting to 5% of the individual income. There was also a considerable number of Kosovo Albanians living in Albania. See Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army, pp. 13

Tab. 1: Total population of Kosovo and population by ethnic origin 1948-1991

Population census year	Total population	Ethnic origin		
		Albanian	Serbian	Others
1948	729 000	68%	24%	8%
1953	808 000	66%	23%	11%
1961	964 000	67%	24%	9%
1971	1 244 000	74%	18%	8%
1981	1 584 000	77%	13%	10%
1991	1 956 000	82%	10%	8%

Source: http://www.reintegration.net/europa/download/Maps_Statistics.pdf (visited 02.05.2008)

2.3 Escalation of the Violence (March–June 1998)

Over the second half of 1997, the nature of the conflict substantially changed. Rugova's government could no longer monopolize the Kosovo Albanian political landscape, as the so far minor radical political force – the Kosovo Liberation Army (KLA),⁹⁸ violently entered the stage by launching a guerrilla campaign under the device of liberation of all territories inhabited by Albanians and uniting them into a “Greater Albania”.⁹⁹ At the beginning, Rugova's LDK firmly denied the existence of the KLA or claimed that it was a puppet of the Yugoslav secret service. However, after more than 50 Serb policemen and number of Albanian “collaborants” were killed, the KLA's existence could no longer be denied.¹⁰⁰ Throughout the competition among the Kosovo Albanian factions over the question of violence during the late 1990s, NATO's increasing involvement rewarded the KLA's provocateur strategy and undermined the Rugova's moderates, whose initial goals were actually more compatible with the officially proclaimed aims of both Contact Group and NATO. Still more, mainly young unemployed men from rural areas, students and exiles both from Albania and the West, started to join the KLA. The population shift¹⁰¹ as well as the flow of the rural Albanians from the battle areas to THE cities, radicalised the urban population and contributed to decline of influence of the LDK.¹⁰²

⁹⁸ The Kosovo Liberation Army (KLA), in Albanian Ushtria Çlirimtare e Kosovës (UCK), should not be mistaken with its counterpart in FYROM – the National Liberation Army (NLA), in Albanian Ushtria Çlirimtare e Kombëtare (UCK), what bears the same acronym.

⁹⁹ Crawford: *Pivotal Deterrence and the Kosovo War*, pp. 505

¹⁰⁰ “More than forty communiqués issued by the UCK have served the purpose of claiming responsibility for such actions and have also named the goals of the organization.” Cit. Reuter, Jens: *Kosovo 1998*, pp. 191

¹⁰¹ Kosovo Albanians were the “youngest” people of Europe with 45 % under the age of 18, and 70 % under 30. See Troebst, Stefan: *The Kosovo Conflict 1998*, pp. 1

¹⁰² Wag the Dog: *The Mobilization and Demobilization of the Kosovo Liberation army*, pp. 12

The most onerous problem which paralysed the military power of the KLA – the lack of weapons – was resolved in a „Deus-ex-machina“ manner, when the deep political crisis and following collapse of state authorities in neighbouring Albania during March and April 1997, relieved a flood of small arms from the looted Albanian military and police armouries, which were being smuggled into Kosovo in mass numbers. At that time, the price of an automatic gun at the local black markets was reportedly reaching to 15 DM or 8 USD.¹⁰³ The growth of the KLA fire force was simultaneously followed by a campaign of terror against the Yugoslav security forces, state officials, Serb civilians, Albanians who worked for the authorities, supported the Serbian authorities or who just did not sympathize with the KLA aims.¹⁰⁴ With the inaction of the international community, the KLA subsequently started to transform into a dominant (Kosovo Albanian) political element, which was soon to be respected (involuntarily) even by popular Rugova. The power shift was definitely confirmed in July 1998, when the unofficial Kosovar parliament (with the majority of seats possessed by the Rugova's LDK) recognized the KLA as "the legitimate fighting force" of the Kosovars and accepted military force as a means of liberation."¹⁰⁵ The Yugoslav authorities responded with substantial increase of the federal security forces presence in the province in January 1998. The security forces began reprisals using military helicopters and APCs,¹⁰⁶ which were mainly targeted against villages, which the Albanian fighters used as their bases.¹⁰⁷ As it is usual by guerrilla warfare, this caused a spiral of violence, where many Kosovo Albanians, even previously supporting Rugova's non-violent resistance, started to actively support the KLA.

The strongest wave of violence was stirred up by assassination of four Serb policemen on 28th February 1998. Yugoslav authorities responded with a wave of offensives and extensive police roundups, attempting to deliver final blow to the KLA.¹⁰⁸ The offensive against the KLA stronghold of Drenica resulted in 25 killed KLA fighters. Another heavy attacks followed on 5th and 7th March, taking 58 lives.¹⁰⁹ On 23rd April, the Yugoslav forces killed another 22 Kosovo

¹⁰³ Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation Army, pp. 13; Reuter, Jens: Kosovo 1998, pp. 191

¹⁰⁴ "The UCK intensified its activity in 1997 and early 1998, with attacks on police stations, police officers, Serb civilians and Kosovo Albanians working for or with the authorities, but in the two years up to mid-January 1998 it had only claimed the killing of a total of 10 Serbian police and other officials, and 11 Kosovo Albanians." Cit. KOSOVO/KOSOVA As Seen, As Told, pp. 29

¹⁰⁵ Cit. Reuter, Jens: Kosovo 1998, pp. 192

¹⁰⁶ KOSOVO/KOSOVA As Seen, As Told, pp. 29

¹⁰⁷ "Two such attacks on villages in late February were followed by an assault on the village of Donji Prekaze/Prekazi i Poshtem (Srbica/Skenderaj municipality) in early March, where at least 54 people were killed including a local UCK leader, most of his family and other women, children and elderly men. The reprisals continued with further attacks on villages in the central Drenica region, causing many villagers to flee their homes." Cit. KOSOVO/KOSOVA As Seen, As Told, pp. 29

¹⁰⁸ "It was considered certain that it was not an army but a group of lightly armed fighters, whose total numbers at the beginning of 1998 were estimated by the Serbian Ministry of the Interior at no more than 2,000. But it was also clear to the Serbian authorities that these numbers would grow like an avalanche if they were unable to smash the organization in time." Cit. Reuter, Jens: Kosovo 1998, pp. 191

¹⁰⁹ Reuter, Jens: Kosovo 1998, pp. 191

Albanian fighters. Another offensive followed in March, in the central and western part of the province. The KLA counterstroke in the west, mainly around the city of Pec and along the borders with Albania.¹¹⁰ On 5th March 1998, the U.S. Special Envoy to the Balkans Robert Gelbard condemned the Yugoslav reaction and threatened to use force.¹¹¹ The actions against the KLA aroused massive demonstrations in Pristina, which were brutally suppressed by the police. The Rugova's shadow government organized elections (boycotted by the KLA), which were again overwhelmingly won by the Rugova's LDK with more than 90 % of the vote.¹¹² The Contact Group tried to use this fact and reward the LDK's policy of non-violence by treating Rugova as a negotiation counterpart and representative of the Kosovo Albanians.

On 9th March 1998, the Contact Group¹¹³ threatened with an imposition of international sanctions against Serbia, in order to increase the pressure on the Serbian authorities for negotiations on the autonomy of the province.¹¹⁴ The Yugoslav diplomacy succeeded to achieve a 5-day prolongation of the deadline (9th March), but when the Contact Group met again in (Bonn, 25th March) , the deadline was extended for another four weeks, notwithstanding that a new Serbian revenge crackdown on three villages near the town of Decani the previous day, resulted in more than 40 Kosovo Albanian casualties.¹¹⁵

The UN Security Council reacted with the Resolution 1160, condemning the violence and "acts of terrorism", imposing an arms embargo on Yugoslavia (31st March 1998) including the "terrorists" in Kosovo and demanding political solution of the crisis "based on the territorial integrity" of the FRY. The development in Serbia, however, proceeded in the opposite way. In the referendum held on 23rd April, Milosevic gained an overwhelming support (95%) for his policy of rejection of an international mediation of the Kosovo crisis.¹¹⁶ At this point, the LDK started to be disunited over the issue of nonviolence. Rugova had to compile a Contact Group negotiations team for the first time representing all the fractions.

In the meanwhile in Kosovo, intensive fighting in the West flared up again in the second half of April, resulting with another more than 20 killed Albanians.¹¹⁷ On 30th April 1998, the

¹¹⁰ Reuter, Jens: Kosovo 1998, pp. 191

¹¹¹ Crawford: Pivotal Deterrence and the Kosovo War, pp. 506

¹¹² Crawford: Pivotal Deterrence and the Kosovo War, pp. 506

¹¹³ France, Germany, Italy, Russia, the United Kingdom and the USA

¹¹⁴ „Contact Group announced to "reconsider the measures we have now adopted", while in the case of non-compliance "a freeze on the funds held abroad by the FRY and Serbian governments" was envisaged.“ Troebst, Stefan: The Kosovo Conflict 1998, pp. 9 also KOSOVO/KOSOVA As Seen, As Told, pp. 29

¹¹⁵ Troebst, Stefan: The Kosovo Conflict 1998, pp. 9

¹¹⁶ Reuter, Jens: Kosovo 1998, pp. 189; KOSOVO/KOSOVA As Seen, As Told, pp. 29; Troebst, Stefan: The Kosovo Conflict 1998, pp. 9

¹¹⁷ „On 16 and 20 April, Yugoslav border guards and UÇK fighters crossing into Kosovo from Albania clashed, and on 22 April Serbian security forces shelled the Deçan village of Baballoç (Babaloc). On 23 April 1998, a two-day battle took place near the border village of Kozare between some 200 UÇK guerrillas and Yugoslav troops resulting in 23 killed Kosovo Albanians. During the following days, newly brought-in army units shelled villages with artillery and tanks, while UÇK fighters attacked police posts in the Dakovica region to the South of Deçan.“ Cit. Troebst, Stefan: The Kosovo Conflict 1998, pp. 9

NAC condemned “the excessive use of force by the Yugoslav army” but also that NATO “firmly opposed to independence for Kosovo” and to “all use of violence ... by terrorist groups”.¹¹⁸ European Union remarked that the Kosovo Albanian precondition-demand of independence now directly conflicted with the UNSCR 1160.

On 24th May, the Yugoslav security forces launched another massive operation in the Dečan region, trying to destroy the new KLA operation base by cutting off its supply routes from Albania. The operation drove out up to 60,000 refugees, cca 100 Kosovo Albanians were killed.¹¹⁹ Another meeting of Milosevic and Rugova in Belgrade in June 1998, mediated by the U.S. President Clinton’s Special Envoy Richard Holbrooke did not bring any results as the KLA launched a its first major offensive. On 9th June, EU finally banned new investments to Serbia. The decision mainly affected Italy and Greece. Simultaneously, NATO increased its military presence in the neighbouring FYROM and Albania. On 15th June 1998, 83 NATO aircraft joined the Exercise "Determined Falcon" taking place in an immediate proximity of the FRY border, a move severely criticized by the Russian Federation.¹²⁰

By early July, the KLA controlled about 30 – 40 % of the province, but later suffered heavy losses as the Yugoslav forces started to retake the lost territory.¹²¹ The difficulty of

¹¹⁸ NAO Press Release (98) 51 (30.04.1998)

¹¹⁹ „With the danger of Western sanctions thwarted, Milošević immediately ordered several thousand heavily armed special police officers and VJ troops to carry out a massive offensive in the Dečan region and to destroy the UÇK’s new operation base by cutting off its supply routes to Albania. On 24 May, villages along the Peja-Gjakova highway were attacked by tanks and artillery, and depopulated by scorched-earth tactics. The regional center Dečan was turned into rubble and almost all of its 20,000 inhabitants fled. The UÇK stronghold Junik, a village in the vicinity of Dečan, was said to be bombed on 5 June by four Serbian military aircraft. Several Serbian policemen and up to 100 Kosovo Albanians were killed. Villagers fled by the tens of thousands into the neighboring Kosovo regions around Gjakova and Malisheva (Mališevo), 7,000 into Montenegro and another 11,000 into Albania, while some 20,000 were trapped in between the front lines. According to Western observers, the aim of the offensive was "to have an eight to 10 kilometer wide stretch where no neutral people live." In addition, the Yugoslav army planted landmines in the new cordon sanitaire along the 130 km border to Albania. By June it became obvious that the UÇK counter-strategy of defending whole villages against superior Serbian firepower instead of flexibly withdrawing and striking again at night caused disastrous results. On 13 June 1998, Western media reported, "according to intelligence estimates, 9,000 to 11,000 Yugoslav troops have surged into Kosovo, backed by 175 tanks, 200 armored personnel carriers and 120 artillery batteries, as well as 7,000 to 10,000 police or paramilitary troops." The Serbian side exploited the growing weakness of the UÇK by launching a major attack on villages to the West of Gjakova, where tens of thousands of refugees were seeking shelter. On 11 June, shelling of the town of Gjakova itself and its immediate surroundings began and lasted for several days.“ Cit. Troebst, Stefan: *The Kosovo Conflict 1998*, pp. 10

¹²⁰ Troebst, Stefan: *The Kosovo Conflict 1998*, pp. 10

¹²¹ „By mid-July, the Yugoslav army and special police forces were under heavy pressure by the UÇK. Fighting broke out in up to then peaceful large towns like Prizren, and on 17 July, UÇK launched a full-fledged "conventional" attack on the town of Rahovec (Orahovac) in South-western Kosovo and captured it. The attack was paralleled by the unsuccessful attempt of 1,000 UÇK fighters to cross the Albanian-Serbian border into Kosovo. After four days of heavy fighting, Serbian forces reconquered Rahovec. One hundred and ten people, among them 34 UÇK guerrillas, were said to have died during the fighting, while 25,000 inhabitants fled the town. The success of Rahovec encouraged Milošević to carry out his coup de grace-scheme according to a two-phase scenario: First, UÇK communications and supply lines had to be severed while Serbian ones would be restored; and secondly, the remaining UÇK strongholds in Central and Western Kosovo should be destroyed completely. Immediately after the retaking of Rahovec, Serbian forces attacked UÇK posts along the Prishtina-Peja and Prishtina-Prizren highways and cleared them completely. The "liberated territory" in Central Kosovo was now split into two parts. On 28 July, Serbian forces marched from three different directions on the town of Malisheva where the UÇK general staff was located. Obviously, the UÇK did not make a serious attempt to defend the town, but retreated in disarray together with several tens of thousand inhabitants and refugees. In military as well as in political terms, this was the turning point of Round One of the Kosovo War: The myth of the UÇK as a modern, omnipresent and ultimately superior force and as such the nucleus of a new nation-state of the Kosovo Albanians – if not of all Albanians – was seriously damaged. During the first half of August, the Serbian side succeeded in crushing the remaining UÇK strongholds in Drenica and in the West among them the strategic villages of Llikovc (Likovac) on 6

Rugova's negotiating position at that time could be illustrated by the fact, that on one hand the Serbian government insisted that the Rugova's government should recede from its demand for secession and denounce the KLA, and the KLA in return requested that Rugova should either align himself with the KLA or resign.¹²² Few days later, the Yugoslav security forces launched a new offensive against the KLA and the support for Rugova among the Kosovo Albanians rapidly lapsed. He came out with a series of meetings with the highest international actors as the UN Secretary General Annan or the U.S. president Clinton. The Contact Group including Russia had further increased the economical pressure on Yugoslavia by banning the foreign investment to the country,¹²³ demanding immediate ceasefire and withdrawal of Yugoslav forces from Kosovo. Meanwhile, the KLA had increased its attacks and the Yugoslav authorities with sending substantial military reinforcements to the province during May 1998.¹²⁴ On 13th June 1998, increasing the hopes of the KLA, NATO began military exercises over Macedonia and Albania.¹²⁵

Over the next days, the peace initiatives continued and the Yugoslav leadership through Russian mediation agreed to restart negotiations with the LDK on "forms of autonomy" of the province, to stop reprisals against the civilian population, to guarantee free access to Kosovo for diplomats, international organizations, and humanitarian NGOs and to withdraw the security forces "to the extent that terrorist activities are halted." However, the negotiations stopped at a dead-point as the Albanian side did not find an internal consent between Rugova's moderate autonomists and the KLA radical separatists, which totally opposed the negotiations.¹²⁶

During July 1998, the fighting spread into the south-west, resulting in another 110 casualties on the Kosovo Albanian side¹²⁷ and relieving extensive wave of refugees, estimated by the UN up to 50,000-60,000.¹²⁸ NATO continued to show its muscles. On 8th July 1998, four NATO warships docked in the Albanian port of Durres what was according to General Clark

August, and the by now legendary Junik on 15 August. By applying a step-by-step approach Belgrade made sure that the campaign did not provoke strong reactions by the international community. According to Western observers, the new Serbian tactics was "A village a day keeps NATO away." On 17 August, regional UÇK leaders in the Peja area and Serbian forces agreed upon a cease-fire mediated by KDOM in order to allow international aid agencies to reach civilians displaced and wounded in recent fighting." Troebst, Stefan: *The Kosovo Conflict 1998*, pp. 11 Another view presents Reuter, Jens: *Kosovo 1998*, pp. 192: "By the beginning of August (1998) it could be seen that the Serbian forces had for the most part destroyed the Kosovo Liberation Army and were once again in control of the situation. But that is by no means a final victory. The UCK has lost more than 500 fighters and key strategic positions as well...But the UCK has not been defeated because it still (or again) has more than 35,000 fighters and because its logistic base and military nerve centre is unassailably located in northern Albania."; Wag the Dog: *The Mobilization and Demobilization of the Kosovo Liberation army*, pp. 15

¹²² Wag the Dog: *The Mobilization and Demobilization of the Kosovo Liberation army*, pp. 12

¹²³ Yugoslavia's international assets were already frozen. See Crawford: *Pivotal Deterrence and the Kosovo War*, pp. 507-508

¹²⁴ Crawford: *Pivotal Deterrence and the Kosovo War*, pp. 507-508, KOSOVO/KOSOVA As Seen, As Told, pp. 29

¹²⁵ Crawford: *Pivotal Deterrence and the Kosovo War*, pp. 508

¹²⁶ Crawford: *Pivotal Deterrence and the Kosovo War*, pp. 508

¹²⁷ Reuter, Jens: *Kosovo 1998*, pp. 191

¹²⁸ Wag the Dog: *The Mobilization and Demobilization of the Kosovo Liberation army*, pp. 15

(SACEUR) a “demonstration of NATO’s determination to help resolve the Kosovo conflict”.¹²⁹ He further indicated possible NATO operations against the KLA.¹³⁰ At the same time the Contact Group announced new steps in cutting funding of the KLA from abroad, but what was more important, NATO send a clear warning to the KLA by doing nothing to stop the Yugoslav summer offensive.

Ignoring these warnings, the Yugoslav forces continued their anti-partisan cleaning actions, concentrating on the Drenica region and the territory along the south-western border, using artillery fire and causing a large wave of refugees estimated to 200,000-300,000 between April and September 1998.¹³¹ By late July, the KLA was pushed back to the hills and the Yugoslav authorities were again controlling most of the province. This encouraged and enabled the Kosovo moderates to move closer to the intended internal political consent. This had the first results, as the KLA for the first time in touch with the international community on 29th July 1999.¹³² The negotiations did not bring any success, however, it brought the KLA into the light and increased its vulnerability to coercion. On 9 August, the Contact Group proposed a plan giving the province an autonomous status while remaining a “special part” of Serbia.¹³³ The KLA condemned it, insisting on their ultimate requirement of total independence. This resulted in the fact, that when Rugova was summoning up new negotiations team, the KLA was not on the list. That was for please of both NATO and Yugoslav side, the KLA was sidelined. Since the KLA was not a party to them, the efforts to impose a ceasefire failed in 1998 failed. In mid-August a NATO military manoeuvres took place in Albania and on 24 August, the Security Council called again for a ceasefire, what allowed the Albanian negotiation team to increase their positions. But Milosevic consistently opposed any scheme that would give Kosovo status equal to Serbia and Montenegro.¹³⁴ However, on 2nd September 1998, Christopher Hill, the US ambassador to FYROM announced that both Milosevic and Rugova had expressed a willingness to sit behind the negotiation table.

2.4 The Holbrooke Agreement

On 23rd September 1998, concerned by reports of widespread violence against civilians by the both sides, increasing presence of the Yugoslav security and paramilitary forces menacing

¹²⁹ Cit. Crawford: Pivotal Deterrence and the Kosovo War, pp. 509

¹³⁰ Crawford: Pivotal Deterrence and the Kosovo War, pp. 509

¹³¹ KOSOVO/KOSOVA As Seen, As Told, pp. 29; <http://www.afsouth.nato.int/operations/deteagle/Eagle.htm>

¹³² Crawford: Pivotal Deterrence and the Kosovo War, pp. 509

¹³³ Crawford: Pivotal Deterrence and the Kosovo War, pp. 509

¹³⁴ Crawford: Pivotal Deterrence and the Kosovo War, pp. 510

to flow into an extensive humanitarian catastrophe, the UN Security Council adopted the Resolution 1199, demanding an immediate cessation of hostilities by both of the sides, withdrawal of Yugoslav security forces “used for civilian repression“, freedom of movement for international monitors and humanitarian organisations, return of the refugees and a “meaningful dialogue on future of the province.”¹³⁵ Notably, Russia did not veto this resolution.

By 4th October, the cleaning operations against the KLA were completed and the Yugoslav security forces started to retreat to the barracks. However, due to the ongoing humanitarian crisis NATO threatened Yugoslavia with issuing an Activation Order (ACTWARN) with a fixed deadline for air strikes. The Russian Federation and France reacted with summoning the Contact Group and reactivating the UN and the OSCE. On 8th October, the Contact Group Foreign Ministers met with the U.S. President Special Envoy Holbrooke and OSCE Chairman-in-Office Polish Foreign Minister Bronislaw Geremek and decided the following:

"We agreed tonight that Dick Holbrooke should return straight to Belgrade, with the full authority of the Contact Group and the backing of all the nations represented on the Contact Group. We are also clear that compliance with Resolution 1199 must involve 6 clear measures:

- first, an end to offensive operations and hostilities by both sides;
- secondly, the withdrawal of Belgrade's security forces to their positions before March and the withdrawal of heavy weapons;
- thirdly, freedom of access for the humanitarian agencies to get on with their important relief work;
- fourthly, full cooperation with the International War Crimes Tribunal to make sure those who have committed atrocities are brought to justice;
- fifthly, the facilitation of the return of refugees to their homes without fear;
- and finally, but critically, a start to negotiations on the Hill proposals which have been endorsed by the Contact Group.

We are also agreed that any settlement that offers compliance with 1199 must be irreversible. That is why we agreed tonight that if Mr Holbrooke is successful in obtaining agreement from President Milošević, then that agreement must be open to a full and credible verification, and the provision on the ground to verify that agreement must be on a scale and with the freedom

¹³⁵ UN Security Council Resolution 1199 (1998)

necessary for full and credible verification.”¹³⁶ Subsequently, the Yugoslav President Milutinovic in his television speech to the nation, announced an agreement upon "principles for a political solution" of "the problems in Serbia's southern Province of Kosovo-Metohija in a peaceful way" including a timetable for implementation of "an agreement on the status of the international presence, including verification, OSCE and other elements," by 19th October, "the completion of an agreement containing core elements for a political settlement in Kosovo" by 2nd November and "the completion of rules of procedure for elections" by 9th November.¹³⁷

Subsequently, the North Atlantic Council (NAC) authorized gen. Wesley Clark (the SACEUR), to seek forces from NATO members for use in Kosovo.¹³⁸ On 1st October 1998, Secretary of Defense William Cohen announced that the United States was ready to begin air strikes in two weeks and on 5th October Russia expressed “deep disquiet” over NATO’s threats. After the following meeting of the Contact Group at the London Heathrow airport, Russia indicated that it would veto any UN authorization for airstrikes against Yugoslavia.¹³⁹ On 12th October 1998, NATO's highest decision-making body – the North Atlantic Council (NAC), issued another ACTWARN to the SACEUR to prepare for “limited air strikes and a phased air campaign” in case Yugoslav authorities refuse to comply with the international demands of the UN within 96 hours.¹⁴⁰ On the same day, President Slobodan Milosevic and Richard Holbrooke announced that they reached an (oral)¹⁴¹ agreement. Milosevic unilaterally pledged the FRY to complete an agreement on the “core elements” of a settlement by 2nd November 1998,¹⁴² whereas any solution of the Kosovo crisis had to respect the territorial integrity and sovereignty of the FRY.¹⁴³ Concretely, Milosevic agreed to withdraw the federal armed forces deployed in the province after February 1998 back to Serbia, leaving their number on approximately 25,000 men. The remaining Yugoslav Army (YA) units would return to the barracks, except of limited force guarding the Yugoslav-Albanian border. The numbers of the police were also to be decreased, while their main task would be securing the vital lines of communication.¹⁴⁴ The withdrawal had

¹³⁶ Cit. Troebst, Stefan: *The Kosovo Conflict 1998*, pp. 13

¹³⁷ Cit. Troebst, Stefan: *The Kosovo Conflict 1998*, pp. 13

¹³⁸ Crawford: *Pivotal Deterrence and the Kosovo War*, pp. 510

¹³⁹ “According to Holbrooke, Igor Ivanov, the Russian foreign minister, sent a signal of tacit assent to independent NATO action: “If you take it to the UN we’ll veto it. If you don’t we’ll just denounce you . . . we’ll just make a lot of noise.” The same day he said in public that Russia opposed NATO air strikes, because they would “strengthen Milosevic”” Cit. Crawford: *Pivotal Deterrence and the Kosovo War*, pp. 510

¹⁴⁰ NATO Secretary General Press Statement, 13th October 1998

¹⁴¹ “To allow Milošević to save face no formal document seems to have been signed by him and Holbrooke – at least none was made public.” Cit. Troebst, Stefan: *The Kosovo Conflict 1998*, pp. 14

¹⁴² Later on, this agreement became known as the “Holbrooke Agreement”.

¹⁴³ Crawford: *Pivotal Deterrence and the Kosovo War*, pp. 511

¹⁴⁴ “While Holbrooke according to Western media reports had been pressing for a maximum of 17,500 police and army permanently stationed in Kosovo, Milošević succeeded in securing a ceiling of 15,000 VJ troops and 10,000 MUP forces.” Cit. Troebst, Stefan: *The Kosovo Conflict 1998*, pp. 13; “Milosevic agreed to withdraw Serb forces deployed in Kosovo after February 1998. The VJ elements that remained would return to their barracks, except for limited numbers that were to defend

to be verified by 2000 unarmed OSCE ground monitors combined with a NATO air-surveillance, in order to verify the compliance with the UNSCR 1199. An important detail is, that the Holbrooke agreement did not bar the right of the Yugoslav side for security operations. While the SACEUR General Wesley Clarke and Chairman of the (NATO) Military Committee German General Klaus Naumann were translating the broad language of UNSCR 1199 into clearly defined military clauses,¹⁴⁵ the NAC decided to maintain the pressure on Belgrade, ordering the airstrikes to be launched after another 96 hours (13th October).¹⁴⁶

On 15th October 1998, an agreement had been signed by the YA Chief of Staff General Momčilo Perišić and the NATO SACEUR Clarke, approving the establishment of a NATO air verification operation over Kosovo (Operation “Eagle Eye”), a complement of the ground verification provided by the OSCE.¹⁴⁷ The OSCE Permanent Council simultaneously expressed its readiness to carry out the ground verification with its Decision Nr. 259.¹⁴⁸ Subsequently, on 16th October 1998, an agreement on the OSCE Kosovo Verification Mission was signed in Belgrade by the Minister of Foreign Affairs of the FRY Zivadin Jovanovic and the OSCE Chairman-in-Office, Polish foreign minister Bronislaw Geremek, determining its duration for “period of one year, with extensions upon request of either of the sides.”¹⁴⁹ On 17th October, the first U-2 verification flight was flown from Aviano air base and two days later, the reconnaissance team of the NATO Kosovo Verification Coordination Centre (KVCC; NATO aerial verification coordination body) was established in the town of Kumanovo in the neighbouring FYROM,¹⁵⁰ in order to coordinate the activities of the NATO Air Verification Mission for Kosovo with the OSCE KVM in Prishtina and with the new NATO Extraction

the Serb-Albanian border. The activities of the police forces would also be scaled back, their chief task to maintain twenty-seven “observation points” along critical lines of communication. Cit. Crawford: *Pivotal Deterrence and the Kosovo War*, pp. 511

¹⁴⁵ „Clark and Naumann kept pressuring Milosevic to commit to real numbers and then comply with them. They hammered on two themes: if he did not comply, NATO would bomb; if he did comply, he could “turn the table so that the KLA [were] seen as the bad guys.” Cit. Crawford: *Pivotal Deterrence and the Kosovo War*, pp. 511

¹⁴⁶ “Ambassador Holbrooke reported that there has been progress. He stressed that the process was largely due to the pressure of the Alliance in the last few days and that we have to maintain this pressure in order to ensure that the process continues. In response, just a few moments ago, the North Atlantic Council decided to issue activation orders - ACTORDs - for both limited air strikes and a phased air campaign in Yugoslavia, execution of which will begin in approximately 96 hours.” Cit. NATO Secretary General Press Statement of 13.10.1998

¹⁴⁷ „The Agreement established a Mutual Safety Zone composed of Kosovo and a 25-kilometre corridor extending beyond the contiguous boundaries of Kosovo. Unarmed NATO aircraft were allowed free reign over Kosovo.” Cit. Troebst, Stefan: *The Kosovo Conflict 1998*, pp. 15

¹⁴⁸ OSCE Permanent Council Decision Nr. 259

¹⁴⁹ Agreement on the KVM from 16th October 1998, Chapt. I Art. 9; The mission itself was formally established on 25th October 1998, by the the OSCE Permanent Council Decision Nr. 263. See OSCE Permanent Council Decision Nr. 263

¹⁵⁰ The Kosovo Verification Co-ordination Centre (KVCC) was a multinational NATO headquarters, part of NATO Eagle Eye operation, serving as the primary liaison between the OSCE ground- and NATO air verification. It coordinated NATO unarmed air verification flights and operated unmanned aerial vehicles flights. Besides that, the KVCC also provided coordination with FYROM airspace control and the NATO Extraction Force Headquarters. The KVCC was based in Kumanovo (FYROM) and commanded by the British Brigadier D.W. Montgomery, who reported to the Commander-in-Chief Allied Forces Southern Europe (CINCSOUTH) in Naples, Italy. The KVCC was comprised of approximately 150 military staff from NATO member states. See <http://www.afsouth.nato.int/operations/deteagle/kvcc/kvcc.htm>

Force (XFOR, Operation "Joint Guarantor").¹⁵¹ On 21st October, the North Atlantic Council approves Eagle Eye operation.¹⁵² On 24th October, both of the verification missions were endorsed by the Security Council Resolution 1203 (1998).¹⁵³ The Belgrade government immediately started to meet its obligations, so already on the same day, the KDOM had reported "the withdrawal from Kosovo of over 90% Serbian Interior Ministry (MUP) reinforcements."¹⁵⁴ By the 27th October deadline, Belgrade had complied.¹⁵⁵

The (including the Rugova's LDK) felt obviated as they were not invited to participate in the Holbrooke agreement. Moreover, their objective of deployment of NATO ground forces in Kosovo was not reached.¹⁵⁶ The KLA sharply criticized the Holbrooke agreement insisting that "all solutions but independence ... are not acceptable."¹⁵⁷ However, unwilling to gain reputation as warmongers it also declared "unilateral" ceasefire.¹⁵⁸ NATO, hoping that it was a chance for the LDK to use this progress to make further steps in the negotiations with Belgrade, heightened its rhetoric towards the KLA.¹⁵⁹ However, as the Yugoslav forces started to withdraw, the KLA came down from the hills and launched a campaign of provocations. The Kosovo Albanian fighters occupied and fortified all the key positions vacated by the Serbs, ambushed police patrols and even fired upon the diplomatic observers from the Kosovo Diplomatic Observer

¹⁵¹ On 2nd December 1998, the Macedonian government approved stationing this French-led force of 1,500 to 1,700 personnel from several NATO countries in Kumanovo and on 5 December the ACTORD for XFOR was issued. Its mandate was to "extract" individual or all members of the OSCE KVM or other designated persons from Kosovo in an emergency. Troebst, Stefan: *The Kosovo Conflict 1998*, pp. 17

¹⁵² Operation Eagle Eye - NATO air force operation consisting of manned and unmanned verification flights over Kosovo in compliance with the UN Security Council Resolution 1199, established by the North Atlantic Council decision of 30th October 1998. Eagle Eye flights were coordinated with the KVM. The operation was a result of the NATO-FRY agreement, signed in Belgrade on October 15th 1998, under which the FRY agreed to the establish an "air surveillance system comprised of NATO non-combatant reconnaissance aircraft and unmanned aerial vehicles." The operation was officially launched by activation order on 30th October 1998. It was conducted under the authority of the Supreme Allied Commander Europe (SACEUR). Responsibility for the successful execution of the operation lied with the Commander in Chief of Allied Forces Southern Europe (CINCSOUTH), headquartered in Naples, Italy. The air component commander of the operation was the Commander of Allied Air Forces Southern Europe (COMAIRSOUTH), using the 5th Allied Tactical Air Force, Combined Air Operation Center (5ATAF CAOC). The Combined Air Operation Center, located in Vicenza, Italy, tasked and controlled national air assets contributing to Eagle Eye. The other component of the operation was the Kosovo Verification Coordination Centre (KVCC). The Eagle Eye flights ceased together with the withdrawal of KVM on 24th March 1999. See <http://www.afsouth.nato.int/operations/deteagle/Eagle.htm>

¹⁵³ UN Security Council Resolution 1203 (1998)

¹⁵⁴ "The KDOM counted 4,126 police personnel moving out of Kosovo or into established garrisons late yesterday and today. [...] KDOM is unaware of any Serbian Army (VJ) forces currently deployed out of garrison other than three company-sized units (approximately 360 troops), and the normal border guard units patrolling the frontier. KDOM also reported the withdrawal of tanks and armoured personnel carriers by VJ and MUP forces. According to the US Department of State, by 29 October a decrease of VJ troops in Kosovo from 16,000 to 17,000 down to 13,000 had taken place, whereas the British Ministry of Defence estimated a presence of 15-16,000 VJ troops and 9,000 MUP forces." Cit. Troebst, Stefan: *The Kosovo Conflict 1998*, pp. 16

¹⁵⁵ As General Naumann later said: „Milosevic really did what we asked him to do, he withdrew within 48 hours some 6,000 police officers and the military back into the barracks.” In return, Naumann and Clark had assured him that NATO would “try to control” the KLA.2 Cit. Crawford: *Pivotal Deterrence and the Kosovo War*, pp. 512

¹⁵⁶ Troebst, Stefan: *The Kosovo Conflict 1998*, pp. 17

¹⁵⁷ Cit. Crawford: *Pivotal Deterrence and the Kosovo War*, pp. 512

¹⁵⁸ Crawford: *Pivotal Deterrence and the Kosovo War*, pp. 512

¹⁵⁹ As the U.S. Secretary of state Madeleine Albright stated: “We have . . . delivered a clear message to the leadership of the Kosovo Liberation Army: there should be no attempt to take military advantage of the Serb pull-back. Neither side can achieve military victory in Kosovo.” Cit. Crawford: *Pivotal Deterrence and the Kosovo War*, pp. 512

Mission (KDOM).¹⁶⁰ Because the international community did not intervene, the ceasefire gave the KLA almost undisturbed conditions to regroup and evolve in a considerable, centrally organised fighting force and leading political fraction among the Kosovo Albanians.¹⁶¹ In the contemporary documents of OSCE, NATO and UN, the KLA is obviously described as responsible for the most of ceasefire violations.¹⁶² Also many of the key actors expressed in this sense.¹⁶³

However, as it is easier to verify an established government than a partisan army, the eyes of the international community have been focused mainly on the Belgrade government.¹⁶⁴ On the way to the NATO intervention, the Western leaders largely suppressed this version of the story. This was why the Western media depicted the Yugoslav government and security forces as the oppressors and the main generator of the violence. This drew water on the KLA's mill. The Rugova's LDK was definitely pushed of the running. As it lost the control over the situation and had to conform to the KLA demands, otherwise it risked marginalization or even branding as traitors.¹⁶⁵ This was clearly shown by the radical shift in the LDK's fundamental demands over 1998 and later when the head of the KLA Political Department Hashim Thaci deliberately took the lead of the Kosovo Albanian delegation during the talks in February 1999, sidelining the elected Rugova's LDK.¹⁶⁶ The statement of Adem Demaci, the KLA political spokesman from 17th November 1998, saying that "Rugova can sign anything, but there can be no deal without (KLA's) consent", speaks for itself.¹⁶⁷ On 5 December 1998, the KLA announced that it would not "settle for anything less than full independence" and "called on the international community, first and foremost the United States of America, to support Kosovar independence." The impudence of the KLA went so far, that on 8 December Demaci said, that the new Hill plan was "utterly unacceptable" and recommended the U.S. government to fire both Hollbrooke and Hill.¹⁶⁸

¹⁶⁰ Crawford: Pivotal Deterrence and the Kosovo War, pp. 513; Kosovo Diplomatic Observer Mission (KDOM) - ??????????

¹⁶¹ Soon, the OSCE reported that "central control and unified political and military strategy are increasingly visible aspects of KLA activity" "In the words of one KLA general, "the ceasefire was very useful for us, it helped us to get organized, to consolidate and grow." Crawford: Pivotal Deterrence and the Kosovo War, pp. 513

¹⁶² We call upon the armed Kosovar elements to cease and desist from provocative actions and we call upon the FRY and Serbian authorities to reduce the number and visibility of MUP special police in Kosovo Cit. M-NAC-2(98)143 (08.12.1998)

¹⁶³ During the confidential meetings of NAC the KLA was described as „the main initiator of the violence” and blamed from launching “what appears to be a deliberate campaign of provocation.” According to Gen. Naumann William Walker reported to the NAC in private that “the majority of violations were caused by the KLA.” Cit. Crawford: Pivotal Deterrence and the Kosovo War, pp. 513-14

¹⁶⁴ As the Director of the KVM Walker stated on 8th January 1999: “There have been instances of noncompliance on both sides. In our view, the majority of the instances ... have emanated from the [Serbian] government side. But that is also perhaps a function of the fact that we have asked more of them. When I say that they're not cooperating in terms of landing rights for planes that might be bringing in supplies or quibbles at the border over customs, this sort of thing, those are things you ask of a government; you don't ask that from the KLA.” Cit. Crawford: Pivotal Deterrence and the Kosovo War, pp. 513

¹⁶⁵ Crawford: Pivotal Deterrence and the Kosovo War, pp. 505

¹⁶⁶ Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army, pp. 16

¹⁶⁷ Crawford: Pivotal Deterrence and the Kosovo War, pp. 517

¹⁶⁸ Cit. Crawford: Pivotal Deterrence and the Kosovo War, pp. 518

By stepping up its military operations, the KLA practically ensured the leading position at the Rambouillet peace talks.¹⁶⁹ Between the Holbrooke agreement and the Rambouillet talks the KLA deliberately blocked any progress towards a political settlement, i.e. the official goal of the Contact Group and NATO. This is evident since the Contact Group as well as the Yugoslav authorities sought for a solution in a form of Kosovo's political autonomy that would avoid the need for deployment of NATO peacekeepers. The Kosovo Albanian side, on the other hand, continued to demand independence and that "NATO ground troops deploy in Kosovo."¹⁷⁰ Not wanting to seem more impenient than Belgrade, the Albanian delegation stated, that it is ready for an interim political settlement, however, it was conditioned by an independence-plebiscite clause, what was unacceptable both for the Serbs and the international community.¹⁷¹ The situation finally culminated by the incident in the village of Racak, during which the Yugoslav security forces killed 45 Albanians, which lead to the summoning of the so called Rambouillet peace talks.

For what followed these events, please see Chapter 5.

¹⁶⁹ Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army, pp. 16

¹⁷⁰ Crawford: Pivotal Deterrence and the Kosovo War, pp. 517

¹⁷¹ Both Yugoslavia and the Contact Group insisted upon the preserving of the Yugoslavia's territorial integrity. See Crawford: Pivotal Deterrence and the Kosovo War, pp. 517

3 THE BELLIGERENTS

3.1 The Yugoslav Security Forces

During January and February, the Yugoslav command started to move large reinforcements to Kosovo, in order to wipe out the growing KLA. The Yugoslav security forces comprised of police, army (YA) and paramilitary units. Their numbers can be only estimated.

The police units comprised of the regular police ("Milicija") plus three specialized police forces of the Public Security service of the Ministry of Interior of the Republic of Serbia (Služba javne bezbednosti Ministerstva unuštajnih poslova Republike Srbije, MUP):

- Special Police Unit (Posebna jedinica Policije, PJP)
- Special Purposes Police Units (Jedinice posebne namjene policije, JPNP; also called "Red Berets")
- Special Anti-Terror Units (Specialne antiteroristicke jedinice, SAJ)¹⁷²

Characteristically, the forces under the interior ministry received a priority in resource allocation from the Milosevic government, on the prejudice of the YA. This was in order to increase the general control over the state as well as to secure his own political survival. The police was equipped with light machine guns and APCs and was identifiable by its dark blue camouflage uniforms. The militia maintained checkpoints in the towns and rural areas as well as actively operated against the KLA. The PJP were most numerous from the three special MUP special forces. They were more mobile than the regular police, they wore blue camouflage uniforms with body armour with a "Policija" placard and their strength was around 400-500 men.¹⁷³ The SAJ, reported to be present in two companies, totalled approximately 200 men. They wore green camouflage uniforms and used armoured vehicles (Praga, Pinzgauer and armoured vans) and even some T-55 tanks. Within the towns, the SAJ was seen to operate in white Audi- and black BMW cars.¹⁷⁴

The strength of the interior ministry forces in Kosovo was estimated between 13,000 and 30,000-40,000 men.¹⁷⁵

¹⁷² Troebst, Stefan: *The Kosovo Conflict 1998*, pp. 2

¹⁷³ *Kosovo/Kosova as Seen, as Told*, pp. 46

¹⁷⁴ *Kosovo/Kosova as Seen, as Told*, pp. 46

¹⁷⁵ "On 1 March 1998, the Prishtina daily KOHA Ditore reported, "Kosova has 13,000 Serb police forces – 25,000 reinforcement units can be transferred from central Serbia within 72 hours." The same source put the strength of the Army of Yugoslavia in Kosovo at 6,500 and mentioned in addition emergency plans for the deployment of 10,000 troops from Niš, Leskovac and Užice in the interior of Serbia. The figure of army reservists ready for action in Kosovo was given as 4,000; that of

The Yugoslav army (YA) units in the area comprised mainly of the 52nd Army Corps (“Pristina Corps”, part of the Yugoslav 3rd Army) based in Prishtina, under command of Major-General Nebojsa Pavkovic. The 52nd Corps comprised of:¹⁷⁶

- 15th Armoured Brigade, Pristina
- 243rd Armoured Brigade, Urosevac
- 125th Motorized Brigade, Kosovska Mitrovica
- Tank Battalion, subordinated to the 125th Motorised Brigade, Pec
- 549th Motorized Brigade, Prizren
- 52nd Artillery Brigade, Gnjilane
- 52nd Military Police Battalion, Pristina

Besides that, the 52nd Corps close air support was provided by the 83rd Aviation Regiment (located at Pristina Airfield), 98th Air Force Brigade (Kraljevo), the 172nd Air Force Brigade (Podgorica), and the 119th Helicopter Brigade (Nis).¹⁷⁷ In addition, the 354th Infantry Brigade was located in Kursumlija, close to the Kosovo border in Serbia proper. VJ reserves needed to be drawn from Serbia proper, because of the limited number of male Serbs reservists available in Kosovo.

The YA was basically divided in two basic elements – the “regular YA” and the “reservists”. While the regular units were designed to an overall defence of the FRY, the reserve units were responsible only for their own areas. In case of Kosovo, the local units had to be supplemented from Serbian proper, as the numbers of the local Serbs was low.¹⁷⁸

The YA was a Soviet style-built army. In Kosovo it was equipped mainly with the T-55 (Soviet made) tanks, later also with M-84A tanks (Yugoslav version of Soviet T-72), M-80

the paramilitary Tigrovi ("Tigers") of the notorious Željko Ražnjatovic ("Arkan") as 400. In January 1998, an unidentified OSCE source was quoted as putting the mobile components of the 52nd Army Corps in Prishtina commanded by Major-General Nebojša Pavkovic at 140 tanks and 150 armoured vehicles. In late February 1998, a Belgrade paper reported, "in Kosovo there are permanently between 30,000 and 40,000 policemen". On 29 October 1998, the US Department of State informed, the 10,000 regular police, SAJ, JPNP and PJM officers plus 11,000 to 12,000 VJ troops stationed in Kosovo in February, were from March on reinforced by another 4,000 policemen plus about 5,000 additional army personnel." Cit. Troebst, Stefan: *The Kosovo Conflict 1998*, pp. 6-7; "From late February to mid-October 1998, the Yugoslav and Serb authorities had deployed 13,000 police forces and 6,500 Yugoslav National Army (YNA) troops and 400 Serbian paramilitaries (Tigers) in Kosovo." Cit. Wag the Dog: *The Mobilization and Demobilization of the Kosovo Liberation army*, pp. 15; "In Kosovo, there were approximately 15,000-16,000 VJ troops in early 1999 and up to 20,000 by the end of April. There were in addition nearly 30,000 police and irregulars (volunteers and paramilitaries)." Cit. *Kosovo/Kosova as seen as told*, pp. 46

¹⁷⁶ *Kosovo/Kosova As Seen, As Told*, pp. 46

¹⁷⁷ <http://www.globalsecurity.org/military/world/serbia/army.htm> (visited 11.05.2008)

¹⁷⁸ "The extent of the mobilization in Kosovo from March 1999 depleted the civilian sector. For example, where there had formerly been 148 employees in the local government administration in Gnjilane/Gjilan, after March only 52 remained out of uniform and working as normal. Thus, although widespread mobilization took place, the VJ in Kosovo was still supplemented by "volunteers" and "armed civilians". Cit. *Kosovo/Kosova as Seen, as Told*, pp. 46

armoured fighting vehicles, M-60 APCs, BRDM-2 and BOV M-86 wheeled reconnaissance vehicles, 2S1 (122mm) self propelled guns, D-30 (122mm), M-1 (155mm) and M-84 (152mm) towed howitzers, M-63 (128 mm) and M-77 (128mm) multiple-rocket launchers, M-69 (82mm), M-74/75 (120mm) mortars and the Czechoslovakian M-53/59 Praga armoured trucks with mounted 30mm anti-aircraft cannons.¹⁷⁹ The Yugoslav Air Force squadrons providing the close air support for the ground operations were equipped with new Orao-2, Super Galeb and Jastreb, and older P-2 Kraguj.¹⁸⁰ According to the Clark-Naumann agreement of 25th October 1998 the strength of the 52nd Corps (including the 52nd Military Police unit) had to be 9,068.¹⁸¹ According to the list of equipment, given by the Yugoslav authorities to the KVM during its establishment, the YA in Kosovo declared to have 197 tanks, 178 ACV/APC/AIFV3 and 358 artillery, plus 37 MiG-21 jets at the Pristina Airfield. Besides that, additional equipment was present in Kosovo, such as anti-tank and surface to air weapons (AT-3 and SA-9 respectively), were monitored under a separate agreement.¹⁸²

The YA also was tasked with securing the 261 km long border with Albania, running through mountains up to 2,600 m high. Along the border, there was a 5 km-wide security zone, but there was no fence or other physical boundary. There were 32 border posts and observation towers, however, the towers were not usually manned as people from the Albanian side of the border used them as targets. YA patrols rarely patrolled along the actual border, as the danger of being shot was too high. In the border area, the YA manned 32 platoon-sized field posts and six company positions. In addition, there were three "Quick Reaction" battalions, held in barrack locations, which were ready to reinforce or deal with large-scale border incidents/incursions. On 4 March 1999, the security zone in the border area was increased to a width of 10 km. At this stage, the OSCE-KVM estimated that there were already at least 15 combat teams out of barracks - five times as many as had been agreed under the Clark-Naumann.¹⁸³

The estimates of the total numbers of the YA units in the province (with reinforcements from other YA formations outside Kosovo) are between 6,500-10,000 (early 1998) to 15,000-16,000 men (early 1999) and up to 30,000 by the end of April 1999.¹⁸⁴

There was also a number of paramilitary units operating alongside the Yugoslav armed forces. Reportedly, there had be around 3 volunteer brigades organised, comprised of Serbs and

¹⁷⁹ Kosovo/Kosova as Seen, as Told, pp. 46

¹⁸⁰ <http://www.globalsecurity.org/military/world/serbia/airforce.htm> (visited 11.05.2008)

¹⁸¹ Kosovo/Kosova as Seen, as Told, pp. 46

¹⁸² Kosovo/Kosova as Seen, as Told, pp. 46

¹⁸³ Kosovo/Kosova as Seen, as Told, pp. 46

¹⁸⁴ Kosovo/Kosova as seen as told, pp. 46; <http://www.globalsecurity.org/military/world/serbia/army.htm> (visited 11.05. 2008); Troebst, Stefan: The Kosovo Conflict 1998, pp. 7

Montenegrins living in Kosovo (1000-1200 men), and the famous “Arkan’s Tigers” (400 men).¹⁸⁵ Besides them, there were reports of presence of foreign volunteers and mercenaries.¹⁸⁶ Refugees reported mainly of Russian- speakers, as well as about Greeks. Besides these, the KLA claimed several other nationalities including Romanians, Bulgarians, Germans and French volunteers.¹⁸⁷

By early 1998, the anti-KLA operations in the province were primarily under the responsibility of the MUP forces, while the YA’s primary responsibility was the border security. Apart of limited actions of the Military police, the YA units were not used for fighting the KLA before mid-1998.¹⁸⁸ This was mainly to avoid negative reactions of the public towards possible casualties among the draftee soldiers. However, the situation changed as the conflict got out of possibilities of the police during the mid-1998, the YA became actively involved in the security operations, mainly trough providing heavy battle support (tanks, artillery and aerial support), which the police did not have at its disposal in sufficient quantities. Following the arrival of the KVM (October 1998), the YA initially restricted its involvement in the anti-KLA operations to some extent and started to be active through the military “exercices”, which were taking place in constantly changing location all over Kosovo.¹⁸⁹ According to some sources, the YA later took over the command from the police.¹⁹⁰

3.2 The Armed Forces of Kosovo (FARK)

The Albanian society is traditionally heavily militarized and possession of weapons is in certain areas a part of everyday’s life. This has its origins deep in the rough history of the region, which over the time exchanged many foreign rulers and where the defence and security of the people was often in their own hands, especially in remote and inaccessible mountainous territories.¹⁹¹ Until recently, the social relations were mostly governed by a medieval set of rules – the *Kanun*, what was one of the reasons why the Albanian society was many times referred as feudal.¹⁹² Weddings are often celebrated by firing guns into the air and most Albanian households are usually having at least one “family gun”, in majority of the cases a hunting or

¹⁸⁵ “In addition, three volunteer brigades with 1,000 to 1,200 men comprising of Serbs and Montenegrins living in Kosovo were said to have been organised.” Cit. Troebst, Stefan: *The Kosovo Conflict 1998*, pp. 5

¹⁸⁶ “Tensions were further heightened in the area and a blockade erected for more than 75 days by the Kosovo Albanians in protest of the proposed deployment of Russian KFOR troops. Kosovo Albanians in Orahovac believe that during the war Russian mercenaries fought alongside the Yugoslav and Serb security forces that attacked the city and therefore opposed any Russian presence in the city.” Cit. Mitchell, Sandra: *Human Rights in Kosovo*, pp. 251

¹⁸⁷ Kosovo/Kosova as seen as told, pp. 46

¹⁸⁸ Kosovo/Kosova as seen as told, pp. 46; <http://www.globalsecurity.org/military/world/serbia/army.htm> (visited 11.05.2008)

¹⁸⁹ Kosovo/Kosova as seen as told, pp. 46

¹⁹⁰ <http://www.globalsecurity.org/military/world/serbia/army.htm> (visited 11.05.2008)

¹⁹¹ *Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army*, pp. 8

¹⁹² *Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army*, pp. 9

World War II rifles, which had been after 1997 mostly replaced by automatic weapons.¹⁹³ This invoked a simultaneous armament of the other Kosovo ethnic groups, mainly the Serbs. Like in the case of Bosnia, they had been largely given by the weapons by the Yugoslav police and military forces during their withdrawal.¹⁹⁴

Although the non-violent nature of its policy, the Rugova's (respective the prime minister Bukoshi's) duplicate Kosovo government expected a confrontation with Serb forces and was actively taking measures in order to prepare for case of major atrocities.¹⁹⁵ The main task was the creation of its own police and military forces – the Armed Forces of Kosovo (FARK). The FARK units consisted mainly of former ethnic Albanian officers of the Yugoslav army and only small number of rank and file soldiers.¹⁹⁶ Besides recruiting new members its main efforts were towards acquiring new armaments.¹⁹⁷ In 1990, the Kosovo Albanian “Defence Ministry” started to work on creation of a territorial defence system with a mobilisation capacity of 40,000 reservists, but the goal was never fully achieved.¹⁹⁸ The formation of the system interrupted in 1993, when the Serbian police arrested almost all the members of the FARK general staff. The remaining members fled to Albania, where they regrouped and received regular military training.¹⁹⁹ In late March/April 1998, faced with the increasing strength of the rival KLA within Kosovo, the Rugova's government decided to launch its own military actions. At the end of June 1998, three FARK brigades in strength of cca 300 men²⁰⁰ crossed the Kosovo-Albanian border and fought two battles against the Yugoslav forces near the villages of Lodja and Junik. Over the time, around 3,000 fighters joined the FARK units in Kosovo. The FARK attempted to get all the other armed units in Kosovo under its control, but majority of the local KLA commanders refused to subordinate. Moreover, the KLA started to arrest and disarm the FARC members.²⁰¹ It is evident, that after these incidents, the FARK had to accept the military dominance of the KLA in Kosovo. When another FARK brigade entered Kosovo in November 1998, both of the “armies” already closely cooperated. Parts of the FARC joined ranks with the KLA and the KLA held all the key command positions.²⁰² Subsequently, the FARK dropped its original name and

¹⁹³ Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army, pp. 9

¹⁹⁴ Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army, pp. 10

¹⁹⁵ Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army, pp. 10

¹⁹⁶ Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army, pp. 10

¹⁹⁷ “Some weapons came from Serb ammunitions plant in Kosovo (Skenderaj), others from Albanian military. Bulgaria and Montenegro were contacted too, but it is not clear whether weaponry was actually delivered.” Cit. Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army, pp. 10

¹⁹⁸ The capacity was never achieved. See Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army, pp. 10

¹⁹⁹ Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army, pp. 10

²⁰⁰ Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army, pp. 11

²⁰¹ Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army, pp. 11

²⁰² Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army, pp. 11

start to call itself a part of the overall KLA. However, even after this development, the rest of the FARK members under Rugova's command was arrested and tortured by the KLA.²⁰³

The estimations of number of the FARK personnel differ. Mainly they move around 600-3,000 men, although during the war Bukoshi claimed FARK to have 4,000 fighters.²⁰⁴ However, this seems to be more a propaganda than the real number. The estimations are even more complicated as many of the FARK members fought under KLA command. In 2001, the "Association of FARK veterans" claimed to have 1,200 members.²⁰⁵

3.3 The Kosovo Liberation Army (KLA)

The KLA's primary objective was not to protect the civilian Albanian population against Serb attacks, as it could sometimes appear from the media picture, but to fight for a full independence of Kosovo or creation of a "Greater Albania." Its deliberate strategy was to launch a war against the Serb authorities²⁰⁶ and through using guerrilla tactics and terrorist practices to foment violence and provoke their reprisals in order to achieve the intervention of NATO. According to some of the former members, the KLA was aware that its objectives did not have to be in line with the public will and used deliberate threats to the civilian population in case of their inconsistency.²⁰⁷ The KLA leadership ignored the basic rule for every partisan movement – to strike quickly and then make itself invisible. Instead of that, the KLA was establishing in small towns such as Orahovac and Mališevo and rather than just cutting the important communications it tried to control certain segments of them. These strategic mistakes were taken advantage by the Yugoslav security forces. Using their superior heavy weapons they were retaking the villages occupied by the KLA and recovering control over the most important traffic arteries. The KLA had attempted, far too early, to put into practice the concept of "liberated territories". By July 1998, it managed to take control over as much as 40 % of the territory of

²⁰³ Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army, pp. 11

²⁰⁴ Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army, pp. 15

²⁰⁵ Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army, pp. 15

²⁰⁶ "(KLA) Commander Remi leaves no doubt that it was a deliberate strategy of the KLA to launch, conduct and win a war. In contrast to the international media, which concentrated on the civilian victims of the Serb-kosovar escalation, the KLA's main idea was not to protect Kosovo's populace against Serb attacks, but to fight a war for independence." Cit. Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army, pp. 15

²⁰⁷ "(KLA) Commander Remi recalls a meeting in the Podujeva municipality in December 1998 where the local people were told by the KLA commanders: 'A war is ongoing, we are in war. You will not be able to stop this war, but you will also not be allowed to do it. We will eliminate all the hindrances on our way.'" Cit. Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army, pp. 15

Kosovo, but it was precisely what made them an easy target for their much better armed opponents. This strategy was indeed the main reason of the huge civilian suffering.²⁰⁸

The KLA never accepted the elected Rugova/Bukoshi's government and openly disrespected its policy. It ignored the Rugova's desperate appeals to submit under political control in June 1998 and constantly undermined Rugova's negotiating position by fomenting the violence during the 1998-1999 peace talks. That could be partly a result of the fact, that a considerable number of the KLA commanders originated from FYROM.²⁰⁹ The conflict between them was not only about the leadership of the Kosovo Albanian movement, but also about the question of exposing the civilian population to the consequences of guerrilla war. This was also the difference between the FARK, which used a more "regular" type of armed resistance, whereas the KLA used a guerrilla tactics.²¹⁰

The origins of KLA stay unclear. It emerged from an union of various underground organizations, presumably having joined together in 1993.²¹¹ Some authors consider the Popular Movement for Kosovo (LPK) to be the primary maternal nucleus, others lay the beginnings of the KLA into Macedonia of 1992. The LPK was founded by the Kosovo Albanian diaspora in Germany in February 1982, during the violent suppression of the Kosovo Albanian demonstrations by the Serb police forces in Pristina during March/April 1981.²¹² The LPK promoted the idea of armed resistance from its very beginning. During the 1980s, although receiving some support from the communist Albania,²¹³ it remained a radical, but however marginal political force within Kosovo. It launched its first actions after the abolition of Kosovo autonomy in 1989, mainly combating the police.

Another hypothesis argues, that the KLA derived from the National Movement for the Liberation of Kosovo (LKCK) - a splinter faction of the LDK, founded in Pristina in May 1993. LKCK, mainly active among the Kosovo Albanian diaspora in Germany, reportedly formed its own military force.²¹⁴ However, as its military activities never became apparent, it is doubtful whether the KLA really derived from this group. Both of the organisations (LPK and LKCK) were generally popular mostly among the younger generations of Kosovo Albanians both within and outside Kosovo. The links between the Kosovo Albanian political scene, the exile and the

²⁰⁸ Reuter, Jens: Kosovo 1998, pp. 192

²⁰⁹ Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army, pp. 12

²¹⁰ Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army, pp. 11

²¹¹ Reuter, Jens: Kosovo 1998, pp. 190

²¹² Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army, pp. 11

²¹³ "Earliest mention of Kosovar military training in Albania was in 1991, though the numbers were reportedly symbolic and confined to a few regions." Cit. Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army, pp. 11

²¹⁴ The Mobilization and Demobilization of the Kosovo Liberation army, pp. 11

emerging KLA structures were kept confidential and even the field commanders in the early stages did not know the full extent of these networks.²¹⁵

Till 1994, several different armed groups acted independently of each other. The original core of the KLA was supposedly consisted of former Marxist-Leninist Enverists, but after the re-settlement of 10,000 Krajina Serbs into Kosovo and the disillusion from the Dayton agreement (November 1995), veterans which previously fought against the Serbs within the Muslim and Croat forces in Croatia and Bosnia, former Yugoslav officers as well as the Kosovo Albanians from the diaspora started to join the KLA. It is estimated that over 5,000 ethnic Albanians fought within the Croat and Muslim military forces during the wars in Croatia and Bosnia, and many of them later created the bulk of KLA.²¹⁶ This new wave to a large extent changed the character of the organisation, making it more heterogeneous. During the next three years, two diverse ideological factions evolved within the KLA – radical rightists, with sentiments to the World War II Italian-organised fascist militias and German-organised Waffen-SS volunteer division “Skanderbeg” and the “Kacak” rebels who fought the Serbs along the Austrian army during the World War I on one hand, and radical leftists with a xenophobic and Stalinist tendencies á la Enver Hoxha.²¹⁷ Coordinated preparations and activities, including systematic training and arms acquisition began since 1994. Regular training provided by the Albanian military began in 1996.²¹⁸

From the operational point of view, in the summer of 1998, the KLA consisted of 165 „brigades“ with some 12,000 permanent fighters, most of whom had little or no prior military training or experience.²¹⁹ Before the Rambouillet talks there was reportedly no general command structure established within the KLA.²²⁰ Since February 1999, the KLA had a General Staff and was divided into seven operational zones. In the same month (February 1999) a Political Directorate was formed headed by the former student leader Hashim Thaci. However, it was more a political tool for promoting the KLA interests during the Rambouillet talks rather than it would have any substantial influence over the military command.²²¹ The KLA fighters were

²¹⁵ Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army, pp. 11

²¹⁶ Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army, pp. 12

²¹⁷ Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army, pp. 11

²¹⁸ Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army, pp. 12

²¹⁹ Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army, pp. 14; According to an IOM survey among former KLA members „7 out of 30 were former commanders or officers of the KLA, the rest had been regular privates...The younger ex-combatants in particular often claimed to be students at Pristina university. With few exceptions, the regular KLA members had not undergone military training before joining the KLA. Regulars joined the KLA for a limited period, not as long-term professional occupation. In contrast, the KLA officers and commandants had either served in the Yugoslavian army or had receive training in military camps in Albania.“ Cit. Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army, pp. 29

²²⁰ Although obviously yet in June 1998 the KLA general staff (at the time said to be located at Malisheva in the South of Kosovo), and the field commanders for the West and for the Drenica region acted uncoordinatedly. See Troebst, Stefan: The Kosovo Conflict 1998, pp. 11

²²¹ Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army, pp. 14

compartmentalized into small units (cells) on a local basis (territorial militia) and one highly maneuverable strike force comprised of several hundred well trained commandos ready to be deployed anywhere at any time within the region.²²² However, the KLA remained a loosely coordinated organisation with to a large extent independent regional fractions competing for influence, which were often even not sharing information with each other.

The strength of the KLA had been considerably growing over the time, starting at some 500 active members at the beginning of 1998 to 20,000 in June 1999.²²³ Estimations considerably differ as there had been no central evidence. Many local units fought without much contact with the KLA headquarters and many civilians joined the fights only temporarily and in specific times. The identification of the fighters with the KLA rose and fell with the course of war. As General Maissoneuvre writes “with was the chance of the agreement on the final status of Kosovo getting closer, the ranks of KLA were swelled by men of all ages anxious to be able to say that they played a part in the ‘liberation’... what actually created problems for the KLA which had no means of training or employing so many raw recruits.”²²⁴ When the international Organisation for Migration (IOM) started to register the former KLA members at the end of the war (late 1999) for the purposes reintegration assistance of, it received 25,723 applications.²²⁵ However, many of the Kosovo Albanian men wanted to claim themselves as the KLA veterans at the end of the war, in order to gain social prestige and benefits, but it is highly questionable how many of them really were active members of it.²²⁶ According to some authors, the KLA’s permanent strength amounted approximately from 8,000 to 12,000 fighters. The new recruits had first to undergo a “security checks” before being admitted to join the force. Since 1996, the permanent members of the KLA had been professionally trained in camps in northern Albania, with assistance of the British and German military instructors.²²⁷

²²² Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army, pp. 14

²²³ Including persons temporarily supporting the KLA by providing logistical assistance. See Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army, pp. 14; According to the IOM research, “only 2% of the (KLA) combatants were associated with the KLA before 1998, while the bulk of respondents joined in the first (21%) and second half (36%) of 1998. Accordingly, the remainder of some 40% only joined the KLA in 1999.” Cit. Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army, pp. 25

²²⁴ Cit. Maissoneuvre: The Osce Kosovo Verification Mission, pp. 52

²²⁵ Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army, pp. 14; According to IOM „The vast majority of KLA combatants were male (96,7%), 857 combatants were female, and 88,06% of the registered combatants were younger than 39 years. The IOM notes that „in addition to being young, the majority of former KLA combatants were highly educated, with ¼ (24,52%) having less than high school education. Of the remaining groups, 34,18 % were high-school graduates, 18,53% trade school graduates, 11,81% have not finished university studie and 5,96% were university graduates.“ Cit. Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army, pp. 25

²²⁶ “The biggest surprise ... was the total number of KLA fighters registering with the IOM. Instead of the roughly 20,000 combatants expected, 25,723 persons registered, raising doubts about whether all these people were really with the KLA. IOM Officials concede that a number of their demobilization cases were probably non-combatants. However, during the chaotic early days of the UN-administered Kosovo, IOM resources did not allow a thorough background check of all applicants. On the other hand, it is well known that a number of former KLA fighters preferred – for one reason or another – not to register with the IOM.” Cit. Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army, pp. 25

²²⁷ Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army, pp. 14

Analogous to the war in Bosnia, there has been international volunteers fighting on the side of the largely muslim Albanians. The report of the International Crisis Group estimated their number to 11,000, but that seems to be an exaggerated figure.²²⁸ Indeed there had been foreign volunteers and mercenaries mainly from the muslim countries as Albania, Saudi Arabia, Yemen, Afghanistan, Bosnia and Croatia, but their number seems to be around several hundreds. Most of them were mujahedeens – fighters and veterans from the wars in Lebanon, Bosnia and Afghanistan fighting for the idea of islam. Besides them, there has also been a unit comprised of 400 Albanian Americans – the so-called „Atlantic brigade“.²²⁹

The key event for the rise of power of the KLA was the collapse of Albanian state in December 1996. Police and military armouries were plundered and about 600,000 small arms got in the hands of civilians. Only a small part of this arsenal was recovered by the Albanian authorities and it is estimated that about 500,000 of the guns remained among the population (mainly Chinese and Soviet/Russian made guns) and were smuggled into Kosovo in mass numbers. Presumably, another large amount of weapons has been bought the Kosovo Serbs after the Belgrade authorities provided 75,000 AK-47s (“Kalashikov”) from the federal armouries to arm the local Serb militias.²³⁰ In early February 1997, the Yugoslav authorities stated, that they had seized an arms contraband (weapons, ammunition and uniforms) worth 500,000 USD intended for KLA smuggled from Croatia.²³¹ It is not clear to what extent did this events increase the firepower of the KLA and how many of the guns actually got into its hands. Some of the authors put the number at 100,000, others mention that the KLA’s armaments still remained “poor and insufficient”,²³² while the latter position is supported by the accounts of former KLA members.²³³ Except small arms, the KLA disposed with mortars and a small arsenal of shoulder-fired anti-tank missile launchers, rocket-propelled grenades and some tripod-fixed anti-aircraft machine guns.²³⁴ The lack of weaponry thesis can be to some extent supported by the fact, that the fighters were sometimes equipped with World War II weapons such as the PPS-41 automatic or MP-40 rifles, although the ratio of modern equipment including telecommunication systems, etc. was much higher.²³⁵ However, during its offensive in summer of 1998, the KLA captured several arsenals of anti-tank and anti-aircraft weapons of the Yugoslav

²²⁸ Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army, pp. 14

²²⁹ Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army, pp. 14

²³⁰ Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army, pp. 13

²³¹ Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army, pp. 13

²³² „Until the final phase of the war, UÇK armaments remained poor and insufficient.“ Cit. Troebst, Stefan: The Kosovo Conflict 1998, pp. 7

²³³ Cit. Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army, pp. 13

²³⁴ Troebst, Stefan: The Kosovo Conflict 1998, pp. 7; Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army, pp. 13; “... the UCK has a reserve supply estimated at more than 100,000 light weapons that can be enlarged without any difficulty. On the other hand, there are obviously no heavy or anti-tank weapons in their arsenal.” Cit. Reuter, Jens: Kosovo 1998, pp. 191

²³⁵ Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army, pp. 13

army²³⁶ and by the end of 1998, it is said to have at its disposal "significant amounts of anti-tank rockets, anti-aircraft guns, shoulder-fired Stinger anti-aircraft missiles, and long-barrelled sniper rifles that can pierce armoured vehicles [...] from three-quarters of a mile away."²³⁷

There were also discussions considering to the links between the KLA and the Kosovo Albanian organised crime in Western and Central Europe, regarding to the financial support from drug dealing, weapon smuggling and trafficking. Some authors cite intelligence reports claiming that until March 1999, the KLA received around 500 million DM, both from the diaspora and criminal sources, while Serbian sources estimates the income up to 900 million DM.²³⁸ These allegations were of also additionally fed by the Rugova's government, but there is too much information to conceive that there were no such links.²³⁹

KLA's main tactical advantage laid in the intermingling with the civilian population, which made it almost impossible for the Yugoslav security forces to locate the fighters. In the early stages, the KLA focused mainly on ambushing the police patrols and assassinations of Albanians, who collaborated with the Serbian authorities. From spring 1998 onwards, the KLA started to attack the Serb settlements around Klina, Decani and Djakovica and the refugee camp of Baboloc, unleashing a Serb reaction in form of extensive police roundups against the Albanians suspected of being KLA members or collaborators.²⁴⁰ By early July 1998, the KLA forces controlled about 30-40 % of the territory of the province.²⁴¹ A typical way of KLA actions were the acts of violence performed separately by small units of three to five men.²⁴² The lesson of Dayton for the Kosovo Albanian radicals was, that civilian suffering and columns of refugees were more likely to lure Western action than Rugova's nonviolent resistance.²⁴³

3.4 The Role of the International Community

Although at the time of the Kosovo crisis the Western Balkans region had still quite a long way towards integration to the European and Transatlantic structures, the general stability

²³⁶ "In the West, however, the UÇK profitted from capturing weapons which left the army reeling from casualties." Cit. Troebst, Stefan: *The Kosovo Conflict 1998*, pp. 11

²³⁷ Cit. Troebst, Stefan: *The Kosovo Conflict 1998*, pp. 7

²³⁸ *Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army*, pp. 13

²³⁹ *Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army*, pp. 13

²⁴⁰ Over January 1997, the Yugoslav security forces arrested more than 60 KLA suspects. See *Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army*, pp. 12

²⁴¹ The estimations of the territory seized by the KLA till July 1998 differs. Some authors state 40 %, (Reuter, Jens: *Kosovo 1998*, pp. 192), whereas others only 30 % (*Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army*, pp. 15)

²⁴² *Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army*, pp. 15

²⁴³ Crawford: *Pivotal Deterrence and the Kosovo War*, pp. 504

of the region, especially with pictures of the bloody Bosnian war still on mind, it was an important security interest of both NATO and EU to keep it stable. However, while Kosovo was a basic issue of territorial integrity and state security for the FRY, none of the NATO members had any vital interests in Kosovo and none of them was willing to contribute its troops for a risky ground operation. The leaders of both of the parties well realised this. Therefore, a basic precondition for a successful deterrence to any side of the conflict was to show, that in case of shortfall of their compliance with the UN demands, the international community (resp. NATO) was ready and willing to strike against any of the sides, although its real motivation for doing so was much weaker. As NATO used the threat of force towards the Yugoslav authorities, the possibilities to deter the KLA were more complicated. Without ground troop deployment, and considering that air strikes are not effective strategy when used against partisan movement hiding in the hills or among the civilian population, there was only one way how to squeeze the KLA – to menace it with isolation.²⁴⁴ However, although there had been several such warnings, they could not have any effect, as the unofficial policy of the West proceeded in a different direction. There was a substantial contradiction in the NATO policy - on one hand it officially opposed the Kosovo Albanian demands for independence, but it also blocked the efforts of the Yugoslavian authorities to defend their state integrity and fight against the armed rebellion, which imposed its own state apparatus. It is still surprising, how little was made to lay pressure on the KLA, although the UNSC Resolutions were addressed to both of the parties equally and thus empowered to stop the KLA provocations as well as the Yugoslav repressions. The more it is beyond all understanding, that the very demands of the Contact Group were much closer to those of Yugoslavia than the demands of the Kosovo Albanians. Yugoslavia as well as NATO and the Contact Group (at least officially), sought for a political settlement through granting autonomy to the province, but keeping the integrity of Yugoslavia.²⁴⁵

Although the KLA was supplied mainly through Albania, NATO hesitated to put stronger pressure on the new and still unstable Albanian government. Albania's reluctance to cut off the main supply routes of KLA in the north of the country was one of the substantial factors of the failure of the peace process.²⁴⁶ Though it would certainly not paralyse the KLA's fighting force completely, it could at least have burdened its supplies and give more credibility to the

²⁴⁴ As Richard Holbrooke stated, when asked about the danger of KLA provocations: "there was no guarantee" that NATO would intervene. Kosovo Albanians "would then be on their own, face to face with Milosevic's tanks and helicopter gunships." The U.S. Secretary of State Madeleine Albright stated: succinctly: NATO demanded that the KLA behave "reasonably" or "they would lose completely the backing of the United States and the Contact Group." On 17 November 1998, the U.S. State Department warned the KLA that if it "doesn't hold to the cease-fire and conducts provocations, that will negatively affect international support for their cause." Cit. Crawford: Pivotal Deterrence and the Kosovo War, pp. 514

²⁴⁵ Crawford: Pivotal Deterrence and the Kosovo War, pp. 517; "Stability harmed the KLA's goals more than Serbia's, and stability is what NATO tried to achieve." Cit. Crawford: Pivotal Deterrence and the Kosovo War, pp. 514

²⁴⁶ "This was most evident in Tirana's at refusal to exert any authority over affairs in the north, where the major hubs of KLA support operated." Cit. Crawford: Pivotal Deterrence and the Kosovo War, pp. 515

threat of isolation. NATO could also have launched limited airstrikes or impose naval screening operation around the Albanian coast.²⁴⁷ However, nothing was done, and the arms were almost freely flowing into the province.²⁴⁸ Although it was clear that the KLA commits grave acts of violence and, although even the U.S. (as the leading military power) condemned them and many times named the KLA as terrorist group,²⁴⁹ it never added the KLA to the official list of terrorist organisations.²⁵⁰ Designating the KLA as terrorist organisation would have been very likely followed by the other Western countries, thus delivering serious blow to the vital KLA supply chain through freezing its funding abroad (see Chapt. 2.1).

However, it is highly questionable, whether it was ever possible, that the real interest of the West to weaken the KLA, as there are many indications that the KLA was indirectly supported by the U.S. and other Western countries already since 1996.²⁵¹ Clearly, the Albanian government played a crucial intermediary role in channelling this support to the KLA.²⁵² Since 1998, the Military Professional Resources Incorporated (MPRI) – a private U.S. security company and several German private security companies, provided training for the KLA. MPRI also subcontracted two British security companies. Besides Albania, the training was taking place in Italy, Turkey, Germany and in Kosovo itself, assisted by the U.S. and German intelligence and “serving members of the Britain’s 22nd SAS Regiment”.²⁵³ Results of this policy strongly contributed to the practical victory of the radicals (KLA) over the moderates (LDK) within the Kosovo Albanian political scene and lead into the violence of 1998-1999.

²⁴⁷ E.g. to cut off the vital “Koman” ferry link on the main supply route to the border area with Kosovo. See Crawford: Pivotal Deterrence and the Kosovo War, pp. 501

²⁴⁸ Hashim Thaci stated in May 1999: “NATO has not supported us with arms, but has not impeded the process of arming us” Cit. Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army, pp. 16

²⁴⁹ „On 23 February 1998, the Special Representative of the US President and the US Department of State for the Implementation of the Dayton Peace Accords, Robert S. Gelbard, repeated and underlined two essentials of US policy towards Belgrade and Prishtina: First, no unilateral change of international border, and second, the activities of the UÇK were labeled "terrorism" whereas those of the Serbian security forces were called "police violence." Cit. Troebst, Stefan: The Kosovo Conflict 1998, pp. 7; In the same month „Rober Gelbard...characterized the KLA as follows: “The great majority of this violence we attribute to the police, but we are tremendously disturbed and also condemn very strongly the unacceptable violence done by terrorist groups in Kosovo and particularly the UÇK - the Kosovo liberation Army. This is without any question a terrorist group ... you strip away the rhetoric and just look at actions. And the actions of this group speak for themselves.” Cit. Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army, pp. 15

²⁵⁰ E.g. the U.S. State Department in its annual report on terrorism “Patterns of Global Terrorism” (1998) noted, that “Albania’s poor internal security provides an environment conducive to terrorist activity,” but the KLA was conspicuously not mentioned. See Crawford: Pivotal Deterrence and the Kosovo War, pp. 515

²⁵¹ “After the war some CIA officers admitted to having developed close ties with the KLA under the guise of the OSCE KVM in fall 1998 and spring 1999. The CIA officers provided the KLA with American military training manuals and field advice on fighting the Yugoslav army and police.” Cit. Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army, pp. 13

²⁵² Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army, pp. 16

²⁵³ Cit. Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army, pp. 16

4 THE OSCE KOSOVO VERIFICATION MISSION

4.1 First Activities of the OSCE

The CSCE began monitoring the situation in Yugoslavia already in 1970s. Over the years, the CSCE, later OSCE authorities repeatedly called upon the parties involved to resolve their disputes by peaceful means, but their appeals remained largely unheeded. It became clear, that consensus on potential OSCE action would be impossible to achieve without the cooperation of the FRY. Therefore it was agreed to apply for the first time the „Consensus minus one“²⁵⁴ principle against the FRY and to suspend it from participating in the CSCE (8th July 1992). On 12th May 1992, a declaration on Bosnia and Herzegovina was issued by the OSCE Committee of Senior Officials (CSO), condemning the hostilities in the country and lack of commitment from the Yugoslav authorities. It stated that „in the view of clear, gross and uncorrected violations of CSCE commitments appropriate action on matters relating to the crisis will until 30 June be taken in the absence of the consent of the delegation of Yugoslavia.”²⁵⁵ This preliminary suspension allowed the “consensus minus one” principle to be used concretely for the issues concerning the crisis in Yugoslavia. However, the regional situation did not improve and on 10th July 1992 at the 4th Plenary Meeting of the CSCE, the suspension was extended as Yugoslavia would not be permitted to participate in the CSCE till it would demonstrate the respect for human rights and other OSCE principles. The suspension has been subsequently four times extended, but it did not have any official impact regarding the relationship of the FRY to other international organisations. Since the OSCE membership is politically binding, it does not allow revoking the compliance with the principles which has been once agreed. Therefore, the diplomatic agreement was considered to be held even in the case of suspension and the FRY was still expected to comply with the OSCE principles and commitments, including the acceptance by and cooperation of FRY authorities with any possible CSCE or other missions to Yugoslavia.²⁵⁶

²⁵⁴ OSCE Press Release (25.09.2000): OSCE and Yugoslavia – Important dates, timeline; Consensus minus one: the 2nd CSCE Council in Prague on 30 and 31 January 1992 (*Prague Document on Further Development of CSCE Institutions and Structures*) decided that in cases of a State’s “clear, gross and uncorrected violation” of CSCE commitments, decisions could be taken without the consent of the State concerned. In other words “Consensus minus one” allows for action to be taken by the CSCE in the absence of consensus, so that one participating State cannot by itself block CSCE actions. This exceptional principle cannot be invoked indiscriminately, but can be used in cases of clear violations of CSCE norms and principles. The principle was intended to allow an appropriate response to situations in which the human rights and the rule of law had to be protected, regardless of the opposition of one state (presumably the nation accused of the violations). See Prague Document on Further Development of CSCE, Part 4, § 16

²⁵⁵ Life Begins At 30: Helsinki Monitor Conference, pp. 98

²⁵⁶ The FRY delegation was not allowed to attend OSCE meetings or functions, or to participate in OSCE discussions or debates. The OSCE upholds its commitments to the FRY through continuing communications with the FRY, short of

Besides external monitoring and expressing its concerns regarding to human rights violations, border disputes and other problems in the Federal Republic of Yugoslavia, the CSCE with the permission of the contemporary Yugoslav prime minister Milan Panic,²⁵⁷ sent its first fact-finding mission to Kosovo in May 1992.²⁵⁸

Later the same year, on 14th August 1992, the first CSCE long-duration Mission to Kosovo, Sandjak and Vojvodina - i.e. regions, where the non-Serb nationalities created majority (Albanians in Kosovo, Muslims in Sandjak and Hungarians in Vojvodina) was established (operational since 8th September 1992).²⁵⁹ The mission maintained permanent offices in Pristina, Pec and Prizren.²⁶⁰ Although covering remote areas of the country, the mission strength did not exceed 20 persons.²⁶¹ There were attempts made to send a military mission, however they met with a refusal of the Yugoslav side.²⁶² The Decision of the CSO from 14 August 1992 provided the mission with a mandate to:²⁶³

- promote dialogue between the public authorities and representatives of the populations and communities
- collect information on violations of human rights and fundamental freedoms as well as promote solutions for such problems
- establish contact points for the solution of problems, and
- provide assistance in obtaining information on relevant legislation in the fields of human rights, protection of minorities, freedom of the media, and democratic elections

In regard of human rights, it was the first step towards the internationalization of the Kosovo problem. The work of the mission was consistent with the policy of the contemporary pro-Western Yugoslav government of Prime Minister Milan Panic and Foreign Minister Ilja Djukic,²⁶⁴ and even Slobodan Milosevic stated that the mission had reported objectively and that its long-term character was more useful than a short-term mission.²⁶⁵ However, the mandate of the mission could not be extended beyond 28 June 1993, as the new Yugoslav government tied

participation. The FRY delegation did still receive all OSCE documents maintained an embassy contact point. The delegation could also circulate documents to the OSCE member delegations.

²⁵⁷ Reuter, Jens: Kosovo 1998, pp. 187

²⁵⁸ Reuter, Jens: Kosovo 1998, pp. 187

²⁵⁹ OSCE and Yugoslavia – Important dates, timeline; Eiff, Hansjörg: The OSCE Mission in Kosovo, pp. 283

²⁶⁰ Reuter, Jens: Kosovo 1998, pp. 187

²⁶¹ Eiff, Hansjörg: The OSCE Mission in Kosovo, pp. 283

²⁶² Eiff, Hansjörg: The OSCE Mission in Kosovo, pp. 283

²⁶³ Eiff, Hansjörg: The OSCE Mission in Kosovo, pp. 283-284

²⁶⁴ Eiff, Hansjörg: The OSCE Mission in Kosovo, pp. 284

²⁶⁵ “Even Slobodan Milošević told international visitors that the OSCE Mission had reported objectively and that its members stayed longer in the country and were more useful than short-term international visitors.”

the extension with Yugoslavia's readmission to the CSCE. The mission was withdrawn on 29th June 1993. Over the next five years, there was no intergovernmental presence in Kosovo.²⁶⁶ The OSCE continued to monitor the development in the region through gathering the information from the bilateral diplomatic missions of the member states, which were regularly reporting to the headquarters in Vienna.²⁶⁷

In 1997, the contemporary Chairman-in-Office, Danish foreign minister Niels Helveg Petersen appointed the High Commissioner on national Minorities van der Stoep as his Special Representative in Kosovo (SRK).²⁶⁸ His primary task was to examine the possibilities for reducing tensions and creating a constructive dialogue in Kosovo. However, since the Yugoslav authorities considered that OSCE had no legitimacy to play role in Yugoslav internal affairs as long as the FRY was prevented from participation in the OSCE decision-making, he was not given permission to visit Kosovo until January 1998, his options were largely reduced. Moreover, the Kosovo Albanians were having reservations to the very office of the High Commissioner, as they did not consider themselves a minority within Kosovo.²⁶⁹ By the end of 1997, many attempts were made to find a way to readmit the FRY into the organisation and at the same time save its face, however, none of them the was successful.²⁷⁰ Therefore, in late 1997 and January 1998 i.e. at the time when diplomacy might have been most effective, the impossibility of a direct intervention of the OSCE SRK, could be seen as a crucial failure.

In October 1997, the Ambassador Faber-Rod, head of the OSCE Spillover Monitor Mission in Skopje (FYROM), at the meeting of the OSCE Permanent Council informed about „early warning“ signs indicating the radicalisation of the ethnic Albanian community in FYROM and its connection to the deterioration of the situation inside Kosovo.²⁷¹ On 13th November 1997, the High Commissioner on National Minorities van der Stoep submitted a similar warning report on the growing tensions and radicalisation in Kosovo. He indicated to the OSCE Permanent Council that his message constitute an “early warning” of impending crisis, and urged the Council and the member states to give as much attention to Kosovo as they were giving to Bosnia, in order to address the situation before it generated into a war.²⁷² However, both of these warnings were left unheard and the international community reacted only when the situation overgrew into a serious crisis one year later.

²⁶⁶ Eiff, Hansjörg: *The OSCE Mission in Kosovo*, pp. 284

²⁶⁷ Hopmann: *Building Security in Post-Cold War Eurasia*, pp. 22

²⁶⁸ Annual Report 1997 on OSCE Activities, pp. 6

²⁶⁹ Reuter, Jens: *Kosovo 1998*, pp. 188

²⁷⁰ Hopmann: *Building Security in Post-Cold War Eurasia*, pp. 23

²⁷¹ Hopmann: *Building Security in Post-Cold War Eurasia*, pp. 21

²⁷² Hopmann: *Building Security in Post-Cold War Eurasia*, pp. 21

In January 1998, the OSCE decided to send Polish, Danish and Norwegian Ambassadors to Yugoslavia on a fact-finding mission to Pristina. However, after their arrival in Kosovo they were not received by the Serbian authorities. In February 1998, the OSCE SRK Stoel received the Yugoslav visa and departed for Kosovo for talks with the Kosovo Albanian leaders.²⁷³ OSCE was invited to observe the “Milosevic’s” referendum of 23rd April 1998 on international mediation of the Kosovo crisis, however, it rejected the invitation stating that it was more a mockery rather than a serious effort to improve the situation.²⁷⁴

Another OSCE presence in the country was the OSCE Technical Assessment Mission which was deployed between 14th-22nd July 1998. This mission was a fact-finding observation mission with the task to provide necessary observations and assessments for potential revoking of the suspension. The mission observed various degrees of support for the renewed participation among the Yugoslav authorities, Serbian opposition, and Montenegrin and Albanian representatives. The central issue of the subsequent talks was considering to the conditions of the renovation. The OSCE insisted upon the return of its Mission of Long Duration to Sandjak, Kosovo and Vojvodina, support for the mission of the personal representative of the OSCE CiO Felipe Gonzales and peaceful addressing the conflict in Kosovo. The talks came to a dead point over the sequence of the particular steps. The OSCE insisted upon the prior resumption of its Missions of Long Duration, while FRY proposed the deployment following the lifting of the suspension, noting that the other OSCE Missions all take place within OSCE participating States. Later, the FRY delegation suggested that the Mission of long Duration would be permitted simultaneously with lifting the suspension. Subsequently, the OSCE assumed, that this approach was not sufficient and pointed out, that the FRY would have to go through the normal application procedure as its legitimacy was put in question by the other ex-Yugoslavian succession states, pointing out that the identity of the state was substantially changed. Subsequently, no date was set for next round of the talks.

However, after the escalation of the violence during the summer 1998, the Yugoslav government, under a high pressure from the international community agreed on establishment of the OSCE Kosovo Verification Mission.

²⁷³ Reuter, Jens: Kosovo 1998, pp. 188

²⁷⁴ „The referendum that President Milošević held in Serbia on 23 April 1998 was perceived as an affront to the OSCE and to all mediation efforts at other levels. With a great outpouring of propaganda, 95 per cent of the population were persuaded to vote against the involvement of international mediators in settling the Kosovo conflict. It sounded like mockery when the Yugoslav Foreign Minister invited the OSCE to monitor this pseudo-referendum. The OSCE rejected the "invitation" with the observation that it was mere rhetoric, not a serious effort to improve the situation” Cit. Reuter, Jens: Kosovo 1998, pp. 189

4.2 Mandate

The KVM was legally established by the OSCE Permanent Council Decision 263 on 25th October 1998, pursuant to a Security Council Resolution 1203, calling upon the OSCE to carry out this duty. It was established for a period of one year, with extensions upon the request either the OSCE CiO or the Yugoslav government.²⁷⁵ The area of concern covered the Kosovo-Metohija province of Serbia, adjacent territories of proper Serbia and neighbouring countries that may be needed to support the KVM, including FYROM, Greece and adjacent countries.²⁷⁶ Pending KVM's establishment, the Kosovo Diplomatic Observer Mission (KDOM)²⁷⁷ had to act in its place, while once was the KVM operational, the KDOM had to be absorbed by the OSCE.²⁷⁸ The Mission was granted by a diplomatic entity referring to the Vienna Convention on Diplomatic Relations.²⁷⁹ The FRY guaranteed the safety and security of the mission members, their complete freedom of movement on the ground as well as free airspace access. Further, the Yugoslav authorities had to provide the mission with their full cooperation, including fuel supply, medical support as well as full cooperation in case of emergency evacuation (when assessed by the Mission Director).²⁸⁰

The scope of the Mission tasks was quite extensive. The verifiers had to verify the compliance with the UN Security Council Resolution 1199 (1998),²⁸¹ resp.:²⁸²

1. verify compliance by all parties in Kosovo with UN Security Council Resolution 1199, and report instances of progress and/or non-compliance to the OSCE Permanent Council, the United Nations Security Council and other organizations. These reports will also be provided to the authorities of the FR;
2. establish permanent presences at as many locations throughout Kosovo;

²⁷⁵ OSCE Permanent Council Decision No. 263, § 3

²⁷⁶ OSCE KVM: Concept of Operation

²⁷⁷ The Kosovo Diplomatic Observer Mission (KDOM), established by the USA and the Russian Federation started to operate on 6th July 1998. Soon reaching a strength of 200 members, this mission functioned under the political guidance of a coordinating group consisting of the ambassadors of the Contact Group countries in Belgrade as well as the Ambassadors of Austria (representing EU Presidency) and Poland (representing the OSCE Chairman-in-Office). See Troebst, Stefan: *The Kosovo Conflict 1998*, pp. 11, "Existing patrols of KDOM will provide some initial verification capability for KVM, and will continue to do so until the vehicles and eqpt of KVM Verifiers begin to flow into the regions after integration at the KVMIC. As the KVM teams roll into th regions, KDOM eqpt can be removed from service and pooled fro return to the nation concerned. As the KVM teams arrive into the region, they will be married up with KDOM personnel who are destined to remain as part of KVM and proceed with verification tasks." Cit. OSCE KVM RC Activation Plan from 3th december 1998

²⁷⁸ Agreement on the KVM from 16th October 1998, Chapt. I Art. 5

²⁷⁹ "The Mission will enjoy the privileges and immunities conferred by such status, as will its members, in accordance with the Vienna Convention." Cit. Agreement on the KVM from 16th October 1998, Chapt. I Art.. 8, <http://www.ess.uwe.ac.uk/Kosovo/Kosovo-Documents3.htm>

²⁸⁰ Agreement on the KVM from 16th October 1998, Chapter I Art. 6,7,10 + Chapt. III Art. I

²⁸¹ Agreement on the KVM from 16th October 1998, Chapter II Art. 1

²⁸² Agreement on the KVM from 16th October 1998

3. maintain close liaison with FRY, Serbian and, as appropriate, other Kosovo authorities, political parties and other organizations in Kosovo and accredited international and non-government organizations to assist in fulfilling its responsibilities;
4. supervise elections in Kosovo to ensure their openness and fairness in accordance with regulations and procedures to be agreed;
5. report and make recommendations to the OSCE Permanent Council, the UN Security Council and other organizations on areas covered by UN Security Council Resolution 1199.

Particularly, the verifiers were supposed to:

- seek for lines-of-communications barriers such as roadblocks which were imposed for other than traffic or crime control purposes, or other unusual emplacements. Upon such information, the Mission Director had to contact the relevant authorities requesting explanation and in case removal of these;²⁸³
- observe police and border control facilities and units or accompany them as they perform their duties²⁸⁴
- assist the UNHCR, ICRC and other (including NGO) international personnel as well as the federal or local (Serb or Albanian) authorities, mainly in delivering the humanitarian aid and facilitating the return of displaced persons;²⁸⁵
- convene the representatives of national communities and authorities to exchange information and provide guidance on implementation of the agreement establishing the Verification Mission“;²⁸⁶
- if the settlement is achieved, provide reconstruction planning, election support (voter registration, supervision) and assistance in the establishment of local institutions and police²⁸⁷

In order to exercise these duties they enjoyed a complete freedom of access to barracks and all other military and police facilities and to accompany them in the field, to receive “respective weekly reports” from relevant Yugoslav authorities (within Kosovo), regarding movements of forces into/out or within Kosovo and (if requested by the Head of Mission) also reports and

²⁸³ Agreement on the KVM from 16th October 1998, Chapter III Art. 3

²⁸⁴ Agreement on the KVM from 16th October 1998, Chapter III Art. 4-5

²⁸⁵ Agreement on the KVM from 16th October 1998, Chapter III Art. 6

²⁸⁶ Agreement on the KVM from 16th October 1998, Chapter III Art. 10

²⁸⁷ Agreement on the KVM from 16th October 1998, Chapt. II Art. 4, Chapt. III Art. 7

periodic updates concerning eventual allegations of abusive actions by military or police personnel and status of disciplinary or legal sanctions against the individuals concerned.²⁸⁸ The Serb policemen were instructed to warn the KVM away from areas of conflict, but they were not to stop them from travelling into or through those areas.²⁸⁹

The escalation of the violence in the early 1999 (Racak killings), had a major impact on the character of the KVM, as it brought the human dimension to the foreground, shifting the focus of the monitoring towards the human rights violations, thus increasing the importance of the Human Rights Division within the KVM (HRD).²⁹⁰ The tasks performed by the KVM HRD included:²⁹¹

- monitoring and verifying the human rights situation using international standards ratified by the FRY as a baseline
- daily and bi-weekly reporting
- inquiries and interventions
- working with local NGOs to increase their capacity to perform similar tasks

The overwhelming number of human rights violation complaints received by the HRD throughout 1999 (approximately 5,000), made it impossible to investigate each one thoroughly. The HRD faced this shortage by identifying priorities, which put priority on monitoring and documentation of human rights violations (this was even more enforced after the investigators from the ICTY were prevented from entering Kosovo after the Racak incident in January 1999) and intervening the Yugoslav security forces and KLA on individual basis.²⁹² In terms of prioritizing the human rights violations, 30 categories were created, including both civil and political rights as well as economic, social and cultural rights. Within this system, the HRD focused on:²⁹³

- the right to life
- right to liberty
- rights related to detention and fair trials

²⁸⁸ Agreement on the KVM from 16th October 1998, Chapter III Art. 2+8

²⁸⁹ OSCE KVM: Concept of Operation, Annex 1, pp. 2

²⁹⁰ Mitchell, Sandra: Human Rights in Kosovo, pp. 246

²⁹¹ OSCE Kosovo Mission – Outline for Future Tasks and Organisation, Acc. to CIO.GAL/8/99

²⁹² Mitchell, Sandra: Human Rights in Kosovo, pp. 244

²⁹³ “(Within the collection in the refugee camps) efforts were made ... to collect information from both genders, all age groups (except children because field personnel were not properly trained to do so) and different socio-economic groups with geographic diversity.” Cit.

Mitchell, Sandra: Human Rights in Kosovo, pp. 245

- issues relating to missing persons.

In regard of the basic human rights, the verifiers had to observe and report concretely (but not exclusively), these types of human rights violations:²⁹⁴

- killings, mass executions, death threats
- torture, cruel, inhumane or degrading treatment or punishment; rape or sexual assault
- arbitrary or secret arrest; incommunicado detention; forced disappearances
- police brutality, intimidation; threats; unreasonable search and seizures
- due process violations; unfair trials; summary judgements; forced confessions
- persecution or discrimination on political, ethnic or religious grounds
- restricted freedom of movement
- obstructed access to food, shelter or medical care
- hate speech; restrictions on the media

The verifiers also had to monitor the supply and distribution of food, clothing, heating supplies, building materials and other assistance which facilitates the return of displaced persons and give their (verifiers) full co-operation to UNHCR, ICRC and other agencies in this regard.²⁹⁵ During performance of their duties, the verifiers had to obey the following personal safety rules and recommendations (cited from the OSCE KVM Manual):

- write a report on any human rights violations or allegations of violations
- report any activity or event that you think would violate the law in your own country
- never refuse to receive information or make a report when requested to do so
- after submitting a report, coordinate follow-up activities with your supervisor, if you think a follow-up visit would be helpful, do it; if a problem persists, regional centres should bring it to the attention of the KVM HQ
- realise that you exert influence simply by your presence
- never jeopardise the safety of yourself or others
- make no promises that the OSCE or any other organisation can provide an immediate solution to the complaint
- do not raise expectations

²⁹⁴ OSCE KVM Manual, Chapt. V. Human Rights Guidance

²⁹⁵ OSCE KVM Manual, Chapt. V. – Human Rights Guidance

- remember you are in Kosovo to verify, monitor and report

The agreement, on which the operating framework of the KVM was based, implied an existence of permissive environment and cooperation of both sides.²⁹⁶ Although the KVM adopted robust security procedures, it was unable to conduct its duties in an open armed conflict environment. According to the KVM safety instructions, the KVM were not supposed to enter dangerous areas and if a situation became dangerous, the KVM personnel was supposed to leave.²⁹⁷ This implies, that although having a wide range of tasks and duties, the KVM was essentially designed as more or less an observation mission, with advisory and consultative competencies. If it had to improve the situation, than only by means of its presence, credibility and know-how (guidance).

4.3 The Establishment and Deployment

“Never before had the OSCE set up such an extensive and complex mission” writes General Maissoneuvre, the former KVM Chief of Operations, in his article about the KVM.²⁹⁸ As the CiO Geremek described, the KVM was “a tremendous challenge and a tremendous opportunity” for the organization.²⁹⁹ The OSCE called up all the 54 member states to provide their help and cooperation in organising the mission. Gen. Maissoneuve continues “The mission truly started with a clean sheet of paper. There was little that existed: there was no prior OSCE experience, there were no personnel, no equipment, no concepts, and little knowledge of the ground.”³⁰⁰ The OSCE KVM Technical Reconnaissance team was sent to Belgrade already on 17th October 1998. The elements of the HQ (Advanced HQ) arrived to the scene already one month after and the first verifiers were deployed to the field on 28th November 1998. Within first 90 days, the Mission was deployed all over Kosovo, although still lacking considerable number of personnel.³⁰¹ The KVM was primarily established to verify the compliance with the Resolution 1199 - to report progress and/or investigate non-compliance to the OSCE Permanent Council, The UN Security Council and other organisations as well as to authorities of

²⁹⁶ OSCE KVM: Concept of Operation, Annex E, pp. 3

²⁹⁷ OSCE KVM: Concept of Operation, Annex E, pp. 3

²⁹⁸ Maissoneuve: The Osce Kosovo Verification Mission, pp. 50

²⁹⁹ Hopmann: Building Security in Post-Cold War Eurasia, pp 24

³⁰⁰ Maissoneuve: The Osce Kosovo Verification Mission, pp. 50

³⁰¹ Maissoneuve: The Osce Kosovo Verification Mission, pp. 53; „The Mission was able in only a few months to establish four regional centres and ten local offices, a network that essentially covered the entire territory.” Cit. Eiff, Hansjörg: The OSCE Mission in Kosovo, pp. 285

the FRY.³⁰² It was intended to deploy over the whole territory of Kosovo, to maintain close liaison with the local (meant both Serb and Albanian) authorities³⁰³ and also to supervise the fairness of the intended elections.

The deployment and the general operational concept of the mission was initially divided into four basic phases:³⁰⁴

- 15th October 1998 – begin of **Phase One** → design of the mission, gathering information and establishment of the structure, funding agreements and policies necessary to enable the organisation
- 18th November 1998 – begin of **Phase Two** → establishment of the Advance HQ with Operation Centre and essential security, communications and medical support structures, integration of KDOM reporting, whilst concurrently establishing the Verification Baseline
 - 23 November 1998 – begin training at the KVMIC (Induction Centre)
- 02 December 1998 – begin of **Phase Three** → completion of deployment (incl. medical, communications and security support structures), establishment of the RCs 1-5
 - 30 January 1999 – All 5 regional centres up and running → achieving a full operational capability
- 1st February 1999 – begin of **Phase Four** → Election preparations
 - July 1999 Elections (involve additional 1000 personnel)
- October 1999 – Mandate end

In order to overcome the transitional period before the deployment of the KVM, the Kosovo Diplomatic Observer Mission (KDOM),³⁰⁵ which had been operating since the summer 1998, was temporarily expanded to act in its (KVM's) place.³⁰⁶

Following the establishment of the Advance HQ, the KVM Induction centre (KVMIC) was opened in Brezovica in November 1998. It provided a four-day induction training,

³⁰² Agreement on the KVM from 16th October 1998, Chapter II Art. 1, Chapter III Art. I

³⁰³ Agreement on the KVM from 16th October 1998, Chapter II Art. 2+3

³⁰⁴ OSCE KVM Manual, Chapt. I, OSCE KVM: Concept of Operation

³⁰⁵ The Kosovo Diplomatic Observer Mission (KDOM), established by the USA and the Russian Federation started to operate on 6th July 1998. The KDOM, later reaching a strength of approximately 300 members (November 1998), was comprised mainly of U.S. personnel (cca 60%). The mission functioned under the political guidance of a coordination group consisting of the ambassadors of the Contact Group countries in Belgrade as well as the Ambassadors of Austria (representing EU Presidency) and Poland (representing the OSCE Chairmanship). After the OSCE deployment, the KDOM was absorbed by the KVM. See Loquai, Heinz: Kosovo - A Missed Opportunity for a Peaceful Solution to the Conflict?, pp. 84; Troebst, Stefan: The Kosovo Conflict 1998, pp. 11

³⁰⁶ Loquai, Heinz: Kosovo - A Missed Opportunity for a Peaceful Solution to the Conflict?, pp. 84

compulsory for all the mission members.³⁰⁷ On 16th November 1998, there were 60 OSCE international personnel (HQ and KVMIC; See Fig. 3) plus 294 members of the KDOM.³⁰⁸ Approximately 1/3 of the international personnel were the verifiers in the area to be observed. The number of the personnel constantly grow over the time, and shortly before the withdrawal (18th March 1999), there were already 1387 OSCE international staff in the mission, i.e. approximately 65% of the intended strength.³⁰⁹ The support personnel (interpreters, clerks, security guards, etc.) at strength approximately corresponding with the number of the international staff (see Fig. 3) was hired locally.

4.4 Structure

The agreement of 16th October 1998 provided enough organisational flexibility, that the structure of the KVM could be adapted to the actual requirements. However, the U.S diplomacy presented its concrete “suggestions” about its structure already on the same day. This surprisingly early presentation caused unease among some of the European countries, as the U.S. evidently tried to have a crucial influence over the mission. This was further proven, when on 17th October – 8 days before the mission was officially established by the OSCE Permanent Council (25th October), without any consultation with the other member states, the OSCE CiO Geremek appointed the former head of the UN Transitional Administration for Eastern Slavonia,³¹⁰ U.S. diplomat William G. Walker, as the head of the (still non-existent) Mission.³¹¹ Appointed as the first Deputy Director was Gabriel Keller (France), and a British, Russian, Italian and German were appointed as the additional deputies.³¹² Norway offered to be the lead

³⁰⁷ “The OSCE/ODIHR in cooperation with UNHCHR, ICRC and UNHCHR, was in charge of organizing a briefing on human rights and humanitarian issues. The continuation of training was conducted directly at the Regional Centres as well as at Co-ordination Centres. See Kosovo/Kosova as Seen, as Told, pp. 36

³⁰⁸ Loquai, Heinz: Kosovo - A Missed Opportunity for a Peaceful Solution to the Conflict?, pp. 84

³⁰⁹ According to OSCE KVM Interim Reports 1998-1999

³¹⁰ Troebst, Stefan: The Kosovo Conflict 1998, pp. 16

³¹¹ “The United States had already presented its views on the Mission's structure and working methods on 16 October in Vienna. This unexpectedly rapid presentation of their standpoint caused a certain unease amongst a number of countries. Although the American speakers described their ideas as suggestions, the polished and detailed presentation gave a clear indication of the American desire to control proceedings for which the other countries had as yet no definite conception. American resolve was further reflected in the fact that on 17 October 1998, i.e. before the OSCE Permanent Council had even officially adopted the decision to establish the Mission, and without prior consultation with other countries - which is the usual practice in making such appointments - the American diplomat William Walker had been named Head of the Verification Mission by the Chairman-in-Office of the OSCE, the Polish Foreign Minister, Bronislaw Geremek. The Europeans, who had also been interested in the top job, were left with the deputy positions. A Frenchman, Gabriel Keller, became First Deputy. An Englishman, a Russian, an Italian and a German were chosen as additional Deputies.” Cit. Loquai, Heinz: Kosovo - A Missed Opportunity for a Peaceful Solution to the Conflict?, pp. 83

³¹² Loquai, Heinz: Kosovo - A Missed Opportunity for a Peaceful Solution to the Conflict?, pp. 83

state for the Headquarters (HQ). On 27th October, the KVM Support Unit (KVMSU) was established within the OSCE Secretariat for a support liaison purposes of the mission.³¹³

Although the agreement defined the mission force up to 2000 international personnel (incl. headquarters and international support staff),³¹⁴ the real number was far lower over the time, as the personnel generation process did not manage to meet the desired requirements.

The Mission Headquarters were based in Pristina and a small liaison office was established in Belgrade.³¹⁵ As one of the initial steps in the establishment of the mission, the KVM Induction center (KVMIC) was opened in Brezovica in November 1998. The operational concept fragmented the province into five Regional Centres (RCs) and a net of Coordination Centres (CCs) in capital of every *opština*.³¹⁶ Every CC coordinated one or more sub-stations (Field Offices), based in smaller towns or villages, where usually one or two teams of verifiers resided permanently and used them as bases for their patrols (See Fig. 1).³¹⁷ Locations and frequency of the Field Offices as well as the number of personnel in them was determined by the security conditions of the area, i.e. demographic conditions and past conflict situation. Each Coordination Centre or Field Office was supposed to maintain a close liaison with the local authorities or local ethnic leadership. The Mission HQ reported directly to the OSCE Permanent Council, the UN Security Council, to the NATO KVCC, to the government of the FRY and its findings were also available to the ICTY international tribunal.³¹⁸

The verifiers, worked in teams of at least two internationals and one interpreter, with designated areas (sectors) of responsibility. The teams were to patrol within their sectors and get into contact with the local inhabitants and authorities in order to effectively direct the humanitarian aid and quickly sense any change of situation.

A special unit for monitoring of human rights violations was established within the KVM – the Human Rights Division (HRD). The HRD became operational in December 1998 and was deployed across the province by end of January 1999.³¹⁹ Initially, because the recruitment for the KVM, initially focused on those with military and police backgrounds there were only 11 members in the Human Rights Division at the end of December 1998, but by the end of January 1999 the HR officers were present in all five RCs and most of the FOs. At the time of the

³¹³ OSCE KVM: Concept of Operation

³¹⁴ Agreement on the KVM from 16th October 1998, Chapter IV Art. 2; The mission was composed of seconded national experts provided by the OSCE member states. V.R.

³¹⁵ Maisonneuve: The OSCE Kosovo Verification Mission, pp. 50; However, Troebst states that by December 1998, the mission was at strength of only approximately 600 verifiers. „And on 28 December (1998), the outgoing OSCE Chairman-in-Office Geremek announced that if the fighting would go on "the OSCE would have to reconsider" ... withdrawing its by now 600 verifiers." Cit. Troebst, Stefan: The Kosovo Conflict 1998, pp. 18

³¹⁶ „*Opština*“ – a small Yugoslav local government unit (municipality) – there were 200 *opštinas* in the FRY in 1998-1999

³¹⁷ See OSCE KVM Manual – Chapt. I. (Structure), Chapt. II. (Resident choice)

³¹⁸ Monitoring the Northern Ireland Ceasefires, pp 5

³¹⁹ Mitchell, Sandra: Human Rights in Kosovo, pp. 242

withdrawal there were approximately 75 staff members in the HRD (10 in HQ plus 65 deployed in the RCs and FOs).³²⁰ In addition to RCs and FOs, the HRD established an additional net of Outreach/Contact Offices” to provide contact place for citizens to submit their complaints of human rights violations and reports about disappearances of persons.³²¹ The Racak incident (15th January 1999) resulted in a shift in the operational structure and creation of the "rapid response teams" (RR), designed to deploy immediately to places of incidents. The teams included personnel specially trained in interviewing and investigative techniques, equipped with video and other documentation equipment. The RR teams were already used to investigate the followings incidents in the villages of Rogovo and Rakovina.³²²

In addition, small medical teams were assigned to each RC, with lightly larger group in Pristina with an air-ambulance (rescue helicopter) available at the airport.³²³ The teams were designed to provide immediate medical aid. Casualties who would be severely hurt or in critical condition, would be evacuated from Kosovo by air, probably to Skopje (FYROM).³²⁴

There were also special security entity established within the KVM structure – the security teams and a professional security experts serving in each HQ element.³²⁵

The information from the ground were provided by the KVM (firstly by the KDOM), and from the air by NATO aerial surveillance were transmitted to the KVCC (film and image data from NATO aerial surveillance were first delivered to NATO processing stations). The information were than analysed by NATO and national information centres, resulting in daily reports elaborated by NATO's Supreme Headquarters Allied Powers Europe (SHAPE). This daily reports were transmitted to the North Atlantic Council, which determined, if the parties were or were not compliant. This assessments were subsequently transmitted to OSCE and UN.³²⁶

4.5 Training

The KVM Induction center (KVMIC) was opened in the Hotel Narcis in Brezovica (Strpce municipality) in November 1998, it was made operational on 23rd November 1998. It provided a

³²⁰ Kosovo/Kosova as Seen, as Told, pp. 36

³²¹ OSCE Kosovo Mission – Outline for Future Tasks and Organisation, Acc. to CIO.GAL/8/99; Kosovo/Kosova As Seen, As Told, pp. 33

³²² Kosovo/Kosova As Seen, As Told, pp. 33

³²³ OSCE KVM: Concept of Operation, Annex F, pp. 7 – Medical Support

³²⁴ Letter from the OSCE Secretary General Geremek, to H.E. Mr. Ognen Maleski, Ambassador and the Head of OSCE Mission to FYROM, from 18th November 1998

³²⁵ OSCE KVM: Concept of Operation, Annex E, pp. 3

³²⁶ <http://www.afsouth.nato.int/operations/deteagle/Eagle.htm>

four-day induction training compulsory for all the mission members.³²⁷ The curriculum of the course included:³²⁸

- The Mission
- Local history, customs and culture
- Human Rights issues
- Verification tasks
- Humanitarian tasks
- Communications and IT training
- Security and mines awareness
- First Aid
- Code of Conduct
- Reporting procedures
- Recognition Training
- Driver briefing (Defensive/ winter driving and licence issue)

4.6 Equipment

The verifiers, mostly of military or police background, wore civilian clothing,³²⁹ but were provided by orange OSCE ballistic helmets, armbands, caps and flak-jackets (issued at the KVMIC).³³⁰ Each team (2+ verifiers) was equipped with an orange 4x4 diesel fuelled vehicles with cross-country capability of two single brands – armoured and soft-skin.³³¹ The vehicle count had to maintain a vehicle-to-personnel ration 1:5 in all locations, while HQ and KVMIC were additionally supported by trucks and buses. Although the final number (18th March 1999) of 291 soft-skin vehicles (Mitsubishi Pajero, Landrover 110 or equivalent) exceeded the planned number of 267, the equipment process generated only 142 (18th March 1999) out of the 188

³²⁷ “The OSCE/ODIHR in cooperation with UNHCHR, ICRC and UNHCHR, was in charge of organizing a briefing on human rights and humanitarian issues. The continuation of training was conducted directly at the Regional Centres as well as at Co-ordination Centres. See Kosovo/Kosova as Seen, as Told, pp. 36

³²⁸ OSCE KVM: Concept of Operations, Annex C, pp. 2

³²⁹ “No military clothing will be provided or worn during the conduct of the Mission. The OSCE uniform will be appropriate civilian clothing with an OSCE-provided overgarment, helmet, armband, cap and flak-jacket.” The verifiers were further recommended to have own binoculars, compass and first aid kit, which could be eventually provided by the member states. See OSCE KVM: Concept of Operation, Annex F

³³⁰ OSCE KVM: Concept of Operation, Annex F, pp. 4 – Personal Clothing and Equipment

³³¹ OSCE KVM: Concept of Operation – Appendix 7 to Annex F

planned armoured vehicles (Jeep Cherokee or equivalent).³³² The numbers of the armoured vehicles were planned to be 13 per opstina, 11 per district and 3 at the KVM headquarters, while they were primarily provided for the verification teams in areas of higher security risk, area directors and security teams (for other personnel only if required). The soft skin vehicle number was initially planned to 5 per opstina, 20 per RC and 100 for the HQ. The communication equipment of the verification teams consisted of GPS and cell phones.³³³

4.6 Operational Environment

The area of Kosovo (in Albanian “Kosova”) is 10,887 sq. kilometres.³³⁴ From the military and logistic point of view, the terrain is extremely difficult. The most part of Kosovo is mountainous, with the “Albanian Alps” along the border with Albania (south-west), the Sar mountains located along the border with FYROM (south), and Kopaonik mountains in the north. The central part – the regions of Drenica, Crnojleva and Goljak – is hilly, with two main plains – Metohija (west) and Kosovo (central-east). The terrain is rugged (52% agriculture, 39% forest), with mostly rotten weather and poor roads.

The security situation throughout the KVM deployment can be characterized as volatile/tense.³³⁵ There were regular reports of guerrilla raids, shelling, gunfire exchanges and deliberate attacks on police and military facilities.³³⁶ Despite the formal agreement of the FRY with the ceasefire, the Yugoslav armed forces, upon these provocations, maintained systematic security operations, causing many casualties among the (Albanian) civilian population. Both sides also extensively used landmines. The main areas of fighting were along the border with Albania and FYROM,³³⁷ with the traditional KLA strongholds in the regions of Drenica and Llapi.³³⁸

As the members of the KVM stated, the behaviour and approach of the Kosovo Serbs was in “absolute majority of cases reasonable and cooperative”.³³⁹ However, they felt the Kosovo problem should be dealt with exclusively by the local authorities alone, without an involvement of the international community, but although the majority of them had shown their cooperation. The KVM officials of all levels were also meeting regularly with the KLA and Yugoslav

³³² OSCE KVM Requests regarding transportation

³³³ Equipment List of the OSCE Kosovo Mission (1st June 1999); Maisonneuve: The Osce Kosovo Verification Mission, pp. 50

³³⁴ Troebst, Stefan: The Kosovo Conflict 1998, pp. 1

³³⁵ Kosovo/Kosova as Seen, as Told, pp. 36; Survey of OSCE Long-Term Missions and other OSCE Field Activities, pp 77;

³³⁶ Monitoring the Northern Ireland Ceasefires, pp 4

³³⁷ Maisonneuve: The Osce Kosovo Verification Mission, pp. 52

³³⁸ Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army, pp. 12

³³⁹ Maisonneuve: The Osce Kosovo Verification Mission, pp. 51

commanders, “most of them were also professional in their approach.”³⁴⁰ Relations with the local authorities (prefects, mayors, elders and political party leaders) were generally good.³⁴¹ Experiences with the Yugoslav and Serbian authorities varied and co-operation depended to some degree on personalities and sometimes also on the nationality of the present KVM staff.³⁴²

However, the conditions in the area were very tense and the security situation constantly deteriorated over the time. The mistrust between the two parties was too deep and it never weakened. The mission permanently extinguished the ceasefire violations throughout the province.³⁴³ Human rights violations such as torture, beatings, rapes, arbitrary executions and extra judicial killings were daily agenda, although the KVM was often denied to carry out the investigation.³⁴⁴ The local population was already used to such environment and vacated their home area very quickly with the sound of fire (or upon the rumours of an on-coming one) with the necessary property on their backs.³⁴⁵ Both of the parties were often retaking the areas, where the other had withdrawn from. Those who suffered the most were the civilians. Most frequent were the cases when a dead body was found without any transparent explanation. E.g. at the end of February 1999, over 70 bodies had been found, usually left by the roads with visible signs of beating and execution. There were also many cases of kidnapping, whereas sometimes the responsibility was indorsed, but most cases were closed as committed by “uncontrolled elements.”³⁴⁶

³⁴⁰ Cit. Maisonneuve: The Osce Kosovo Verification Mission, pp. 51

³⁴¹ Maisonneuve: The Osce Kosovo Verification Mission, pp. 51

³⁴² Kosovo/Kosova As Seen, As Told 39

³⁴³ „The Kosovo Diplomatic Observation Mission (KDOM) notes that the Albanian rebels and the Serb police forces are not respecting the United Nations resolutions calling for an end to hostilities and maintenance of a limited number of Serb troops and police forces in the province.“ Cit. Council of Europe: Crisis in Kosovo and situation in the Federal Republic of Yugoslavia (Report, 26.01.1999); “On the one hand was a government that was doing some very bad things, in terms of denying rights to the Albanian community, which was 90 percent of the population of Kosovo. When the security services were, quote, "in pursuit of a terrorist or a band of terrorists," unquote, they would go in and just destroy a village. On the other side, you had the KLA, which also did some bad things, but it was usually of a scale that was totally different. So maintaining that even-handedness was difficult.” FRONTLINE - Interview with William Walker, Former Director of the KVM

³⁴⁴ Monitoring the Northern Ireland Ceasefires, pp 4

³⁴⁵ Maisonneuve: The Osce Kosovo Verification Mission, pp. 51

³⁴⁶ Maisonneuve: The Osce Kosovo Verification Mission, pp. 51

5 THE SIX MONTHS IN REVIEW

5.1 Introduction

Throughout the informal ceasefire which started on 12th October 1998, 170 incidents occurred, resulting in the death of 200 persons.³⁴⁷ The standstill ended on 14th December 1998, with a fierce clash between the Yugoslav border guards and KLA fighters, trying to penetrate into Kosovo from Albania near Prizren. During the fight, KLA suffered 37 casualties. Later on the same day, 6 Serbian youngsters were killed with automatic gunfire while sitting in a café in the town of Peja, in what appeared to be a revenge attack.³⁴⁸ On 21st December, a Serb policeman was killed in the town of Podujevo and kidnapped and killed a Serb Deputy Mayor of Kosovo Polje, whose body was later found on a side of a road.³⁴⁹ Simultaneously, the KLA had taken positions around the town, threatening the main access roads from Serbia.³⁵⁰ Three days later, the worst fighting since the beginning of the “cease-fire” broke out in the region of Llap near Podujeva, where the Yugoslav security forces started what it called the “Christmas Offensive” (24th-27th December 1998).³⁵¹ During the four-day operation, to which 100 tanks were deployed, the Yugoslav forces drove out the KLA from Poduljevo and killed 14 KLA fighters, while more than 5,000 civilians escaped from their homes.³⁵² On 26th December, NATO SACEUR Clark condemned the Yugoslav armed forces activities, however, not mentioning the Albanian participation on the violence.³⁵³ On 27th December the OSCE CiO Geremek joined the criticism and threatened with withdrawal of the KVM.³⁵⁴ However, one day later he succeeded to mediate another ceasefire.

Over the first quarter of 1999 Kosovo was a place of war, sometimes more or less restrained.³⁵⁵ In early January, the KLA initiated a series of ambushes and kidnappings in the southern Kosovo, including 3 police officers. It also increased aggressive patrolling of major roads in the area. On 8th January, the OSCE reported that “the irresponsible actions by the KLA since yesterday morning are the main reasons for a considerable increase of tension in Kosovo...These actions are in direct contradiction of solemn promises from the KLA of

³⁴⁷ Troebst, Stefan: *The Kosovo Conflict 1998*, pp. 17

³⁴⁸ Troebst, Stefan: *The Kosovo Conflict 1998*, pp. 17

³⁴⁹ Crawford: *Pivotal Deterrence and the Kosovo War*, pp. 518

³⁵⁰ Crawford: *Pivotal Deterrence and the Kosovo War*, pp. 518

³⁵¹ Crawford: *Pivotal Deterrence and the Kosovo War*, pp. 518

³⁵² Troebst, Stefan: *The Kosovo Conflict 1998*, pp. 17

³⁵³ "We (NATO) are seeing the emergence of a new round of a possible significant escalation in the scope and intensity of the violence by the Serb side. The Yugoslav Army has broken its promises to NATO." Cit. Troebst, Stefan: *The Kosovo Conflict 1998*, pp. 18

³⁵⁴ "The OSCE would have to reconsider the forms of its activities in Kosovo" Cit. Troebst, Stefan: *The Kosovo Conflict 1998*, pp. 18

³⁵⁵ Mitchell, Sandra: *Human Rights in Kosovo*, pp. 245

showing restraint and of maintaining the ceasefire agreement.”³⁵⁶ Yugoslav forces retaliated by ambushing KLA columns from Albania and by a number of local raids.

The majority of humanitarian law and human rights complaints received by the OSCE KVM during this period involved:³⁵⁷

- extra-judicial killings
- summary executions
- disappearances and abductions
- incommunicado detention
- abuse by the police and security forces
- disproportionate use of force against the civilian population (destruction of civilian property, pillaging, illegal property evictions)
- restricted freedom of movement for Kosovo Albanians (in the time of fighting)

The most reported incidents in the first three months of 1999 were the arbitrary killing of unarmed civilians. There were as well killings by the Kosovo Albanians by the Serbian security forces, as well as killings by the KLA of Serbs and Kosovo Albanians who were believed to be "collaborators" or sympathizers with the Yugoslav authorities.³⁵⁸ In early 1999, except of the incidents in Racak, Rogovo and Rakovina (January and February 1999), the most frequent occurrence were killing on an individual basis.³⁵⁹ There were many individual killings which appeared to follow a given pattern and to be linked to the hostility, however they were impossible to be attributed to one side or another. Evidently, the effect of these crimes was to heighten fears and tensions in all communities. Events verified by the OSCE KVM indicated presence of arbitrary detentions, extra-judicial killings and the mutilation of unarmed civilians by Yugoslav and Serb security forces.³⁶⁰

With an increasing tendency, arbitrary arrest and detention, and the violation of the right to a fair trial, were becoming a common practice in the Yugoslav controlled administration of justice towards the Kosovo Albanians. From the very beginning, the KVM received many complaints concerning torture and ill-treatment. Many of them were confirmed by medical

³⁵⁶ Cit. Crawford: Pivotal Deterrence and the Kosovo War, pp. 518

³⁵⁷ Mitchell, Sandra: Human Rights in Kosovo, pp. 245-246

³⁵⁸ Mitchell, Sandra: Human Rights in Kosovo, pp. 245

³⁵⁹ Mitchell, Sandra: Human Rights in Kosovo, pp. 245

³⁶⁰ Mitchell, Sandra: Human Rights in Kosovo, pp. 245

records or photographic material.³⁶¹ Brutal violence was used against the persons under arrest or in detention. It appears, that it was systematically applied in order to emphasize the authority over the detainees, to extort "confessions" of criminal and "terrorist" activities, naming of other suspects or for promise of future co-operation.³⁶² The trials of people facing charges relating to "terrorism" or "subversive activity" were taking place already from the beginning of 1990s. However, the physical evidence was often insufficient and the convictions were usually based on "confessions" were obtained under intimidation or ill-treatment.³⁶³

5.2 The Racak Incident and Aftermath

On 15th January 1999, during a combined clearance operation in the village of Racak (30 km from Pristina), the Yugoslav armed forces killed 45 Kosovo Albanians, including an 18-year-old woman and a twelve-year-old child. The incident became a turning point regarding efforts to peacefully resolve the Kosovo conflict.

After the KVM verifiers arrived to the stage, they started to transport the wounded civilians in their vehicles to the local hospital. The Mission immediately established a permanent presence (Field Office) in the village to calm down the population and carry out the investigation.³⁶⁴ The next day, 45 dead bodies of the villagers were found on the scene. The KVM Head of Mission Walker declared the Yugoslav authorities responsible and called upon the Office of the Prosecutor of ICTY, to investigate the killings. When the ICTY's Chief Prosecutor attempted to travel to Kosovo, the Yugoslav authorities did not allow her to enter. In the absence of the ICTY, OSCE KVM human rights officers documented the crime scene, obtained statements from survivors and witnesses and endeavoured to preserve forensic evidence until experts from Finland arrived.³⁶⁵ What was unusual on Racak was, that the incident occurred in area where the verifiers were actively patrolling.³⁶⁶ From this moment on, the security situation in the province again started to deteriorate seriously. The Yugoslav security forces increased their presence throughout the province and began re-establish their control with a heavy use of force.³⁶⁷ The Racak incident was the first worldwide broadcasted example of the violence in

³⁶¹ "Extensive photographic material exists of wounds and bruises inflicted on persons in police custody." Mitchell, Sandra: *Human Rights in Kosovo*, pp. 247

³⁶² Mitchell, Sandra: *Human Rights in Kosovo*, pp. 247

³⁶³ Mitchell, Sandra: *Human Rights in Kosovo*, pp. 247

³⁶⁴ Maisonneuve: *The Osce Kosovo Verification Mission*, pp. 51

³⁶⁵ Mitchell, Sandra: *Human Rights in Kosovo*, pp. 246

³⁶⁶ *Monitoring the Northern Ireland Ceasefires*, pp 4

³⁶⁷ "Throughout this period, the OSCE KVM documented the tactics and strategies used against the Kosovo Albanians. This included the launch of Yugoslav army "winter exercises" which involved the shelling of villages and the forced expulsion of

Kosovo. The pictures of Director Walker walking over the dead bodies flooded the world media and triggered a vigorous international response. It raised a worldwide outrage against Belgrade government and diverted the attention from the KLA's provocations. On 17th January, the NATO Secretary General Javier Solana announced that Milosevic would be held personally Responsible and the NATO SACEUR Clarke went to Belgrade to confront him personally.³⁶⁸ The Contact Group called for a peace talks to be held at Rambouillet at the end of the month.

Two weeks later, during another roundup in the village of Rogovo, the Yugoslav forces killed 24 KLA members, including several alleged civilians. The KVM reacted immediately with opening a permanent Field Office and starting an investigation.

At the end of February 1999 another security action executed by the Yugoslav forces took place in the village of Randubrava over two subsequent nights. The first night the Yugoslav police was checking the village, while the KLA opened fire upon them. At the time when the KVM arrived on the scene, a violent, though localized firefight had begun. The police agreed to cease the fire and return to the barracks as well as the KLA. The incident claimed lives of 2 civilians, while one elderly woman was wounded. Followingly, the KLA reinforced the defence of the village with heavy machine guns and defensive works. In the eve of the next day, an ethnic Serb shepherd got accidentally into the KLA lines and was taken captive. The police sent a rescue force including several APCs. After heavy machine-gun fire-fights began, the verifiers succeeded to persuade both of the parties to cease the fire by convincing the Serbs that they will take action to facilitate a quick release of the detainee and convincing the KLA, that the police forces will withdraw again. The police agreed to fulfil this condition and retreated to the rear. The release of the shepherd was facilitated during the night, whereupon he was handed over to the Yugoslav authorities.³⁶⁹

In the meanwhile, two more Serbs who were cutting wood were kidnapped by the KLA near Orahovac. This incident turned out to be very explosive as armed Serb civilians threatened to take action to release the captives. The case was resolved after several "very tense"³⁷⁰ meetings with the local authorities and a heavy pressure on the KLA, the woodcutters were again released, however, one of them was already dead.

villagers in Vucitrn municipality in February and March 1999, a military and police offensive in Kacanik in February in which the tactic of burning and destroying civilian homes to clear the area of the KLA was employed, and a violent crack-down in an Albanian quarter of Priština in early March after the killing of two police officers. Cruelty These events reveal patterns of grave abuses by Yugoslav and Serbian forces against the civilian population." Cit. Mitchell, Sandra: Human Rights in Kosovo, pp. 248

³⁶⁸ Crawford: Pivotal Deterrence and the Kosovo War, pp. 519

³⁶⁹ As the story is described in Maisonneuve: The Osce Kosovo Verification Mission, pp. 51

³⁷⁰ Cit. Maisonneuve: The OSCE Kosovo Verification Mission, pp. 51

5.3 The Rambouillet Talks

The Racak massacre became a turning point of the crisis. On 19th January 1999, the UN Security Council condemned the attitude of the Yugoslav authorities as contrary to its resolutions and relevant agreements.³⁷¹ On 29th January the Contact Group appealed the both sides to cease the violence and summoned their delegations to Rambouillet again. On the following day (30th January 1999), the North Atlantic Council delegated the NATO Secretary General to authorize air strikes against the Yugoslav targets, if the demands of the international community will not be respected. The statement explicitly involved warning to both of the sides, not only the Yugoslav government, saying „cease fire or we will bomb you“ to the Serbs and „make peace or we will abandon you“ to the KLA.³⁷² The Yugoslav delegation protested against the NATO menace referring to Article 53 of the UN Charter and repeatedly refused to sign the agreement.³⁷³ The Contact Group simultaneously drafted a set of non-negotiable principles demanding restoration of Kosovo's pre-1990 autonomy status and democratisation supervised by international community and it called for an international conference to be summoned in February 1999. That was an offer KLA could not refuse, otherwise it risked abandonment by the West.

The conference took place in the chateau of Rambouillet near Paris. The talks began on 6th February, and were mediated by NATO Secretary General Javier Solana. The Yugoslav delegation was led by the federal president Milutinovic (Serbian president Milosevic remained in Belgrade), the Albanian delegation was headed by the political spokesman of the KLA Hashim Thaci.³⁷⁴

The first phase of the negotiations was promising.³⁷⁵ However, the talks came to a grief on the issue of the status of the international civilian and military personnel. The NATO and namely U.S. diplomacy pressed for a deployment of NATO peacekeeping force with a quite extensive status, which was unacceptable for the Yugoslav side.³⁷⁶ Another difficulty was the proposed status of the province. The Serbs opposed the retainment of the pre-1990 status and any international role in the governance of Kosovo, the Albanians on the other hand were

³⁷¹ Gazzini: NATO Coercive Military Activities in the Yugoslav Crisis (1992-1999), pp. 406

³⁷² „The NATO Secretary General will take full account of the position and actions of the Kosovar leadership and all Kosovar armed elements in and around Kosovo in reaching his decision on military action. NATO will take all appropriate measures in case of a failure by the Kosovar Albanian side to comply with the demands of the international community.“ Cit. NATO Press Release (99) 12, Art. 5

³⁷³ Gazzini: NATO Coercive Military Activities in the Yugoslav Crisis (1992-1999), pp. 407

³⁷⁴ Crawford: Pivotal Deterrence and the Kosovo War, pp. 520

³⁷⁵ Contact Group Statement – Rambouillet, 23.02.1999

³⁷⁶ Crawford: Pivotal Deterrence and the Kosovo War, pp. 519, see also The Rambouillet Agreement, Appendix B: Status of Multi-National Military Implementation Force, See Appendix I

unwilling to accept that it would officially remain a part of Yugoslavia. The talks overran the intended deadline of 19th February, so they were extended for another month.

One day before the second deadline, on 18th March 1999, the U.S., British and Albanian delegation in an independent initiative came up with a document later called as the „Rambouillet Accords“, which contained all the points of dispute from the past weeks (particularly the military Appendix B)³⁷⁷ and which were clearly unacceptable both for the Contact Group and the FRY. Further they announced a “signing” conference to be held in Paris on 15th March 1999. As expected,³⁷⁸ the Accords were refused by both Yugoslav and Russian delegations. The Yugoslav delegation reacted with proposing a strictly revised version of the agreement, however, the document was found unacceptable even by the Russians. Things then started to move fast. On 19th March 1999, the OSCE Chairman-in-Office issued the decision to withdraw the KVM for safety reasons.³⁷⁹ The withdrawal took place on 22nd March 1999. On 23rd March the Yugoslav National Assembly made its last stand when accepting the principle of autonomy for Kosovo and the non-military part of the agreement. But it came too late. One day later, the bombing began.

5.4 The Withdrawal

Throughout the March 1999, the situation in Kosovo started to deteriorate rapidly. Ceasefire violations and provocations by the both sides became an every day practise and were often merging into heavy fighting. The presence of the Yugoslav armed forces in the province including heavy weapons considerably increased as well as the flow of armed irregulars from Albania. The verifiers in their jeeps were now facing tanks and APCs and were often being denied of free access to the places of incidents and thus prevented from carrying out their mandate.³⁸⁰ On 19th March 1999, with the collapse of the Rambouillet peace talks the new OSCE

³⁷⁷ See the Appendix I (Rambouillet Agreement)

³⁷⁸ E.g. the British defence minister Lord Gilbert said: "I think the terms put to Milošević at Rambouillet were absolutely intolerable; how could he possibly accept them; it was quite deliberate. That does not excuse an awful lot of other things, but we were at a point when some people felt that something had to be done, so you just provoked a fight." See The House of Commons: Examination of witness, Question 1086; „The Rambouillet text, which called on Serbia to admit NATO troops throughout Yugoslavia, was a provocation, an excuse to start bombing. Rambouillet is not a document that an angelic Serb could have accepted. It was a terrible diplomatic document that should never have been presented in that for“ Cit. Henry Kissinger: Interview for Daily Telegraph, June 28th 1999

³⁷⁹ OSCE Chairman-in-Office Press Release, 19.04.1999

³⁸⁰ „...almost every day, there was another incident, another indication that things were getting relatively unsafe, and more so with each passing day. It was also becoming much more difficult, if not impossible, to do our verification. Our patrols were being denied access to places. We were supposed to have total access wherever we wanted to go, and all of a sudden we were running into roadblocks of tanks, or armored personnel carriers, and they'd say we can't go through. We're unarmed and they're armed, so you can't push it too hard. So it became increasingly difficult for us to do the job...And it became increasingly more dangerous for my people. This information was going back to the capitals, and to the chairman in office. I was asked for my

Chairman-in-Office, Norwegian foreign minister Knut Vollebaek, issued the decision to withdraw the KVM for safety reasons³⁸¹ and presumably also as another means to increase the pressure on the Yugoslav authorities, who were being under the menace of NATO air strikes. The evacuation begun on 22nd March. It went swiftly,³⁸² within only 6 hours as the Yugoslav authorities provided full cooperation in facilitating clear exits. This time the withdrawal was taken advantage by the Yugoslav side, so the tanks and APCs were sometimes imminently following the withdrawing OSCE columns.³⁸³

The KVM regrouped in Ohrid, in the south-west of Macedonia. The OSCE, trying to save the costs, immediately reduced the Mission personnel from actual size 1350 to a “Core” of 250 by 31st March 1999,³⁸⁴ while Russia and Belarus, in protest against the NATO operation, withdrew its personnel from it. The bulk of the members was repatriated, the Core Headquarters, responsible for planning for the future re-entry of the OSCE presence to Kosovo, were temporarily based to Skopje, while the “Task Forces” served over the next two and half months in Albania and FYROM, providing assistance to the UNHCR and governments by registering the refugees, collecting evidence on human right violations from the refugees, etc.³⁸⁵

The Kosovo Verification Mission was finally terminated by decision of the OSCE Permanent Council by 9th June 1999, succeeding the creation of the “Task Force for Kosovo” (8. June 1999), primarily tasked with preparing for re-deployment to Kosovo and continuing to assist the UN and other international organizations.³⁸⁶ The Task Force for Kosovo was dissolved on 1 July 1999 and replaced by the OSCE Mission in Kosovo.

recommendation, and I said that we should depart at some point, or someone's going to get hurt....He said the decision had been made to pull us out.“ Cit. FRONTLINE - Interview with William Walker, Former Director of the KVM

³⁸¹ OSCE Chairman-in-Office Press release, 19.04.1999

³⁸² *Maisonneuve: The Osce Kosovo Verification Mission*, pp. 52

³⁸³ „What we quickly discovered, somewhat to our chagrin, was that the reason we got out in six hours instead of eight or ten hours was that the security services did everything to facilitate our exit. We started hearing about this with our last people coming out. . . . Some of them were saying that right behind us were the tanks and the armored personnel carriers. It was obvious that the Yugoslav forces had a plan to move in right behind us.“ Cit. FRONTLINE - Interview with William Walker, Former Director of the KVM; Later speculations were talking about an „Operation Horseshoe“ (name given by the German government) – a plan of the Yugoslav government to expel the entire Albanian population out of Kosovo. It was used in support of the later NATO boxing campaign against the FRY targets. Eventhough it has been later investigated by the ICTY, its veracity remains uncertain.

³⁸⁴ *Survey of OSCE Long-Term Missions and other OSCE Field Activities*, pp 77; Other authors state that te remaining personnel amounted 350. See Eiff, Hansjörg: *The OSCE Mission in Kosovo*, pp. 286

³⁸⁵ *Survey of OSCE Long-Term Missions and other OSCE Field Activities*, pp 77; Eiff, Hansjörg: *The OSCE Mission in Kosovo*, pp. 286

³⁸⁶ OSCE Permanent Council Decision Nr. 296 (8. June 1999)

6 KEY FINDINGS

6.1 Mission Mandate

Over the period of its deployment, the KVM evolved into a quasi enhanced-peacekeeping mission, maintaining the ceasefire on a local level and keeping the violence on the ground.³⁸⁷ However, comparing to other missions with similar tasks (e.g. the Independent Monitoring Commission for Northern Ireland (IMC) or the mission of the Office of the High Representative (OHR) in Bosnia and Herzegovina since 1995, the KVM had several significant disadvantages, which resulted from the very circumstances, under which the mission had to operate.³⁸⁸ These disadvantages substantially affected its performance.

- After its deployment, the KVM perceived to be mainly a „verification“ mission (as expectable from its very name), i.e. mostly performing duties as counting of weapons and forces and reporting the compliance with the October agreement. That indeed was to happen occasionally, but the verifiers soon had to found themselves performing mostly different tasks. Soon it turned out, that the central scope of the work will be maintenance of the ceasefire,³⁸⁹ instead of its verification (later the scope expanded even more, towards the human dimension), as it was the basic prerequisite for carrying out its tasks.³⁹⁰ The verifiers had to react upon local violations of the ceasefire in order to restore it and continue to perform their initial duties. Due to this mission creep, the KVM's ability to perform the verification tasks was considerably decreased.
- Although the KVM was in charge of monitoring the implementation of the October agreement, it had no direct mandate for verifying the KLA activities, as the KLA was not a signing party of the agreement.³⁹¹ The Holbrooke-Milosevic agreement did not include any provisions for disarming the KLA. In this regard, the verifiers were backed only by the broad language of the Security Council resolutions. The initial absence of the political recognition of the KLA had clearly deeper political consequences (See Subchapt. 3.3 and 3.4). However, this absence was to the prejudice of the mission's impartiality, as it laid unequal pressure on the belligerents. As the HoM Walker described: “There have been

³⁸⁷ Maisonneuve: The Osce Kosovo Verification Mission, pp. 54

³⁸⁸ “The Office of the High Representative in Bosnia and Herzegovina had many tasks, but among them is the power to impose sanctions on those local actors it deems to be obstructing the implementation of the 1995 Dayton Peace Agreement, including measures similar to those which the IMC in Northern Ireland may recommend...The exercise of OHR's powers has had a generally positive effect on the Bosnian political situation, and the IMC has similar potential in Northern Ireland.” Cit. Monitoring the Northern Ireland Ceasefires, pp. 1

³⁸⁹ Maisonneuve: The OSCE Kosovo Verification Mission, pp. 50

³⁹⁰ „Should the cease-fire fail, no other task could be carried out.“ Cit. Maisonneuve: The Osce Kosovo Verification Mission, pp. 50

³⁹¹ Eiff, Hansjörg: The OSCE Mission in Kosovo, pp. ????????????????????

instances of noncompliance on both sides. In our view, the majority of the instances ... have emanated from the government side. But that is also perhaps a function of the fact that we have asked more of them. When I say that they're not cooperating in terms of landing rights for planes that might be bringing in supplies or quibbles at the border over customs, this sort of thing, those are things you ask of a government; you don't ask that from the KLA."³⁹²

- The mandate did not provide the mission with any authority to enforce the compliance with the agreements. The main task of the verifiers was to report the non-compliance and to investigate and ensure documentation in case of HR violations. The findings of the KVM investigations could be prosecuted by the ICTY, however, the KVM was authorized to raise the prosecutions, detain the suspects or impose sanctions or penalties. This provided rather an indirect deterrent with insufficient effect in the field. However, even if the mission would be given with such authority, it is questionable how would it be able to carry it out as it had no physical means of enforcement. According to the agreement of 16th October 1998, the verifiers were unarmed.³⁹³ They could not carry weapons even for self defence, nor there was any backing by an independent (international) armed force, as it is a common practice by such missions. This shortage made the verifiers less credible and substantially decreased their ability to prevent the violations.³⁹⁴ The verifiers constantly faced restricted movement and restricted access to official personnel, courts, hospitals and other public services. Particularly, the KVM did not obtain the full co-operation of the judiciary, nor the health-care system.³⁹⁵ Both KLA and Yugoslav authorities set up checkpoints, and refused the verification teams to enter the areas beyond these checkpoints without any legitimate reason.³⁹⁶ As the HoM Walker stated: "We're unarmed and they're armed, so you can't push it too hard. So it became increasingly difficult for us to do the job."³⁹⁷ However, it is doubtful, that even an armed

³⁹² Cit. Crawford: *Pivotal Deterrence and the Kosovo War*, pp. 513

³⁹³ Agreement on the KVM from 16th October 1998, Chapt. IV Art. 2

³⁹⁴ *Monitoring the Northern Ireland Ceasefires*, pp 4

³⁹⁵ "E.g. in Pristina District Court, the Public Prosecutor and the President of the Court refused to meet HR officers. Trial schedules were difficult to obtain and the KVM was often misinformed about scheduled trials. In one instance, a HR officer was only allowed in the courtroom after senior mission staff intervened. Court officials displayed a high degree of distrust to the KVM and alleged that the KVM was likely to believe "Albanian propaganda". The KVM verifiers encountered frequent obstacles to its access to Pristina hospital. This was particularly acute when human rights officers attempted to verify the location and condition of those wounded who were suspected of terrorist acts. The KVM was often refused access to medical staff to discuss allegations of medical discrimination against Kosovo Albanians. Access to the morgue to verify the identification and condition of dead bodies was routinely denied. On several occasions, access was granted only after the Head of Mission intervened with officials in Belgrade. Freedom of movement was a problem throughout the time the KVM was deployed in Kosovo. The same was with KLA, which restricted access to their controlled areas, denied the KVM access to monitor their "trials" and to detainees." Cit. *Kosovo/Kosova As Seen, As Told* 38-39

³⁹⁶ *Kosovo/Kosova As Seen, As Told* 39

³⁹⁷ Cit. FRONTLINE - Interview with William Walker, Former Director of the KVM

KVM or protected by some kind of international military force might have prevented the tragedy that was to come.

- The safety of the mission was guaranteed by the Yugoslav government – i.e. one of the parties to the conflict.³⁹⁸ This was indeed one of the weakest points of the mission.³⁹⁹ In the given security environment, it was undoubtedly to the prejudice of the verifiers impartiality in the eyes of the Albanian population and on many occasions it had been putting their lives into a serious risk.⁴⁰⁰ Yugoslavia agreed to guarantee the security of the KVM personnel. However, the Yugoslav rescue system was not very efficient in emergencies. Moreover, it was one of the parties of the conflict. Switzerland made a rescue helicopter available, but despite intervention at the highest levels, the Yugoslav government refused to let the helicopter to enter the country, pointing instead to its own rescue system.⁴⁰¹
- The only actual deterrent which stood behind the verifiers was the imminent threat of NATO airstrikes. However, it was a backsword as it constituted threat only for the Yugoslav side. On the contrary, for the KLA side, international military intervention of any form was actually the main strategic goal (see Subchapter 3.3).
- Although the agreement between the FRY and the OSCE granted complete freedom of movement and access to Mission personnel, the obligation of the parties to provide information and cooperation in other respects were quite limited. For instance, the reporting requirement on the movements of forces was only retrospective, i.e. those that had taken place during the preceding week. With the procedures as they were it was very difficult to prevent the violations with a timely deployment.⁴⁰²
- The observations of the OSCE Technical Assessment Mission (July 1998) concluded, that the cease-fire could not be guaranteed without the tough presence of international military forces.⁴⁰³

³⁹⁸ Agreement on the KVM from 16th October 1998, Chapt. I Art. 6; This seems to be one of the key conditions and tactical aims of the Yugoslav side during the negotiations leading to the agreement of 16th October 1998. As Director Walker remembers: "I spoke several times to Milosevic, and dozens of times to his representatives in Kosovo, saying, "Diplomatic missions usually have a security force - not the verifiers themselves - but an armed security force to guard the buildings or individuals within the mission. This is common practice throughout the world. So why can't we have permission for some of our people to go armed?" He always said, "No, we're responsible for your safety. We will take care of you."” Cit. FRONTLINE - Interview with William Walker, Former Director of the KVM

³⁹⁹ As the Director Walker later remembered: „Dick Holbrooke said that he later volunteered that that was probably the weakest part of his agreement--maybe he should not have conceded that point. But he said that Milosevic was adamant that they had to go in unarmed, and that they couldn't bear any resemblance to an armed force. He got the best deal he could get, I guess, and that resulted in unarmed verifiers.“ Cit. FRONTLINE - Interview with William Walker, Former Director of the KVM

⁴⁰⁰ “On a couple of occasions, we saw that that promise was very hollow.“ Cit. FRONTLINE - Interview with William Walker, Former Director of the KVM

⁴⁰¹ Loquai, Heinz: Kosovo - A Missed Opportunity for a Peaceful Solution to the Conflict?, pp.84

⁴⁰² Eiff, Hansjörg: The OSCE Mission in Kosovo, pp. 285

⁴⁰³ Eiff, Hansjörg: The OSCE Mission in Kosovo, pp. 286

6.2 Recruitment and Establishment

There had been also serious problems within the personnel generation process, which has been criticized by some high national officials already during the start-up period:⁴⁰⁴

- There was a huge gap between verbal support of the member states and the actual personnel, material and financial contributions. The national governments which later sent thousands of soldiers to Kosovo with heavy equipment obviously had problems making a few hundred unarmed verifiers rapidly available.⁴⁰⁵ For instance, appeals by the OSCE to participating States for a mobile medical core and medical vehicles went unanswered for a long time. A team of German medics was the first to arrive, but not until 7 December.⁴⁰⁶
- During the recruitment to the KVM, there were insufficient job descriptions provided to the member states in order to recruit suitable personnel as well as insufficient quality of the nominated candidate's CVs provided to the OSCE by the member states. The selection procedure was made only on the basis of the CVs, without a personal or telephone interview. That prevented the possibility to test the candidate's language skills, social competence, etc.⁴⁰⁷
- The selection board was comprised only of members from the Contact Group countries and Secretariat, without representation of the smaller states, and worse, of the Mission itself. The early caused the imbalance of nationalities within the mission staff, the latter possibly decreased the efficiency in order to choose the most suitable candidates.
- The secondment system was slow and inefficient in establishing large-scale mission with multiple and complicated components and functions.⁴⁰⁸ There has been a series of disconnects between the national Foreign Ministries, which are responsible for the communication with OSCE, and national Defence ministries, which were in many cases provided personnel and support materials for the KVM. The number of the verifiers was constantly insufficient to ensure the intended goals - overall coverage and permanent presence even at the most critical points.⁴⁰⁹

⁴⁰⁴ On 2 December, at the OSCE's Ministerial Council in Oslo, the German Foreign Minister Fischer criticized the OSCE: "We are not unaware of the difficulties in setting up the KVM. Nevertheless, we are worried about its slow progress, its lack of transparency and the application of unequal standards in the choice of personnel. The planning process has scarcely begun for some of the core responsibilities of the KVM. This is particularly true with regard to the police." Cit. Loquai, Heinz: Kosovo - A Missed Opportunity for a Peaceful Solution to the Conflict?, pp.85

⁴⁰⁵ Loquai, Heinz: Kosovo - A Missed Opportunity for a Peaceful Solution to the Conflict?, pp.85

⁴⁰⁶ Loquai, Heinz: Kosovo - A Missed Opportunity for a Peaceful Solution to the Conflict?, pp.84

⁴⁰⁷ Recruitment Procedures for the Future's Mission Staffing

⁴⁰⁸ Lessons Learned from the KVMSU Planning Group, pp. 1

⁴⁰⁹ Loquai, Heinz: Kosovo - A Missed Opportunity for a Peaceful Solution to the Conflict?, pp. 84

- The seconded personnel was sometimes seconded for contracts shorter than 6 months, which caused insufficient continuity within the administration.⁴¹⁰
- Another detail which turned out to be very effective was the use of experienced and mature verifiers – the average age in the mission was around 45 years.⁴¹¹ Not only that they were able to operate independently, but they enjoyed a great credibility by both Serbs and Albanians. On the other hand among the weaknesses was mainly the insufficient knowledge of English language among some of the verifiers causing problems in communication, inadequate passage of information, difficulties in the action coordination, differences in cultural work habits, tendency to hoard information and centralise functions and competencies, etc.⁴¹²
- There was insufficient capacity of contingency planning in the OSCE prior 16th October 1998, especially in regard to personnel, equipment and office space. The arrival of an additional personnel of 34 people from 7 member countries took time to establish offices, structure and the planning process. The fact that KVM was although established so quickly, was mainly due to one member state (USA) providing early, a staff planning “module” under a senior official.⁴¹³
- As the USA, the wealthiest and most populous member of the OSCE and simultaneously most capable of seconding the mission members, strongly tended to dominate the KVM. However, it did not prove as in the best interest of the mission, nor the OSCE capability of the conflict resolution.⁴¹⁴
- The work of the OSCE KVM Technical reconnaissance team sent to Belgrade on 17th October 1998 was considerably limited, as it was given no guidance on the Agreements (signed 16th October). It was unable to give consistent or specific recommendations. Such guidance was not presented even to the subsequent planning team, what severely restrained effective planning in the early stages.⁴¹⁵
- The observations of the OSCE technical assessment mission (July 1998) concluded, that the cease-fire could not be guaranteed without the tough presence of international military forces.⁴¹⁶

⁴¹⁰ Recruitment Procedures for the Future’s Mission Staffing

⁴¹¹ Maisonneuve: The Osce Kosovo Verification Mission, pp. 54

⁴¹² Maisonneuve: The Osce Kosovo Verification Mission, pp. 54

⁴¹³ Lessons Learned from the KVMSU Planning Group, pp. 1

⁴¹⁴ Hopmann: Building Security in Post-Cold War Eurasia, pp 46

⁴¹⁵ Lessons Learned from the KVMSU Planning Group, pp. 2

⁴¹⁶ Eiff, Hansjörg: The OSCE Mission in Kosovo, pp. 286

6.3 Command

- The leadership of the HO Walker had also a negative influence on the rapid construction of the mission, as he did arrive in Kosovo only after three weeks after his appointment. The fact that he had reserved all decisions considering organization and personnel exclusively for himself, caused repeated delays. Experienced candidates often had to spend weeks waiting before finally being accepted.⁴¹⁷
- The observers stated, that the focus of the HQ was rather on itself instead of on the work being done in field.⁴¹⁸
- There was a lack of guidelines from the side of the Mission headquarters, especially the lack of clearly established standards against which the performance of the parties could be measured, e.g. considering to the number of weapon systems in certain areas, human rights standards, court monitoring standards, etc.⁴¹⁹ It was than often impossible for the verifiers in the field to base their assessments/evaluations on any exact basis. The Mission failed to translate the UN resolutions and international agreements into practical handbooks for the personnel in the field.

6.4 General Impact of the Mission

Despite the factors limiting the capacity of the mission to perform its tasks optimally, the impact of the mission was significant.

- The KVM's essential success was gaining the confidence of the local communities.⁴²⁰ According to surveys, the Kosovo Albanians expressed their satisfaction over the Mission's existence as a link between Kosovo and the outer world and as the world's "eye" on Kosovo.⁴²¹ Also Serb civilians and some officials also developed an increased level of trust as a result of the KVM's commitment to impartiality and a genuine concern for the plight of the Serb civilians.⁴²² The HoM Walker confirmed this as well “... as we went in, we felt that we would be welcomed by all.”⁴²³
- Thanks to this, the mission was successful in brokering numerous small-scale disputes on the ground, and thus provided necessary time for the undergoing peace process.

⁴¹⁷ Loquai, Heinz: Kosovo - A Missed Opportunity for a Peaceful Solution to the Conflict?, pp.85

⁴¹⁸ Cit. Maisonneuve: The OSCE Kosovo Verification Mission, pp. 54

⁴¹⁹ Maisonneuve: The OSCE Kosovo Verification Mission, pp. 53

⁴²⁰ Burghardt, Günther: Early Warning and Conflict Prevention, pp. 426

⁴²¹ Eiff, Hansjörg: The OSCE Mission in Kosovo, pp. 286

⁴²² Kosovo/Kosova as Seen as Told, pp. 38

⁴²³ FRONTLINE - Interview with William Walker, Former Director of the KVM

However, as it was unarmed, there was little it could do to stop the escalation of violence in the beginning of 1999.⁴²⁴ The cease fire was successfully maintained in areas where the KVM was able to establish a permanent presence. However, due to the lack of manpower, still many areas had to stay beyond control.

- The presence of the KVM largely contributed to reduction of fear among the civilian population, as it was bringing a feeling of security that the area is closely watched by the international community. E.g. the village of Malisevo (originally 4000 inhabitants), was used by the KLA as one of its bases and later completely destroyed during the operation of Yugoslav security forces. Simultaneously, all inhabitants fled their homes. During several days after the a Field Office (FO) was opened there in late January 1999, more than a thousand villagers returned to their homes and begun to rebuild them.⁴²⁵ The same example was the village of Slapuzane, where within several days after opening the FO, several hundred villagers returned to their homes. As reported “they had been too afraid to live in the village but the mere presence of KVM gave them confidence.”⁴²⁶
- In some areas, particularly in the RC1, the verifiers were successful in taking over the initiative from the parties and making them adherent with the KVM supervision. Rapid reactions, effective field presence and control (i.e. changing patrolling patterns, settlement initiatives), substantially contributed to reduction of tensions. This was analogy to the military principle of “offensive action.”⁴²⁷ The verifiers were usually first at the scene, many times even before the police.⁴²⁸
- The unity of action was successfully coordinated, what was apparent during the Racak Incident, when the Contact Group and the OSCE had put a pressure on the Yugoslav leadership at the highest level, resulting in the summoning of the Rambouillet Conference, while the KVM was successfully maintaining the situation in the field to allow the peace process to continue.
- The presence of the KVM verification teams was, within its limits, successfully preventing KLA to take advantage of the withdrawal.⁴²⁹ However, many areas were left without permanent patrol coverage as the KVM force generation process did not

⁴²⁴ Hopmann: *Building Security in Post–Cold War Eurasia*, pp. 23; For illustration, the events from 28th December 1998: “The outgoing OSCE Chairman-in-Office Geremek announced that if the fighting would go on by withdrawing its by now 600 verifiers. On 27 December, however, the head of the OSCE KVM succeeded in mediating a cease-fire in the Podujeva region which lasted into the new year.” Cit. Troebst, Stefan: *The Kosovo Conflict 1998*, pp. 18

⁴²⁵ Maisonneuve: *The Osce Kosovo Verification Mission*, pp. 51

⁴²⁶ Cit. *Kosovo/Kosova as Seen as Told*, pp. 38

⁴²⁷ Maisonneuve: *The OSCE Kosovo Verification Mission*, pp. 53

⁴²⁸ Maisonneuve: *The Osce Kosovo Verification Mission*, pp. 51

⁴²⁹ Crawford: *Pivotal Deterrence and the Kosovo War*, pp. 512

produce the full number of personnel called for in the agreement in time.⁴³⁰ This deficit was to some extent balanced by the strategy of rapid reaction, i.e. when there was an indication of a problem, the KVM was able to deploy its verification teams immediately to the place of the incident to reassure the local population and start with the investigation.⁴³¹

- The contact of the verifiers with the public was also important for dispelling the ubiquitous rumours.⁴³²
- However, the performance of the mission was subsequently severely limited by the deteriorating security situation in the province.⁴³³

6.5 The impact of the work of the Human Rights Division

- The presence of the KVM HRD officers on the inter-city buses resulted in fewer cases of abuse by the police, who often stopped buses at checkpoints and harassed the Kosovo Albanian passengers, beating or arresting them.⁴³⁴
- Judges, who would otherwise convict a suspected terrorist on very dubious legal grounds, would hesitate when the KVM (and other organizations) were present in the courtroom.⁴³⁵
- Families of those detained reported, that since the KVM began monitoring of the trials, detention beatings were reduced.⁴³⁶
- People who were afraid to go as ordered for an "informative talk" to the police stations, or were afraid to approach the police in general, often asked KVM to assist them or accompany them to the police station.⁴³⁷
- Through investigation and documentation of the human rights violations, the HR officers significantly contributed for later prosecutions of war crimes in Kosovo.

⁴³⁰ Maisonneuve: The Osce Kosovo Verification Mission, pp. 52

⁴³¹ Maisonneuve: The Osce Kosovo Verification Mission, pp. 54

⁴³² Maisonneuve: The Osce Kosovo Verification Mission, pp. 51

⁴³³ "Its (the KVM's) ability to report and intervene was hampered first by personnel shortages and later by the escalation in military activity ultimately leading to the withdrawal of the Mission on 20 March 1999." Cit. Mitchell, Sandra: Human Rights in Kosovo, pp. 245

⁴³⁴ Kosovo/Kosova as Seen as Told, pp. 38

⁴³⁵ Kosovo/Kosova as Seen as Told, pp. 38

⁴³⁶ Kosovo/Kosova as Seen as Told, pp. 38

⁴³⁷ Kosovo/Kosova as Seen as Told, pp. 38

6.6 Cooperation with other International Organisations and NGOs

- An example of successful cooperation with other IOs and NGOs in the field was the establishment of an All-Agency Coordination centre under the Regional Centre 1. Although it was just a large room with map showing the most current information including mine tracing and bureau devices (computers, printers, etc.). The idea was to support the other IOs and NGOs and to provide them technical support and place for meetings and exchange of information. Once per week a meeting was held for all interested parties in order to exchange the information. This initiative turned up to be successful, as the NGOs, otherwise known for their unsympathies for any coordination from above “felt so welcome that they attended regularly.”⁴³⁸

6.7 Equipment

- Armoured vehicles, which because of the danger of mines and of armed attacks provided important protection to personnel, represented a further problem. The KDOM observers had had such vehicles from the beginning - about one for every three people. The OSCE Mission did not receive its first vehicle of this kind until the end of November 1998 (See Fig. 3) and by the 17th December it had only 23 of them (1 per 20 personnel).⁴³⁹
- Logistics was a constant challenge as all vehicles had to be acquired or contracted. This was alternate service delivery at its best, and for the most part, worked well. There were limitations, however. The need to accept tenders, the integration of personnel and equipment into a working whole, a lack of flexibility in the timing and speed of contract fulfilment were the major challenges.⁴⁴⁰

⁴³⁸ Maisonneuve: The OSCE Kosovo Verification Mission, pp. 54

⁴³⁹ Loquai, Heinz: Kosovo - A Missed Opportunity for a Peaceful Solution to the Conflict?, pp.84;

⁴⁴⁰ Maisonneuve: The OSCE Kosovo Verification Mission, pp. 54

7 CONCLUSIONS

Many authors label the KVM as a failure.⁴⁴¹ However, such conclusions are notwithstanding the mission's mandate. According to the findings of this work, the KVM was essentially an observation mission with advisory and consultative competences, not a peacekeeping force or prosecution body. As such, it could have only a little effect on the general development of the situation.⁴⁴² As the former HoM Walker later stated: “

ARGUMENTATION:

- The reason why the KVM was established was to verify the ceasefire, not to keep it or find a political solution for the crisis. It could, and within its possibilities it successfully did, maintain the ceasefire on a local basis, using its appearance credibility and negotiating tactics. However, it had no means to influence the political aims of both of the parties.
- The crucial factor was not the efficiency of the monitoring, but the presence or absence of the political will to accept the peace process. The progress towards the peace depended on broader political development, over which the KVM had little influence and no control. It was clearly not in the power and mandate of the KVM to stop the violence from escalation. Therefore, it is more appropriate to speak about the failure of the peace process itself rather than a failure of the verifying. However, taking in account the refusal of Yugoslavia to let foreign armed force to enter its territory and the fact, that most of the UN, NATO and OSCE member states were not willing to send their ground troops for a possible ground operation against Yugoslavia, there was not many other possibilities than to send an unarmed civil mission.
- The efficiency an observation mission is from the most part determined by the environment that is it supposed to work in. Thus, if we examine whether the KVM was a success or failure, we should not analyse the results of the peace process, but rather measure the KVM performance in the light of the conditions it had to work in.

⁴⁴¹ “The unsuccessful Kosovo Verification Mission (KVM) of 1998-1999” Cit. Monitoring the Northern Ireland Ceasefires, pp 1, “KVM was an unquestionable failure” Cit. Monitoring the Northern Ireland Ceasefires, pp 5, “the failure of the OSCE Kosovo Verification Mission which led to its withdrawal” Cit. Meyer, Berthold: Never ending Stories? pp. 157

⁴⁴² „Everybody saw that our unarmed verification mission was making a difference, but not the sort of difference that would push this peace process forward.“ Cit. FRONTLINE - Interview with William Walker

According to findings of this study, within the limitations given largely by the security conditions, the KVM can be designated as effectively performing its tasks. It was providing daily, weekly and bi-weekly reports on the security situation, investigating and documenting HR violations and keeping close liaison with both of the parties. Over the period of its deployment, it even extended the scope of its functions towards mediation and human dimension. Above its duties, it had been brokering numerous local-scale ceasefires, thus achieving necessary time for the ongoing peace process. Its presence undoubtedly saved lives and increased the feeling of security among the civilian population.⁴⁴³

The essential failure did not lay in the KVM's performance, but in the wrong application of the KVM type of mission to a highly volatile armed conflict environment. Wrong timing, insufficient staffing and deteriorating security conditions together with complete absence of enforcement measures were to a large extent preventing the verifiers to perform its duties.

ARGUMENTATION:

- The OSCE-FRY Agreement from 16th October 1998, on which the operating framework of the KVM was based, implied an existence of permissive environment and cooperation of both sides.⁴⁴⁴
- The OSCE itself admits, that the Mission was unable to carry out the full scope of tasks set out by the FRY-OSCE Agreement from 16th October 1998.⁴⁴⁵
- The fact, that the KVM was not designed as a peacekeeping mission can be seen in one its provisions, which established, that the Yugoslav military authorities had to report the KVM their military movements one week retrospectively, thus leaving no place for the KVM to influence the actual situation.⁴⁴⁶
- There was never any genuine ceasefire to verify. The violence was already long under way prior to the KVM deployment and after the mission arrived to the stage, the KLA deliberately took advantage of the withdrawal of the Yugoslav security forces by taking control over the vacated areas (by establishing roadblocks, checkpoints) and using them for further raids.⁴⁴⁷

⁴⁴³ "Although only isolated and sporadic because of inadequate mission staffing, international representatives made appearances accordingly throughout the whole country and were able to have a pacifying effect in most combat areas. At least the situation in these areas did not escalate into armed conflict. Thus the framework for a peaceful resolution and settlement of the conflict was improved." Cit. Meyer, Berthold: *Never ending Stories?* pp. 153

⁴⁴⁴ OSCE KVM: *Concept of Operation*, Annex E, pp. 3

⁴⁴⁵ *Survey of OSCE Long-Term Missions and other OSCE Field Activities*, pp 77

⁴⁴⁶ *Agreement on the KVM from 16th October 1998*, Chapter III Art.. 2+8

⁴⁴⁷ *Monitoring the Northern Ireland Ceasefires*, pp 4

- KVM could do a little to stop the escalation of violence. The only acceptable political solution for the KLA was a complete independence of the province. The KLA's strategy was determined by pulling the Yugoslav forces constantly deeper into the conflict, hoping for an international military intervention, which would bring them the independence in a *dues-ex-machina* manner.⁴⁴⁸
- The KLA had no official obligations in relationship to the Resolution 1199, nor there were any attempts made to involve the KLA into the agreement establishing the KVM. As it did not mention any prospect for the future independence, the Kosovo Albanians saw the agreement between the OSCE and the FRY as preserving the status quo. Thus, in order to enforce their mandate the verifiers were not backed by any obligations of the Albanian side. As some of the authors mention, the Kosovo Albanian leaders expressed reservations about these agreements to the UN personnel and "openly stated that it felt itself (the Albanian political leadership) to be outside the agreement."⁴⁴⁹
- The KVM lacked reputation of an independent and important actor in the wider political consequences.⁴⁵⁰

The failure of the peace process seems to be more likely due to the impatience with which NATO and the U.S. took the reins of the solution on their own, than due to inability of the OSCE. As Terrence Hopman concludes: "However weak the KVM might have been, it had been more effective than the subsequent NATO air campaign in preventing the massive violence and the forced expulsion of refugees."⁴⁵¹ Have the OSCE early warning in late 1997 and early 1998 have been heard⁴⁵² and the KVM established, perhaps the entire crisis could be successfully prevented. For all its challenges, the KVM undoubtedly saved lives, it brokered numerous small-scale disputes,⁴⁵³ assisted in the return of relatively normal conditions in the region, reduced tensions where it was present and, most importantly, as the KVM Head of Operations, Canadian General Maissonneuve concluded: "it gave the local population of all ethnic backgrounds some reason for hope."⁴⁵⁴

⁴⁴⁸ "The KLA certainly wants independence. They want to protect their villagers. They want to get the international community to come in there and get independence for them." See FRONTLINE - Interview with William Walker, Former Director of the KVM

⁴⁴⁹ Monitoring the Northern Ireland Ceasefires, pp 4

⁴⁵⁰ Monitoring the Northern Ireland Ceasefires, pp 5

⁴⁵¹ Hopmann: Building Security in Post-Cold War Eurasia, pp 24; "...these events reveal patterns of grave abuses by Yugoslav and Serbian forces against the civilian population. Such patterns of abuse recurred on a more shocking scale after the withdrawal of the OSCE KVM on 20 March 1999." Cit. Mitchell, Sandra: Human Rights in Kosovo, pp. 248

⁴⁵² Hopmann: Building Security in Post-Cold War Eurasia, pp 26

⁴⁵³ "In some areas it was only the presence of the KVM that prevented outright hostilities. In other areas the KVM seemed to be a pawn of the parties, relegated to recording incidents and their perpetrators. In any case, the risk-benefit balance of the KVM was tilting towards the former." See Maissonneuve: The Osce Kosovo Verification Mission, pp. 52

⁴⁵⁴ Maissonneuve: The Osce Kosovo Verification Mission, pp. 54

Résumé v českém jazyce

Přestože KVM plnila zadané úkoly, díky selhání mírového procesu bývá často označována za selhání. Toto hodnocení je způsobeno nedostatečnou znalostí mandátu mise a rovněž jeho desinterpretací v soudobých médiích.

Úkoly KVM, zakotvené v Dohodě o KVM z 16. Října 1998, byly následující:

1. ověřovat dodržování Rezoluce Rady bezpečnosti OSN č. 1199 a hlásit případy pokroku či jejího porušování;
2. ustavit permanentní přítomnost v maximálním množství míst po celém Kosovu;
3. Udržovat blízké styky s jugoslávskými a srbskými úřady, zástupci Kosovských Albánců a ostatními organizacemi působícími v Kosovu a asistovat jim v plnění jejich povinností;
4. dohlížet nad volbami za účelem zajištění jejich demokratického průběhu;
5. hlásit a poskytovat doporučení Stálému shromáždění OBSE, Radě bezpečnosti OSN a dalším organizacím v oblastech působnosti Rezoluce 1199.

V konkrétních termínech KVM „verifikátoři“ měli:

- vyhledávat překážky na komunikacích jako např. Silniční zátarasy, které byly ustaveny za jiným účelem než na kontrolu dopravy a stíhání zločinců atp.⁴⁵⁵
- pozorovat jednotky a zařízení policie a pohraniční stráže a doprovázet je při vykonávání jejich činnosti.⁴⁵⁶
- asistovat UNHCR, ICRC a jiným vládním i nevládním organizacím a rovněž místním úřadům při dopravování a rozdělování humanitární pomoci a zajišťovat návrat uprchlíků zpět do jejich domovů.⁴⁵⁷
- zajišťovat výměnu informací mezi znesvářenými stranami za účelem výměny informací a zajišťovat vedení/poradenství za účelem implementace dohody o KVM.⁴⁵⁸
- v případě, že by bylo dosaženo uklidnění situace, spolupracovat na plánování rekonstrukce, demokratických volbách a asistovat při budování místní samosprávy a policie.⁴⁵⁹

⁴⁵⁵ Agreement on the KVM from 16th October 1998, Chapter III Art. 3

⁴⁵⁶ Agreement on the KVM from 16th October 1998, Chapter III Art. 4-5

⁴⁵⁷ Agreement on the KVM from 16th October 1998, Chapter III Art. 6

⁴⁵⁸ Agreement on the KVM from 16th October 1998, Chapter III Art. 10

Z rozboru zakládajících dokumentů KVM jednoznačně vyplývá, že tyto předpokládaly plnou spolupráci obou znesvářených stran na mírovém procesu. Reální bezpečnostní situace v průběhu nasazení KVM ale může být charakterizována jako napjatá a výbušná.⁴⁶⁰ Permanentně se vyskytovaly případy partyzánských výpadů, přestřelek z ručních zbraní a útoků na policejní a vojenská zařízení, hlídky i jednotlivce.⁴⁶¹ Přes formální (jednostranný) souhlas jugoslávské strany s příměřím, jugoslávské ozbrojené síly reagovaly na provokace UCK silnými represemi, které způsobovaly mnoho obětí především na civilním (albánském) obyvatelstvu.

Členové KVM udržovali pravidelné kontakty s civilními zástupci i vojenskými veliteli obou stran.⁴⁶² Bezpečnostní situace se ale permanentně zhoršovala, především o začátku roku 1999. Vzhledem k častým provokacím se nikdy nepodařilo nastolit vzájemnou důvěru mezi oběma stranami, která byla klíčovou podmínkou k jakékoli spolupráci. Mise byla tedy po celou dobu vázána především mediací lokálních konfliktů a dokumentováním porušování lidských práv, ke kterému v Kosovu docházelo v extrémní míře.⁴⁶³ Případy mučení, bití, únosů znásilnění. Bezsoudebných poprav byly na denim pořádku, verifikátoři byli ale často omezováni ve své práci zamezováním přístupu do některých oblastí a míst.⁴⁶⁴ Obě strany si často střídaly kontrolu nad jednotlivými územími, především pak UCK často využívala stahování jugoslávských jednotek a zneužívala tak podmínek sjednaných v jednostranném příměřím. Především od ledna 1999, jugoslávská strana začala opět používat těžkou vojenskou techniku a začaly se objevovat případy dělostřeleckého bombardování, blízké letecké podpory (Close Air Support), atp. A čím dál více přibývalo oblastí, kam verifikátoři KVM nebyli vpuštěni.

V rámci extrémních bezpečnostních podmínek, ve kterých musela KVM operovat, mise plnila stanovené úkoly. Úkolem mise nebylo zabránit porušování příměřím ani přinést mírové řešení konfliktu v Kosovu, ale ověřovat (angl. „verify“) dodržování Rezolucí rady bezpečnosti OSN. Existující dokumenty i svědectví dokazují, že se zadané úkoly misi plnit dařilo. Bohužel, špatné načasování, pomalé doplňování lidskými zdroji, zhoršující se bezpečnostní podmínky a kompletní absence přímých vynucovacích prostředků, příliš vážně bránily úspěšnému vykonávání jejich mandátu. Přesto, i když to nebylo jejich legálně zakotvenou povinností, mise

⁴⁵⁹ Agreement on the KVM from 16th October 1998, Chapt. II Art. 4, Chapt. III Art. 7

⁴⁶⁰ Kosovo/Kosova as Seen, as Told, pp. 36; Survey of OSCE Long-Term Missions and other OSCE Field Activities, pp 77;

⁴⁶¹ Monitoring the Northern Ireland Ceasefires, pp 4

⁴⁶² Maisonneuve: The Osce Kosovo Verification Mission, pp. 51

⁴⁶³ „The Kosovo Diplomatic Observation Mission (KDOM) notes that the Albanian rebels and the Serb police forces are not respecting the United Nations resolutions calling for an end to hostilities and maintenance of a limited number of Serb troops and police forces in the province.“ Cit. Council of Europe: Crisis in Kosovo and situation in the Federal Republic of Yugoslavia (Report, 26.01.1999); “On the one hand was a government that was doing some very bad things, in terms of denying rights to the Albanian community, which was 90 percent of the population of Kosovo. When the security services were, quote, “in pursuit of a terrorist or a band of terrorists,” unquote, they would go in and just destroy a village. On the other side, you had the KLA, which also did some bad things, but it was usually of a scale that was totally different. So maintaining that even-handedness was difficult.” FRONTLINE - Interview with William Walker, Former Director of the KVM

⁴⁶⁴ Monitoring the Northern Ireland Ceasefires, pp 4

v průběhu svého nasazení dokázala udržovat celkový klid zbraní skrze úspěšnou mediaci na lokální úrovni. Kolaps mírového procesu na nejvyšší úrovni ale bohužel přišel ještě před tím, než mise dokázala plně rozvinout svoji operační kapacitu. Eskalace násilí v průběhu ledna a února 1999 byla primárním strategickým cílem Kosovské osvobozené armády (KLA, UCK), která, podpořena politikou některých Západních zemí (především USA), získala svoji agresivní politikou faktickou moc nad děním v Kosovu, odsunujíc do pozadí umírněnou politiku Ibrahima Rugovy. Nebylo v možnostech ani povinnostech KVM tomuto vývoji zabránit. Z tohoto důvodu není možné hovořit o selhání KVM, ale o selhání či nechuti mezinárodního společenství tomuto konfliktu zabránit.

Literature

Bailes Alyson J.K.; Wiharta, Sharon: *Armed Conflicts and International Security: A Factual and Analytical Review* (Working Paper No. 7/2005); 38 p.

Real Instituto Elcano de Estudios Internacionales y Estratégicos, Elcano 2007

Becker, Jens: *The Kosovo Conflict: Political and Socio-Economic Aspects*

In *South East Europe Review* (SEER) 3/98, pp. 9-17

Hans Böckler Stiftung, Düsseldorf 1998

Bell, Martin, 2004. *Through Gates of Fire - A Journey into World Disorder*

1st Edition, 256 p.

Weidenfeld and Nicolson, London 2004

Bellamy, Alex J./Stuart Griffin: *OSCE Peacekeeping. Lessons from the Kosovo Verification Mission*

In: *European Security*, Volume 11, Issue 1 – Spring 2002, pp. 1-26

Routledge, 2002

Burghardt, Günther: *Early Warning and Conflict Prevention as Tasks of the European Union and EU-OSCE Co-operation*

In *OSCE Yearbook 2000*, pp. 149-161

Centre for OSCE Research (CORE), Hamburg 2000

<http://www.core-hamburg.de/documents/yearbook/english/99/Burghardt.pdf> (visited 04.05.2008)

Chido, Diane E.: *Images of Twentieth Century Genocide: Decoding Images and Heeding Warnings*

Mercyhurst College, Institute for Intelligence Studies, 2006, 156 p., Supervisor James Breckenridge

Crawford, Timothy W.: *Pivotal Deterrence and the Kosovo War: Why the Holbrooke Agreement Failed*

In: *Political Science Quarterly*, Vol. 116 (Winter 2001-2002), No. 4, pp. 499-523

The Academy of Political Science, New York 2002

Dress, Tobi P., J.D.: *Designing a Peacebuilding Infrastructure: Taking a Systems Approach to the Prevention of Deadly Conflict* (Document No. UNCTAD/NGLS/2005/1); 237 p.

UN Non-Governmental Liaison Service (NGLS) Development Dossier

United Nations, New York and Geneva 2005

Eiff, Hansjörg: *The OSCE Mission in Kosovo*

In *OSCE Yearbook 1999*, pp. 283-288

Centre for OSCE Research (CORE), Hamburg 1999

<http://www.core-hamburg.de/documents/yearbook/english/99/Eiff.pdf> (visited 04.05.2008)

Gazzini, Tarcisio: *NATO Coercive Military Activities in the Yugoslav Crisis (1992-1999)*

In: *European Journal of International Law*, Vol. 12 (2001), No. 3, pp. 391-436

Oxford University Press, Oxford 2001

Heinemann-Grüder, Andreas; Paes, Wolf-Christian: *Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation army* (Brief 20); 53 p.

Edited by Benstead, Lynn, Bonn International Center for Conversion
Friedrich Naumann Stiftung, Bonn 2001

Hopmann, P. Terrence: *Building Security in Post-Cold War Eurasia: The OSCE and U.S. Foreign Policy* (Peaceworks No. 31); 60 p.

United States Institute of Peace, Washington DC 1999

Jentleson, Bruce W.: *Coercive Prevention, Normative, Political, and Policy Dilemmas* (Peaceworks No. 35); 47 p.

United States Institute of Peace, Washington 2000

Loquai, Heinz: *Kosovo - A Missed Opportunity for a Peaceful Solution to the Conflict?*

In *OSCE Yearbook 1999*, pp. 79-90

Centre for OSCE Research (CORE), Hamburg 1999

<http://www.core-hamburg.de/documents/yearbook/english/99/Loquai.pdf> (vis. 04.05. 2008)

Maisonneuve, Michael J.R., Brig.-Gen.: *The OSCE Kosovo Verification Mission*

In: *Canadian Military Journal*, Vol. 1 No. 1 Spring 2000, pp. 49-54

Mason, Simon + Richard, Sandra: *Conflict Analysis Tools (Tip Sheet)*

Swiss Agency for Development and Cooperation (SDC), Conflict Prevention and Transformation Division (COPRET); 13 p.

Bern 2005

Meyer, Berthold: *Never ending Stories? An Interim Balance of Long-Term Missions*

In *OSCE Yearbook 2000*, pp. 149-161

Centre for OSCE Research (CORE), Hamburg 2000

<http://www.core-hamburg.de/documents/yearbook/english/00/Meyer.pdf> (visited 04.05.2008)

Mitchell, Sandra: *Human Rights in Kosovo*

In *OSCE Yearbook 2000*, pp. 241-255

Centre for OSCE Research (CORE), Hamburg 2000

<http://www.core-hamburg.de/documents/yearbook/english/00/Mitchell.pdf> (visited 04.05.2008)

Øverland, Indra: *A Gap in OSCE Conflict Prevention? Local Media and Inter-Ethnic Conflict in the Former Soviet Union* (Paper No. 645 . 2003); 41 p.

Norwegian Institute of International Affairs (NUPI), Oslo 2003

Reuter, Jens: *Kosovo 1998*

In *OSCE Yearbook 1999*, pp. 283-288

Centre for OSCE Research (CORE), Hamburg 1999

<http://www.core-hamburg.de/documents/yearbook/english/99/Eiff.pdf> (visited 04.05.2008)

Troebst, Stefan: *The Kosovo Conflict 1998*

In: *Die Konfliktentwicklung auf dem südlichen Balkan I; Information zur Sicherheitspolitik Nr.17* (June 1999); 18 p.

Österreichs-Bundesheer (<http://www.bmlv.at/>)

http://www.bmlv.gv.at/pdf_pool/publikationen/01_kse1_02_tck.pdf (visited 02.05.2008)

Sources

Contact Group Statement – Rambouillet, 23.02.1999

European Union – Office for the High Representative and EU Special Representative

Available at: http://www.ohr.int/other-doc/contact-g/default.asp?content_id=3560 (visited 11.04.1999)

Encyclopaedia Britannica Online

www.britannica.com

European Reintegration Networking

<http://www.reintegration.net/> (visited 02.05.2008)

FRONTLINE - Interview with William Walker, Former Director of the KVM

<http://www.pbs.org/wgbh/pages/frontline/shows/kosovo/interviews/walker.html>, (visited 10.04.2008)

Henry Kissinger: Interview for Daily Telegraph, June 28th 1999

Human Rights Watch: Leave None to Tell the Story: Genocide in Rwanda

www.hrw.org/reports/1999/rwanda/ (visited on 21st March 2008)

Human rights Watch 1999

„Nobody Should Beat You“ – A Speech of Slobodan Milosevic at Kosovo Polje from April 24-25, 1987

<http://www.slobodan-milosevic.org/news/milosevic-1987-3-eng.htm> (visited 28.04.2008)

The House of Commons, United Kingdom

Examination of witness (Questions 1080 - 1092) from Tuesday 20.06.2000

<http://www.parliament.the-stationery-office.co.uk/pa/cm199900/cmselect/cmdfence/347/0062005.htm> (visited 11.04.2008)

The Rambouillet Agreement

United States of America, Department of State

http://www.state.gov/www/regions/eur/ksvo_ambouillet_text.html (visited 11.04.2008)

Various Authors: Monitoring the Northern Ireland Ceasefires: Lessons from the Balkans

International Crisis Group (ICG) Europe Briefing January 2004; 12 p.

ICG, Brussels 2004

NATO

NATO Allied Joint Force Command Naples

Operation Eagle Eye - <http://www.afsouth.nato.int/operations/deteagle/Eagle.htm> (visited 10.04.2008)

The Kosovo Verification Coordination Centre - <http://www.afsouth.nato.int/operations/deteagle/kvcc/kvcc.htm> (visited 10.04.2008)

OSCE Permanent Council Decisions

Nr. 259 (15.10.1998)

http://www.osce.org/documents/pc/1998/10/20570_en.pdf (visited 09.04.2008)
Nr. 263 (25.10.1998)
http://www.osce.org/documents/pc/1998/10/20583_en.pdf (visited 09.04.2008)
Nr. 296 (08.06.1999)

NATO Press Releases

(99) 12 (30.01.1999)
<http://www.nato.int/docu/pr/1999/p99-012e.htm> (visited 11.04.2008)
(98) 51 (30.04.1998)
<http://www.nato.int/docu/pr/1998/p98-051e.htm> (visited 12.04.1998)
M-NAC-2(98)143 (08.12.1998)
<http://www.nato.int/docu/pr/1998/index.html>
Secretary General Press Statement, 13.10.1998
<http://www.nato.int/docu/speech/1998/s981013a.htm> (visited 12.04.1998)

OSCE

Agreement on the KVM from 16th October 1998 between the OSCE and Federal Republic of Yugoslavia from 16. October 1998
<http://www.osce.org> (visited 07.04.2008) / alt.
<http://www.ess.uwe.ac.uk/Kosovo/Kosovo-Documents3.htm> (visited 07.04.2008)

Annual Report 1997 on OSCE Activities (1 November 1996 - 30 November 1997)
OSCE, Vienna 1997
http://www.osce.org/publications/sg/1997/12/14116_284_en.pdf (visited 29.04.2008)

GlobalSecurity.org

<http://www.globalsecurity.org/military/world/serbia/army.htm> (visited 11.05.2008)
<http://www.globalsecurity.org/military/world/serbia/airforce.htm> (visited 11.05.2008)

Charter for European Security

OSCE, Istanbul 1999
http://www.osce.org/documents/mcs/1999/11/17497_en.pdf (visited on 20th March 2008)

KOSOVO/KOSOVA As Seen, As Told – An analysis of the human rights findings of the OSCE Kosovo Verification Mission October 1998 to June 1999
OSCE, Office for Democratic Institutions and Human Rights
Warsaw, Poland 1999

Life Begins At 30: Helsinki Monitor Conference on the OSCE's Future After 30 Years
(Hofburg, Vienna, 9 September 2005)
Edited by Tammo Hoeksema, Jan ter Laak and Margaret Karsten
OSCE, 2005
<http://www.nhc.nl/life-begins-at-30.pdf> (visited 28.04.2008)

OSCE Handbook

OSCE, 2007
<http://www.osce.org/item/22286.html> (visited 27.04.2008)

OSCE Press Releases

OSCE Chairman-in-Office pulls OSCE personnel out of Kosovo (19.03.1999)

http://www1.osce.org/cio/item_1_4789.html (visited 11.04.1999)

OSCE and Yugoslavia – Important dates, timeline (25.09.2000)

<http://www.osce.org/item/5344.html> (visited 27.04.2008)

Second Meeting of the Council, Summary of Conclusions: Prague Document on Further Development of CSCE Institutions and Structures Declaration on Non-Proliferation and Arms Transfers

OSCE, Prague 1992

http://www.osce.org/documents/mcs/1992/01/4142_en.pdf (visited 27.04.2008)

http://www.osce.org/documents/pc/1999/06/2591_en.pdf (visited 09.04.2008)

Survey of OSCE Long-Term Missions and other OSCE Field Activities

OSCE – The Secretariat / Conflict Prevention Centre, Vienna 2007

Documents from the KVM Archive (OSCE Prague Office)

Letter from the OSCE Secretary General Geremek, to H.E. Mr. Ognen Maleski, Ambassador and the Head of OSCE Mission to FYROM, from 18th November 1998

KVM Archive, OSCE Prague Office

OSCE Kosovo Mission – Outline for Future Tasks and Organisation

According to document CIO.GAL/8/99, OSCE, Vienna 16th March 1999

KVM Archive, OSCE Prague Office

OSCE KVM Concept of Operation

SEC.GAL/108/98, OSCE Vienna 20th November 1998

KVM Archive, OSCE Prague Office

OSCE KVM Locations as at March 1999 (by Chris Underhill, Geo Cell (Operations), KVM HQ)

KVM Archive, OSCE Prague Office

OSCE KVM Manual

OSCE 1998

KVM Archive, OSCE Prague Office

OSCE KVM RC Activation Plan from 3th December 1998

KVM Archive, OSCE Prague Office

Lessons Learned from the KVMSU Planning Group

OSCE, Vienna 7th december 1998

KVM Archive, OSCE Prague Office

OSCE KVM Interim Reports 1998-1999

SEC.FR/530/98

SEC.FR/539/98

SEC.FR/68/99

SEC.FR/607/98

SEC.FR/1/99

SEC.FR/22/99

SEC.FR/47/99
SEC.FR/58/99
SEC.FR/114/99
SEC.FR/163/99
SEC.FR/237/99
OSCE Secretariat, Conflict Prevention Centre
KVM Archive, OSCE Prague Office

OSCE KVM Requests regarding transportation
OSCE Secretariat, SEC.GAL/101/98
KVM Archive, OSCE Prague Office

OSCE Kosovo Verification Mission
OSCE Secretariat, CIO.GAL/66/98 (20th October 1998)
KVM Archive, OSCE Prague Office

Recruitment Procedures for the Future's Mission Staffing (by Christina Benalal)
Informal Draft, OSCE 1999
KVM Archive, OSCE Prague Office

UN

An Agenda for Peace. Preventive diplomacy, peacemaking and peace-keeping (Report of the Secretary-General Boutros Boutros Ghali pursuant to the statement adopted by the Summit Meeting of the Security Council on 31 January 1992)
United Nations 1999
<http://www.un.org/docs/SG/agpeace.html> (visited on 21st March 2008)

Charter of the United Nations
<http://www.un.org/aboutun/charter/> (visited 22.04.2008)

UN Security Council Resolutions
1160 (1998) - <http://www.un.org/peace/kosovo/98sc1160.htm> (visited 07.04.2008)
1199 (1998) - <http://www.un.org/peace/kosovo/98sc1199.htm> (visited 07.04.2008)
1204 (1998) - <http://www.un.org/peace/kosovo/98sc1203.htm> (visited 07.04.2008)



Appendix I – United Nations Security Council Resolution 1160 (1998)
S/RES/1160 (1998)
31 March 1998

Source: <http://www.un.org/peace/kosovo/98sc1160.htm> (visited 07.04.2008)

Adopted by the Security Council at its 3868th meeting, on 31 March 1998

The Security Council,

Noting with appreciation the statements of the Foreign Ministers of France, Germany, Italy, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America (the Contact Group) of 9 and 25 March 1998 (S/1998/223 and S/1998/272), including the proposal on a comprehensive arms embargo on the Federal Republic of Yugoslavia, including Kosovo,

Welcoming the decision of the Special Session of the Permanent Council of the Organization for Security and Cooperation in Europe (OSCE) of 11 March 1998 (S/1998/246),

Condemning the use of excessive force by Serbian police forces against civilians and peaceful demonstrators in Kosovo, as well as all acts of terrorism by the Kosovo Liberation Army or any other group or individual and all external support for terrorist activity in Kosovo, including finance, arms and training,

Noting the declaration of 18 March 1998 by the President of the Republic of Serbia on the political process in Kosovo and Metohija (S/1998/250),

Noting also the clear commitment of senior representatives of the Kosovar Albanian community to non-violence,

Noting that there has been some progress in implementing the actions indicated in the Contact Group statement of 9 March 1998, but stressing that further progress is required,

Affirming the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia,

Acting under Chapter VII of the Charter of the United Nations,

1. Calls upon the Federal Republic of Yugoslavia immediately to take the further necessary steps to achieve a political solution to the issue of Kosovo through dialogue and to implement the actions indicated in the Contact Group statements of 9 and 25 March 1998;

2. Calls also upon the Kosovar Albanian leadership to condemn all terrorist action, and emphasizes that all elements in the Kosovar Albanian community should pursue their goals by peaceful means only;
3. Underlines that the way to defeat violence and terrorism in Kosovo is for the authorities in Belgrade to offer the Kosovar Albanian community a genuine political process;
4. Calls upon the authorities in Belgrade and the leadership of the Kosovar Albanian community urgently to enter without preconditions into a meaningful dialogue on political status issues, and notes the readiness of the Contact Group to facilitate such a dialogue;
5. Agrees, without prejudging the outcome of that dialogue, with the proposal in the Contact Group statements of 9 and 25 March 1998 that the principles for a solution of the Kosovo problem should be based on the territorial integrity of the Federal Republic of Yugoslavia and should be in accordance with OSCE standards, including those set out in the Helsinki Final Act of the Conference on Security and Cooperation in Europe of 1975, and the Charter of the United Nations, and that such a solution must also take into account the rights of the Kosovar Albanians and all who live in Kosovo, and expresses its support for an enhanced status for Kosovo which would include a substantially greater degree of autonomy and meaningful self-administration;
6. Welcomes the signature on 23 March 1998 of an agreement on measures to implement the 1996 Education Agreement, calls upon all parties to ensure that its implementation proceeds smoothly and without delay according to the agreed timetable and expresses its readiness to consider measures if either party blocks implementation;
7. Expresses its support for the efforts of the OSCE for a peaceful resolution of the crisis in Kosovo, including through the Personal Representative of the Chairman-in-Office for the Federal Republic of Yugoslavia, who is also the Special Representative of the European Union, and the return of the OSCE long-term missions;
8. Decides that all States shall, for the purposes of fostering peace and stability in Kosovo, prevent the sale or supply to the Federal Republic of Yugoslavia, including Kosovo, by their nationals or from their territories or using their flag vessels and aircraft, of arms and related matériel of all types, such as weapons and ammunition, military vehicles and equipment and spare parts for the aforementioned, and shall prevent arming and training for terrorist activities there;
9. Decides to establish, in accordance with rule 28 of its provisional rules of procedure, a committee of the Security Council, consisting of all the members of the Council, to undertake the following tasks and to report on its work to the Council with its observations and recommendations:
 - (a) to seek from all States information regarding the action taken by them concerning the effective implementation of the prohibitions imposed by this resolution;
 - (b) to consider any information brought to its attention by any State concerning violations of the prohibitions imposed by this resolution and to recommend appropriate measures in response thereto;

(c) to make periodic reports to the Security Council on information submitted to it regarding alleged violations of the prohibitions imposed by this resolution;

(d) to promulgate such guidelines as may be necessary to facilitate the implementation of the prohibitions imposed by this resolution;

(e) to examine the reports submitted pursuant to paragraph 12 below;

10. Calls upon all States and all international and regional organizations to act strictly in conformity with this resolution, notwithstanding the existence of any rights granted or obligations conferred or imposed by any international agreement or of any contract entered into or any license or permit granted prior to the entry into force of the prohibitions imposed by this resolution, and stresses in this context the importance of continuing implementation of the Agreement on Subregional Arms Control signed in Florence on 14 June 1996;

11. Requests the Secretary-General to provide all necessary assistance to the committee established by paragraph 9 above and to make the necessary arrangements in the Secretariat for this purpose;

12. Requests States to report to the committee established by paragraph 9 above within 30 days of adoption of this resolution on the steps they have taken to give effect to the prohibitions imposed by this resolution;

13. Invites the OSCE to keep the Secretary-General informed on the situation in Kosovo and on measures taken by that organization in this regard;

14. Requests the Secretary-General to keep the Council regularly informed and to report on the situation in Kosovo and the implementation of this resolution no later than 30 days following the adoption of this resolution and every 30 days thereafter;

15. Further requests that the Secretary-General, in consultation with appropriate regional organizations, include in his first report recommendations for the establishment of a comprehensive regime to monitor the implementation of the prohibitions imposed by this resolution, and calls upon all States, in particular neighbouring States, to extend full cooperation in this regard;

16. Decides to review the situation on the basis of the reports of the Secretary-General, which will take into account the assessments of, inter alia, the Contact Group, the OSCE and the European Union, and decides also to reconsider the prohibitions imposed by this resolution, including action to terminate them, following receipt of the assessment of the Secretary-General that the Government of the Federal Republic of Yugoslavia, cooperating in a constructive manner with the Contact Group, have:

(a) begun a substantive dialogue in accordance with paragraph 4 above, including the participation of an outside representative or representatives, unless any failure to do so is not because of the position of the Federal Republic of Yugoslavia or Serbian authorities;

(b) withdrawn the special police units and ceased action by the security forces affecting the civilian population;

(c) allowed access to Kosovo by humanitarian organizations as well as representatives of Contact Group and other embassies;

(d) accepted a mission by the Personal Representative of the OSCE Chairman-in-Office for the Federal Republic of Yugoslavia that would include a new and specific mandate for addressing the problems in Kosovo, as well as the return of the OSCE long-term missions;

(e) facilitated a mission to Kosovo by the United Nations High Commissioner for Human Rights;

17. Urges the Office of the Prosecutor of the International Tribunal established pursuant to resolution 827 (1993) of 25 May 1993 to begin gathering information related to the violence in Kosovo that may fall within its jurisdiction, and notes that the authorities of the Federal Republic of Yugoslavia have an obligation to cooperate with the Tribunal and that the Contact Group countries will make available to the Tribunal substantiated relevant information in their possession;

18. Affirms that concrete progress to resolve the serious political and human rights issues in Kosovo will improve the international position of the Federal Republic of Yugoslavia and prospects for normalization of its international relationships and full participation in international institutions;

19. Emphasizes that failure to make constructive progress towards the peaceful resolution of the situation in Kosovo will lead to the consideration of additional measures;

20. Decides to remain seized of the matter.



Appendix II – United Nations Security Council Resolution 1199 (1998)

S/RES/1199 (1998)

23 September 1998

Source: <http://www.un.org/peace/kosovo/98sc1199.htm> (visited 07.04.2008)

Adopted by the Security Council at its 3930th meeting on 23 September 1998

The Security Council,

Recalling its resolution 1160 (1998) of 31 March 1998,

Having considered the reports of the Secretary-General pursuant to that resolution, and in particular his report of 4 September 1998 (S/1998/834 and Add.1),

Noting with appreciation the statement of the Foreign Ministers of France, Germany, Italy, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America (the Contact Group) of 12 June 1998 at the conclusion of the Contact Group's meeting with the Foreign Ministers of Canada and Japan (S/1998/567, annex), and the further statement of the Contact Group made in Bonn on 8 July 1998 (S/1998/657),

Noting also with appreciation the joint statement by the Presidents of the Russian Federation and the Federal Republic of Yugoslavia of 16 June 1998 (S/1998/526),

Noting further the communication by the Prosecutor of the International Tribunal for the Former Yugoslavia to the Contact Group on 7 July 1998, expressing the view that the situation in Kosovo represents an armed conflict within the terms of the mandate of the Tribunal,

Gravely concerned at the recent intense fighting in Kosovo and in particular the excessive and indiscriminate use of force by Serbian security forces and the Yugoslav Army which have resulted in numerous civilian casualties and, according to the estimate of the Secretary-General, the displacement of over 230,000 persons from their homes,

Deeply concerned by the flow of refugees into northern Albania, Bosnia and Herzegovina and other European countries as a result of the use of force in Kosovo, as well as by the increasing numbers of displaced persons within Kosovo, and other parts of the Federal Republic of Yugoslavia, up to 50,000 of whom the United Nations High Commissioner for Refugees has estimated are without shelter and other basic necessities,

Reaffirming the right of all refugees and displaced persons to return to their homes in safety, and underlining the responsibility of the Federal Republic of Yugoslavia for creating the conditions which allow them to do so,

Condemning all acts of violence by any party, as well as terrorism in pursuit of political goals by any group or individual, and all external support for such activities in Kosovo, including the supply of arms and training for terrorist activities in Kosovo and expressing concern at the reports of continuing violations of the prohibitions imposed by resolution 1160 (1998),

Deeply concerned by the rapid deterioration in the humanitarian situation throughout Kosovo, alarmed at the impending humanitarian catastrophe as described in the report of the Secretary-General, and emphasizing the need to prevent this from happening,

Deeply concerned also by reports of increasing violations of human rights and of international humanitarian law, and emphasizing the need to ensure that the rights of all inhabitants of Kosovo are respected,

Reaffirming the objectives of resolution 1160 (1998), in which the Council expressed support for a peaceful resolution of the Kosovo problem which would include an enhanced status for Kosovo, a substantially greater degree of autonomy, and meaningful self-administration,

Reaffirming also the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia,

Affirming that the deterioration of the situation in Kosovo, Federal Republic of Yugoslavia, constitutes a threat to peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. Demands that all parties, groups and individuals immediately cease hostilities and maintain a ceasefire in Kosovo, Federal Republic of Yugoslavia, which would enhance the prospects for a meaningful dialogue between the authorities of the Federal Republic of Yugoslavia and the Kosovo Albanian leadership and reduce the risks of a humanitarian catastrophe;

2. Demands also that the authorities of the Federal Republic of Yugoslavia and the Kosovo Albanian leadership take immediate steps to improve the humanitarian situation and to avert the impending humanitarian catastrophe;

3. Calls upon the authorities in the Federal Republic of Yugoslavia and the Kosovo Albanian leadership to enter immediately into a meaningful dialogue without preconditions and with international involvement, and to a clear timetable, leading to an end of the crisis and to a negotiated political solution to the issue of Kosovo, and welcomes the current efforts aimed at facilitating such a dialogue;

4. Demands further that the Federal Republic of Yugoslavia, in addition to the measures called for under resolution 1160 (1998), implement immediately the following concrete measures towards achieving a political solution to the situation in Kosovo as contained in the Contact Group statement of 12 June 1998:

(a) cease all action by the security forces affecting the civilian population and order the withdrawal of security units used for civilian repression;

(b) enable effective and continuous international monitoring in Kosovo by the European Community Monitoring Mission and diplomatic missions accredited to the Federal Republic of Yugoslavia, including access and complete freedom of movement of such monitors to, from and

within Kosovo unimpeded by government authorities, and expeditious issuance of appropriate travel documents to international personnel contributing to the monitoring;

(c) facilitate, in agreement with the UNHCR and the International Committee of the Red Cross (ICRC), the safe return of refugees and displaced persons to their homes and allow free and unimpeded access for humanitarian organizations and supplies to Kosovo;

(d) make rapid progress to a clear timetable, in the dialogue referred to in paragraph 3 with the Kosovo Albanian community called for in resolution 1160 (1998), with the aim of agreeing confidence-building measures and finding a political solution to the problems of Kosovo;

5. Notes, in this connection, the commitments of the President of the Federal Republic of Yugoslavia, in his joint statement with the President of the Russian Federation of 16 June 1998:

(a) to resolve existing problems by political means on the basis of equality for all citizens and ethnic communities in Kosovo;

(b) not to carry out any repressive actions against the peaceful population;

(c) to provide full freedom of movement for and ensure that there will be no restrictions on representatives of foreign States and international institutions accredited to the Federal Republic of Yugoslavia monitoring the situation in Kosovo;

(d) to ensure full and unimpeded access for humanitarian organizations, the ICRC and the UNHCR, and delivery of humanitarian supplies;

(e) to facilitate the unimpeded return of refugees and displaced persons under programmes agreed with the UNHCR and the ICRC, providing State aid for the reconstruction of destroyed homes,

and calls for the full implementation of these commitments;

6. Insists that the Kosovo Albanian leadership condemn all terrorist action, and emphasizes that all elements in the Kosovo Albanian community should pursue their goals by peaceful means only;

7. Recalls the obligations of all States to implement fully the prohibitions imposed by resolution 1160 (1998);

8. Endorses the steps taken to establish effective international monitoring of the situation in Kosovo, and in this connection welcomes the establishment of the Kosovo Diplomatic Observer Mission;

9. Urges States and international organizations represented in the Federal Republic of Yugoslavia to make available personnel to fulfil the responsibility of carrying out effective and continuous international monitoring in Kosovo until the objectives of this resolution and those of resolution 1160 (1998) are achieved;

10. Reminds the Federal Republic of Yugoslavia that it has the primary responsibility for the security of all diplomatic personnel accredited to the Federal Republic of Yugoslavia as well as the safety and security of all international and non-governmental humanitarian personnel in the

Federal Republic of Yugoslavia and calls upon the authorities of the Federal Republic of Yugoslavia and all others concerned in the Federal Republic of Yugoslavia to take all appropriate steps to ensure that monitoring personnel performing functions under this resolution are not subject to the threat or use of force or interference of any kind;

11. Requests States to pursue all means consistent with their domestic legislation and relevant international law to prevent funds collected on their territory being used to contravene resolution 1160 (1998);

12. Calls upon Member States and others concerned to provide adequate resources for humanitarian assistance in the region and to respond promptly and generously to the United Nations Consolidated Inter-Agency Appeal for Humanitarian Assistance Related to the Kosovo Crisis;

13. Calls upon the authorities of the Federal Republic of Yugoslavia, the leaders of the Kosovo Albanian community and all others concerned to cooperate fully with the Prosecutor of the International Tribunal for the Former Yugoslavia in the investigation of possible violations within the jurisdiction of the Tribunal;

14. Underlines also the need for the authorities of the Federal Republic of Yugoslavia to bring to justice those members of the security forces who have been involved in the mistreatment of civilians and the deliberate destruction of property;

15. Requests the Secretary-General to provide regular reports to the Council as necessary on his assessment of compliance with this resolution by the authorities of the Federal Republic of Yugoslavia and all elements in the Kosovo Albanian community, including through his regular reports on compliance with resolution 1160 (1998);

16. Decides, should the concrete measures demanded in this resolution and resolution 1160 (1998) not be taken, to consider further action and additional measures to maintain or restore peace and stability in the region;

17. Decides to remain seized of the matter.



Appendix III – United Nations Security Council Resolution 1203 (1998)
S/RES/1203 (1998)
234 October 1998

Source: <http://www.un.org/peace/kosovo/98sc1203.htm> (visited 07.04.2008)

Adopted by the Security Council at its 3937th meeting, on 24 October 1998

The Security Council,

Recalling its resolutions 1160 (1998) of 31 March 1998 and 1199 (1998) of 23 September 1998, and the importance of the peaceful resolution of the problem of Kosovo, Federal Republic of Yugoslavia,

Having considered the reports of the Secretary-General pursuant to those resolutions, in particular his report of 5 October 1998 (S/1998/912),

Welcoming the agreement signed in Belgrade on 16 October 1998 by the Minister of Foreign Affairs of the Federal Republic of Yugoslavia and the Chairman-in-Office of the Organization for Security and Cooperation in Europe (OSCE) providing for the OSCE to establish a verification mission in Kosovo (S/1998/978), including the undertaking of the Federal Republic of Yugoslavia to comply with resolutions 1160 (1998) and 1199 (1998),

Welcoming also the agreement signed in Belgrade on 15 October 1998 by the Chief of General Staff of the Federal Republic of Yugoslavia and the Supreme Allied Commander, Europe, of the North Atlantic Treaty Organization (NATO) providing for the establishment of an air verification mission over Kosovo (S/1998/991, annex), complementing the OSCE Verification Mission,

Welcoming also the decision of the Permanent Council of the OSCE of 15 October 1998 (S/1998/959, annex),

Welcoming the decision of the Secretary-General to send a mission to the Federal Republic of Yugoslavia to establish a first-hand capacity to assess developments on the ground in Kosovo,

Reaffirming that, under the Charter of the United Nations, primary responsibility for the maintenance of international peace and security is conferred on the Security Council,

Recalling the objectives of resolution 1160 (1998), in which the Council expressed support for a peaceful resolution of the Kosovo problem which would include an enhanced status for Kosovo, a substantially greater degree of autonomy, and meaningful self-administration,

Condemning all acts of violence by any party, as well as terrorism in pursuit of political goals by any group or individual, and all external support for such activities in Kosovo, including the supply of arms and training for terrorist activities in Kosovo, and expressing concern at the reports of continuing violations of the prohibitions imposed by resolution 1160 (1998),

Deeply concerned at the recent closure by the authorities of the Federal Republic of Yugoslavia of independent media outlets in the Federal Republic of Yugoslavia, and emphasizing the need for these to be allowed freely to resume their operations,

Deeply alarmed and concerned at the continuing grave humanitarian situation throughout Kosovo and the impending humanitarian catastrophe, and re-emphasizing the need to prevent this from happening,

Stressing the importance of proper coordination of humanitarian initiatives undertaken by States, the United Nations High Commissioner for Refugees and international organizations in Kosovo,

Emphasizing the need to ensure the safety and security of members of the Verification Mission in Kosovo and the Air Verification Mission over Kosovo,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia,

Affirming that the unresolved situation in Kosovo, Federal Republic of Yugoslavia, constitutes a continuing threat to peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. Endorses and supports the agreements signed in Belgrade on 16 October 1998 between the Federal Republic of Yugoslavia and the OSCE, and on 15 October 1998 between the Federal Republic of Yugoslavia and NATO, concerning the verification of compliance by the Federal Republic of Yugoslavia and all others concerned in Kosovo with the requirements of its resolution 1199 (1998), and demands the full and prompt implementation of these agreements by the Federal Republic of Yugoslavia;

2. Notes the endorsement by the Government of Serbia of the accord reached by the President of the Federal Republic of Yugoslavia and the United States Special Envoy (S/1998/953, annex), and the public commitment of the Federal Republic of Yugoslavia to complete negotiations on a framework for a political settlement by 2 November 1998, and calls for the full implementation of these commitments;

3. Demands that the Federal Republic of Yugoslavia comply fully and swiftly with resolutions 1160 (1998) and 1199 (1998) and cooperate fully with the OSCE Verification Mission in Kosovo and the NATO Air Verification Mission over Kosovo according to the terms of the agreements referred to in paragraph 1 above;

4. Demands also that the Kosovo Albanian leadership and all other elements of the Kosovo Albanian community comply fully and swiftly with resolutions 1160 (1998) and 1199 (1998) and cooperate fully with the OSCE Verification Mission in Kosovo;

5. Stresses the urgent need for the authorities in the Federal Republic of Yugoslavia and the Kosovo Albanian leadership to enter immediately into a meaningful dialogue without

preconditions and with international involvement, and to a clear timetable, leading to an end of the crisis and to a negotiated political solution to the issue of Kosovo;

6. Demands that the authorities of the Federal Republic of Yugoslavia, the Kosovo Albanian leadership and all others concerned respect the freedom of movement of the OSCE Verification Mission and other international personnel;

7. Urges States and international organizations to make available personnel to the OSCE Verification Mission in Kosovo;

8. Reminds the Federal Republic of Yugoslavia that it has the primary responsibility for the safety and security of all diplomatic personnel accredited to the Federal Republic of Yugoslavia, including members of the OSCE Verification Mission, as well as the safety and security of all international and non-governmental humanitarian personnel in the Federal Republic of Yugoslavia, and calls upon the authorities of the Federal Republic of Yugoslavia, and all others concerned throughout the Federal Republic of Yugoslavia including the Kosovo Albanian leadership, to take all appropriate steps to ensure that personnel performing functions under this resolution and the agreements referred to in paragraph 1 above are not subject to the threat or use of force or interference of any kind;

9. Welcomes in this context the commitment of the Federal Republic of Yugoslavia to guarantee the safety and security of the Verification Missions as contained in the agreements referred to in paragraph 1 above, notes that, to this end, the OSCE is considering arrangements to be implemented in cooperation with other organizations, and affirms that, in the event of an emergency, action may be needed to ensure their safety and freedom of movement as envisaged in the agreements referred to in paragraph 1 above;

10. Insists that the Kosovo Albanian leadership condemn all terrorist actions, demands that such actions cease immediately and emphasizes that all elements in the Kosovo Albanian community should pursue their goals by peaceful means only;

11. Demands immediate action from the authorities of the Federal Republic of Yugoslavia and the Kosovo Albanian leadership to cooperate with international efforts to improve the humanitarian situation and to avert the impending humanitarian catastrophe;

12. Reaffirms the right of all refugees and displaced persons to return to their homes in safety, and underlines the responsibility of the Federal Republic of Yugoslavia for creating the conditions which allow them to do so;

13. Urges Member States and others concerned to provide adequate resources for humanitarian assistance in the region and to respond promptly and generously to the United Nations Consolidated Inter-Agency Appeal for Humanitarian Assistance Related to the Kosovo crisis;

14. Calls for prompt and complete investigation, including international supervision and participation, of all atrocities committed against civilians and full cooperation with the International Tribunal for the former Yugoslavia, including compliance with its orders, requests for information and investigations;

15. Decides that the prohibitions imposed by paragraph 8 of resolution 1160 (1998) shall not apply to relevant equipment for the sole use of the Verification Missions in accordance with the agreements referred to in paragraph 1 above;

16. Requests the Secretary-General, acting in consultation with the parties concerned with the agreements referred to in paragraph 1 above, to report regularly to the Council regarding implementation of this resolution;

17. Decides to remain seized of the matter.



Appendix IV – Agreement on the Kosovo Verification Mission

Source: <http://www.ess.uwe.ac.uk/Kosovo/Kosovo-Documents3.htm> (visited 07.04.2008)

Devoted to the respect of the principles of the UN Charter and to the Principles of the Helsinki Final Act on peace, stability and cooperation in Europe, as well as to the Paris Charter,

- Considering in particular the importance of reaching a peaceful, democratic and lasting solution of all existing problems in the Province of Kosovo and Metohija, based on the equality of all citizens and national and ethnic communities,
- Devoted to the respect of the sovereignty and territorial integrity of all states in the region,
- Agreeing to comply with and willing to contribute to the FRY implementation of Resolutions 1160 and 1199 of the UN Security Council,
- The Federal Government of the FR of Yugoslavia, on one side,
 - and, The OSCE, on the other,
 - have reached the following

AGREEMENT

I. Establishment and Termination

1. The OSCE Kosovo Verification Mission will be established by the OSCE Permanent Council pursuant to a resolution of the United Nations Security Council calling upon the OSCE to establish the Mission.
2. The FRY government has informed the OSCE Chairman-in-Office of its endorsement of the establishment of the Mission.
3. OSCE will request member states to contribute personnel and funding for the Verification Mission in accordance with established procedures.
4. OSCE will establish coordination with other organizations it may deem appropriate to allow the Verification Mission to accomplish all its objectives most effectively.
5. KDOM will act in place of the OSCE Verification Mission pending its establishment. Once OSCE is operational, KDOM will be absorbed by the Verification Mission.
6. The FRY government hereby guarantees the safety and security of the Verification Mission and all its members.
7. In the event of an emergency situation in Kosovo which in the judgement of the Mission Director threatens the safety of members of the Verification Mission, the FRY shall permit and cooperate in the evacuation of Verification Mission members.
8. The FRY government will accept the OSCE Verification Mission as a diplomatic entity in terms of the Vienna Convention on Diplomatic Relations. The Mission will enjoy the privileges and immunities conferred by such status, as will its members, in accordance with the Vienna Convention.
9. The FRY government and its entities will designate formal liaison officers to work with the Verification Mission in Belgrade, Pristina and field locations. The FRY, Serbian and Kosovo authorities will undertake to provide full cooperation

and support to the Verification Mission. This will include, but not be limited to, billets, frequency or frequencies, visas and documentation, customs facilities, vehicle registration, fuel, medical support, airspace access for support aircraft and access to Belgrade, Pristina and other airports in accordance with normal procedures.

10. The OSCE and the FRY agree on a Verification Mission for one year, with extensions upon request of either the OSCE Chairman-in-Office or the FRY government.

II. **General Responsibilities, Roles and Missions**

1. To verify compliance by all parties in Kosovo with UN Security Council Resolution 1199, and report instances of progress and/or non-compliance to the OSCE Permanent Council, the United Nations Security Council and other organizations. These reports will also be provided to the authorities of the FRY.
2. To establish permanent presences at as many locations throughout Kosovo as it deems necessary to fulfil its responsibilities;
3. To maintain close liaison with FRY, Serbian and, as appropriate, other Kosovo authorities, political parties and other organizations in Kosovo and accredited international and non-government organizations to assist in fulfilling its responsibilities;
4. To supervise elections in Kosovo to ensure their openness and fairness in accordance with regulations and procedures to be agreed. For the elections, the Mission may be augmented with election support personnel;
5. To report and make recommendations to the OSCE Permanent Council, the UN Security Council and other organizations on areas covered by UN Security Council Resolution 1199.

III. **Specific Terms of Reference**

1. The Verification Mission will travel throughout Kosovo to verify the maintenance of the cease-fire by all elements. It will investigate reports of cease-fire violations. Mission personnel will have full freedom of movement and access throughout Kosovo at all times.
2. The Verification Mission will receive weekly information from relevant FRY/Serbian military/police headquarters in Kosovo regarding movements of forces during the preceding week into, out of or within Kosovo. Upon request of the Verification Mission Director, Mission personnel may be invited to accompany police within Kosovo.
3. The Verification Mission will look for and report on roadblocks and other emplacements which influence lines of communication erected for purposes other than traffic or crime control. The Mission Director will contact the relevant authorities upon receipt of such reports. These authorities will explain the reasons for the emplacements or else direct that the emplacements be removed immediately. The Verification Mission will also receive notification should emergent circumstances lead to the establishment of a roadblock for other than traffic or crime control-related reasons. The Mission Director may request the removal of any roadblocks.
4. The Verification Mission will maintain liaison with FRY authorities about border control activities and movements by units with border control responsibilities through areas of Kosovo away from the border. The Verification Mission, when invited by the FRY authorities or upon its request, will visit border control units and accompany them as they perform their normal border control roles.
5. When invited or upon request, the Verification mission will accompany police units in Kosovo as they perform their normal policing roles.

6. The Verification Mission will, to the extent possible, assist UNHCR, ICRC and other international organizations in facilitating the return of displaced persons to their homes, the provision of facilitative and humanitarian assistance to them by the FRY, Serbian and Kosovo authorities as well as the humanitarian organizations and NGOs. The Mission will verify the level of cooperation and support provided by the FRY and its entities to the humanitarian organizations and accredited NGOs in facilitating procedural requirements such as issuance of travel documentation, expedited customs clearance for humanitarian shipments and radio frequencies. The Mission will make such representations as it deems necessary to resolve problems it observes.
7. As the political settlement defining Kosovo's self-government is achieved and implementation begins, the Mission Director will assist, both with his own resources and with augmented OSCE implementation support, in areas such as election supervision, assistance in the establishment of Kosovo institutions and police force development in Kosovo.
8. The Mission Director will receive periodic updates from the relevant authorities concerning eventual allegations of abusive actions by military or police personnel and status of disciplinary or legal actions against individuals implicated in such abuses.
9. The Verification Mission will maintain liaison with FRY, Serbian and, as appropriate, Kosovo authorities and with ICRC regarding ICRC access to detained persons.
10. The Mission Director will, as required, convene representatives of national communities and authorities to exchange information and provide guidance on implementation of the agreement establishing the Verification Mission.
11. The Mission Director will report instances of progress and/or non-compliance or lack of full cooperation from any side to the OSCE and other organizations.
- 12.

IV. **Composition and Facilities**

1. A Director, together with headquarters staff to be determined by Verification Mission requirements.
2. 2000 unarmed verifiers from OSCE member states will be permitted. Headquarters and support staff included in this total. The Mission may be augmented with technical experts provided by OSCE.
3. A headquarters in Pristina.
4. Field presence in locations around Kosovo to be determined by the Mission Director.
5. A small liaison office in Belgrade.
6. Vehicles, communications and other equipment along with locally-hired interpreters and support staff which the Director deems to be required for the performance of the responsibilities of the Mission.

V. **Field Presence**

1. Coordination centers will be established in the capital of each *opstina* in Kosovo with specific areas of responsibility, under the Mission Director in Pristina.
2. Many *opstina* coordination centers will have one or more sub-stations in smaller towns/villages in the *opstina*. The number and location of sub-stations will vary from *opstina* to *opstina*, depending on the verification environment and past conflict situation.
3. The chief of each coordination center will maintain a liaison relationship with the *opstina* authorities and the local leadership of the ethnic Albanian and other

- communities. Each sub-station will be responsible for coordination with the local authorities, including the local leadership of main ethnic groups.
4. The number of verification personnel assigned to each coordination center and sub-station would depend on the complexity of verification issues in the particular area.
 5. Each coordination center and sub-station would have appropriately configured vehicles with which to patrol its assigned area of responsibility.

Done at Belgrade on 16 October 1998 in two original copies in the English and Serbian languages.

FOR THE ORGANIZATION FOR
COOPERATION AND SECURITY IN EUROPE

H.E. Bronislaw Geremek
Chairman-in-Office

FOR THE FEDERAL REPUBLIC
OF YUGOSLAVIA

H.E. Zivadin Jovanovic
Minister of Foreign Affairs

Appendix V – The Rambouillet Agreement

Appendix B: Status of Multi-National Military Implementation Force

Source: http://www.state.gov/www/regions/eur/ksvo_ambouillet_text.html (visited 11.04.2008)

1. For the purposes of this Appendix, the following expressions shall have the meanings hereunder assigned to them:

a. "NATO" means the North Atlantic Treaty Organization (NATO), its subsidiary bodies, its military Headquarters, the NATO-led KFOR, and any elements/units forming any part of KFOR or supporting KFOR, whether or not they are from a NATO member country and whether or not they are under NATO or national command and control, when acting in furtherance of this Agreement.

b. "Authorities in the FRY" means appropriate authorities, whether Federal, Republic, Kosovo or other.

c. "NATO personnel" means the military, civilian, and contractor personnel assigned or attached to or employed by NATO, including the military, civilian, and contractor personnel from non-NATO states participating in the Operation, with the exception of personnel locally hired.

d. "the Operation" means the support, implementation, preparation, and participation by NATO and NATO personnel in furtherance of this Chapter.

e. "Military Headquarters" means any entity, whatever its denomination, consisting of or constituted in part by NATO military personnel established in order to fulfill the Operation.

f. "Authorities" means the appropriate responsible individual, agency, or organization of the Parties.

g. "Contractor personnel" means the technical experts or functional specialists whose services are required by NATO and who are in the territory of the FRY exclusively to serve NATO either in an advisory capacity in technical matters, or for the setting up, operation, or maintenance of equipment, unless they are:

- (1) nationals of the FRY; or
- (2) persons ordinarily resident in the FRY.

h. "Official use" means any use of goods purchased, or of the services received and intended for the performance of any function as required by the operation of the Headquarters.

i. "Facilities" means all buildings, structures, premises, and land required for conducting the operational, training, and administrative activities by NATO for the Operation as well as for accommodation of NATO personnel.

2. Without prejudice to their privileges and immunities under this Appendix, all NATO personnel shall respect the laws applicable in the FRY, whether Federal, Republic, Kosovo, or other, insofar as compliance with those laws is compatible with the entrusted tasks/mandate and shall refrain from activities not compatible with the nature of the Operation.

3. The Parties recognize the need for expeditious departure and entry procedures for NATO personnel. Such personnel shall be exempt from passport and visa regulations and the registration requirements applicable to aliens. At all entry and exit points to/from the FRY, NATO personnel shall be permitted to enter/exit the FRY on production of a national identification (ID) card. NATO personnel shall carry identification which they may be requested to produce for the authorities in the FRY, but operations, training, and movement shall not be allowed to be impeded or delayed by such requests.
4. NATO military personnel shall normally wear uniforms, and NATO personnel may possess and carry arms if authorized to do so by their orders. The Parties shall accept as valid, without tax or fee, drivers' licenses and permits issued to NATO personnel by their respective national authorities.
5. NATO shall be permitted to display the NATO flag and/or national flags of its constituent national elements/units on any NATO uniform, means of transport, or facility.
6. a. NATO shall be immune from all legal process, whether civil, administrative, or criminal.
b. NATO personnel, under all circumstances and at all times, shall be immune from the Parties' jurisdiction in respect of any civil, administrative, criminal, or disciplinary offenses which may be committed by them in the FRY. The Parties shall assist States participating in the Operation in the exercise of their jurisdiction over their own nationals.
c. Notwithstanding the above, and with the NATO Commander's express agreement in each case, the authorities in the FRY may exceptionally exercise jurisdiction in such matters, but only in respect of Contractor personnel who are not subject to the jurisdiction of their nation of citizenship.
7. NATO personnel shall be immune from any form of arrest, investigation, or detention by the authorities in the FRY. NATO personnel erroneously arrested or detained shall immediately be turned over to NATO authorities.
8. NATO personnel shall enjoy, together with their vehicles, vessels, aircraft, and equipment, free and unrestricted passage and unimpeded access throughout the FRY including associated airspace and territorial waters. This shall include, but not be limited to, the right of bivouac, maneuver, billet, and utilization of any areas or facilities as required for support, training, and operations.
9. NATO shall be exempt from duties, taxes, and other charges and inspections and custom regulations including providing inventories or other routine customs documentation, for personnel, vehicles, vessels, aircraft, equipment, supplies, and provisions entering, exiting, or transiting the territory of the FRY in support of the Operation.
10. The authorities in the FRY shall facilitate, on a priority basis and with all appropriate means, all movement of personnel, vehicles, vessels, aircraft, equipment, or supplies, through or in the airspace, ports, airports, or roads used. No charges may be assessed against NATO for air navigation, landing, or takeoff of aircraft, whether government-owned or chartered. Similarly, no duties, dues, tolls or charges may be assessed against NATO ships, whether government-owned or chartered, for the mere entry and exit of ports. Vehicles, vessels, and aircraft used in support of the Operation shall not be subject to licensing or registration requirements, nor commercial insurance.

11. NATO is granted the use of airports, roads, rails, and ports without payment of fees, duties, dues, tolls, or charges occasioned by mere use. NATO shall not, however, claim exemption from reasonable charges for specific services requested and received, but operations/movement and access shall not be allowed to be impeded pending payment for such services.

12. NATO personnel shall be exempt from taxation by the Parties on the salaries and emoluments received from NATO and on any income received from outside the FRY.

13. NATO personnel and their tangible moveable property imported into, acquired in, or exported from the FRY shall be exempt from all duties, taxes, and other charges and inspections and custom regulations.

14. NATO shall be allowed to import and to export, free of duty, taxes and other charges, such equipment, provisions, and supplies as NATO shall require for the Operation, provided such goods are for the official use of NATO or for sale to NATO personnel. Goods sold shall be solely for the use of NATO personnel and not transferable to unauthorized persons.

15. The Parties recognize that the use of communications channels is necessary for the Operation. NATO shall be allowed to operate its own internal mail services. The Parties shall, upon simple request, grant all telecommunications services, including broadcast services, needed for the Operation, as determined by NATO. This shall include the right to utilize such means and services as required to assure full ability to communicate, and the right to use all of the electro-magnetic spectrum for this purpose, free of cost. In implementing this right, NATO shall make every reasonable effort to coordinate with and take into account the needs and requirements of appropriate authorities in the FRY.

16. The Parties shall provide, free of cost, such public facilities as NATO shall require to prepare for and execute the Operation. The Parties shall assist NATO in obtaining, at the lowest rate, the necessary utilities, such as electricity, water, gas and other resources, as NATO shall require for the Operation.

17. NATO and NATO personnel shall be immune from claims of any sort which arise out of activities in pursuance of the Operation; however, NATO will entertain claims on an *ex gratia* basis.

18. NATO shall be allowed to contract directly for the acquisition of goods, services, and construction from any source within and outside the FRY. Such contracts, goods, services, and construction shall not be subject to the payment of duties, taxes, or other charges. NATO may also carry out construction works with their own personnel.

19. Commercial undertakings operating in the FRY only in the service of NATO shall be exempt from local laws and regulations with respect to the terms and conditions of their employment and licensing and registration of employees, businesses, and corporations.

20. NATO may hire local personnel who on an individual basis shall remain subject to local laws and regulations with the exception of labor/employment laws. However, local personnel hired by NATO shall:

- a. be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;

b. be immune from national services and/or national military service obligations;

c. be subject only to employment terms and conditions established by NATO; and

d. be exempt from taxation on the salaries and emoluments paid to them by NATO.

21. In carrying out its authorities under this Chapter, NATO is authorized to detain individuals and, as quickly as possible, turn them over to appropriate officials.

22. NATO may, in the conduct of the Operation, have need to make improvements or modifications to certain infrastructure in the FRY, such as roads, bridges, tunnels, buildings, and utility systems. Any such improvements or modifications of a non-temporary nature shall become part of and in the same ownership as that infrastructure. Temporary improvements or modifications may be removed at the discretion of the NATO Commander, and the infrastructure returned to as near its original condition as possible, fair wear and tear excepted.

23. Failing any prior settlement, disputes with the regard to the interpretation or application of this Appendix shall be settled between NATO and the appropriate authorities in the FRY.

24. Supplementary arrangements with any of the Parties may be concluded to facilitate any details connected with the Operation.

25. The provisions of this Appendix shall remain in force until completion of the Operation or as the Parties and NATO otherwise agree.



Appendix VI – Code of Conduct of the OSCE Kosovo Verification Mission

6th May 1998

Source: KVM Archive, OSCE Prague Office

PRINCIPLE: members of OSCE Missions shall conduct themselves at the highest personal and professional level at all times, while on duty or off duty. Mission members shall respect the authority of the Head of Mission or his/her designate, and be responsible to him/her for the proper performance of their duties and observance of this Code of conduct.

COMPLIANCE WITH OSCE STANDARDS: Mission members shall comply at all times with the principles, norms and commitments of the OSCE as well as with the relevant provision of International Law.

IMPARTIALITY: Mission members shall adhere to the mandate of the Mission in performing their duties. They shall refrain from any action that might cast doubt on their ability to act impartially.

Mission members shall not use or attempt to use their position for private advantage, and shall not accept any gratuity of gift which goes beyond simple courtesy.

LOYALTY: The work and conduct of mission members shall be in conformity with the interests of the OSCE. The responsibilities of serving an international community require discretion and tact. Mission members are expected to avoid all actions, statements and public activities which might be detrimental to the fulfilment of their functions. In particular, a Mission member shall not act in a manner which is likely to bring discredit to the Mission, its members and/or to the OSCE in general.

SECURITY: Mission Members shall make every effort to ensure the security of the Mission as a whole and of its individual members, and shall follow closely all instructions regarding safety matters.

PRIVILEGES AND IMMUNITIES: During their assignment, Mission members shall enjoy the privileges and immunities set forth in the Vienna Convention on Diplomatic Relations or the Vienna Convention on Special missions, and in the Provisions concerning the Legal Capacity of the CSCE Institutions and Privileges and Immunities, adopted by the CSCE Ministerial Council of 1 December 1993, as agreed between the OSCE and the host country/authorities concerned.

It is emphasized that the privileges and immunities are granted to the Mission members in the interest of the OSCE and not for personal benefit. Whenever questions concerning privileges and immunities arise, the mission member concerned shall immediately report the matter through his/her supervisor to the Head of mission.

Notwithstanding such privileges and immunities, mission members shall respect the laws and regulations of the host country, and local customs and traditions.

RELATIONS WITH NATIONAL AUTHORITIES: The duties of Mission members are international in character. Mission members shall not seek or accept instructions in the performance or their duties from their national authorities or any authority external to the OSCE. They must not allow national interests to interfere in any way with their ability to effectively carry out their OSCE tasks.

CONFIDENTIALITY AND DISCRETION: Mission members shall exercise maximum discretion with regard to all matters relating to the activities of the Mission. After completion of their assignment, former Mission members wishing to go public (such as through interviews or research work) may describe the work of the Mission in general terms. They shall, however, refrain from disclosing at any time operational details or any information that might have a bearing on sensitive issues, or may negatively affect the activities and/or standing of the OSCE. In case of doubt, the OSCE Secretary General shall be consulted and, if required, his permission obtained.

During their assignment (including duty or private travel outside the Mission area) Mission members shall not make public statements, grant interviews, or write articles, without prior authorisation by the Head of Mission or his/her designate. Mission members shall refrain from actions, statements or publications which are incompatible with their duties or obligations towards the OSCE.

Mission reports are for the internal use of the OSCE and, through established channels, for the use of national authorities of participating states.

DAMAGE TO PROPERTY: Mission members shall protect, manage and use OSCE resources and OSCE property efficiently and with necessary care, and must not wilfully, or through negligence, cause any waste, loss and/or damage to OSCE equipment (including automobiles), documents and resources.

Mission members may be required to reimburse the OSCE, either partially or in full, for any financial loss suffered by the OSCE as a result of their gross negligence, including violation of OSCE regulations and instructions issued by the Head of Mission or on his/her behalf.

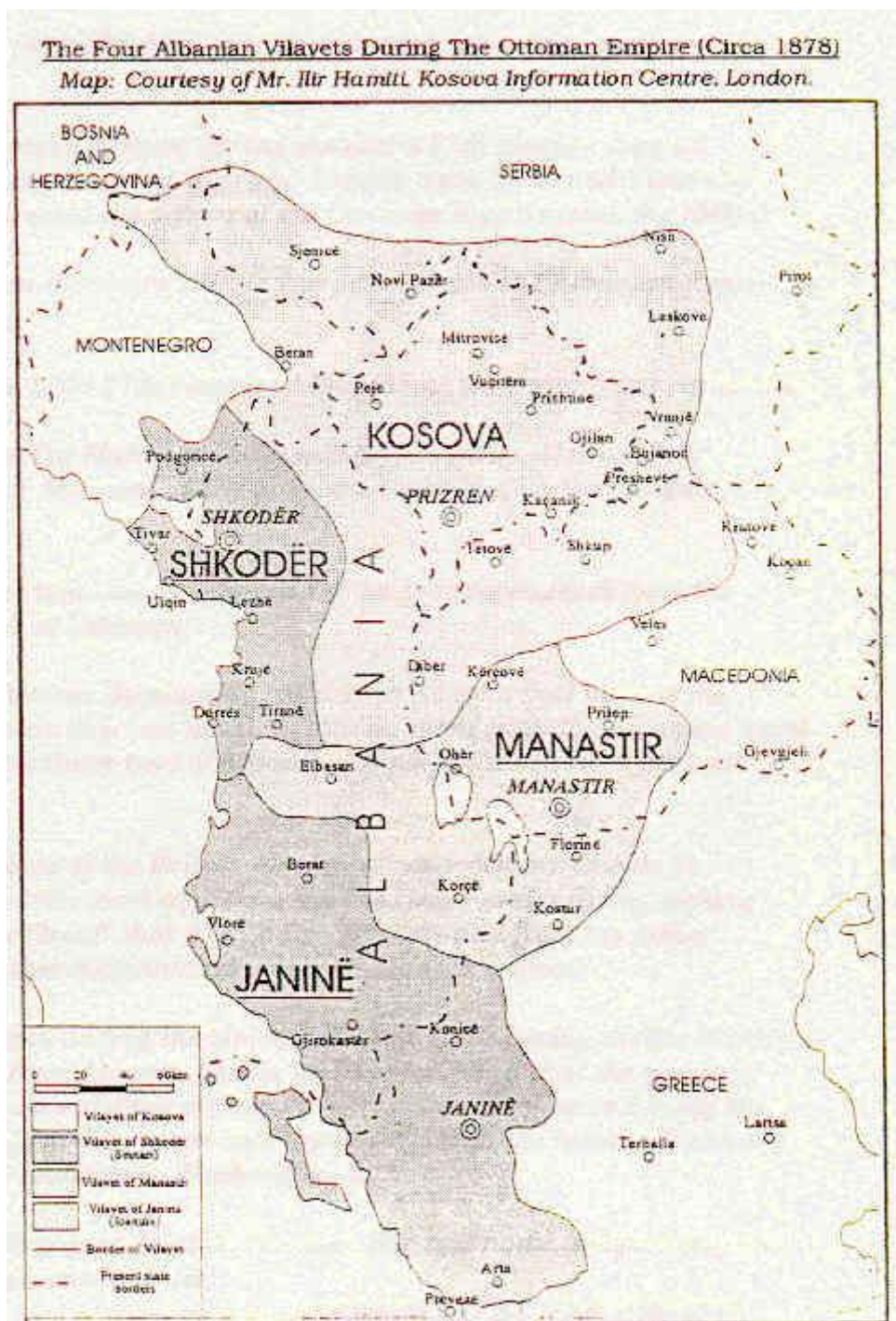


Appendix VII – OSCE KVM Alert Status Action

Source: OSCE KVM Manual

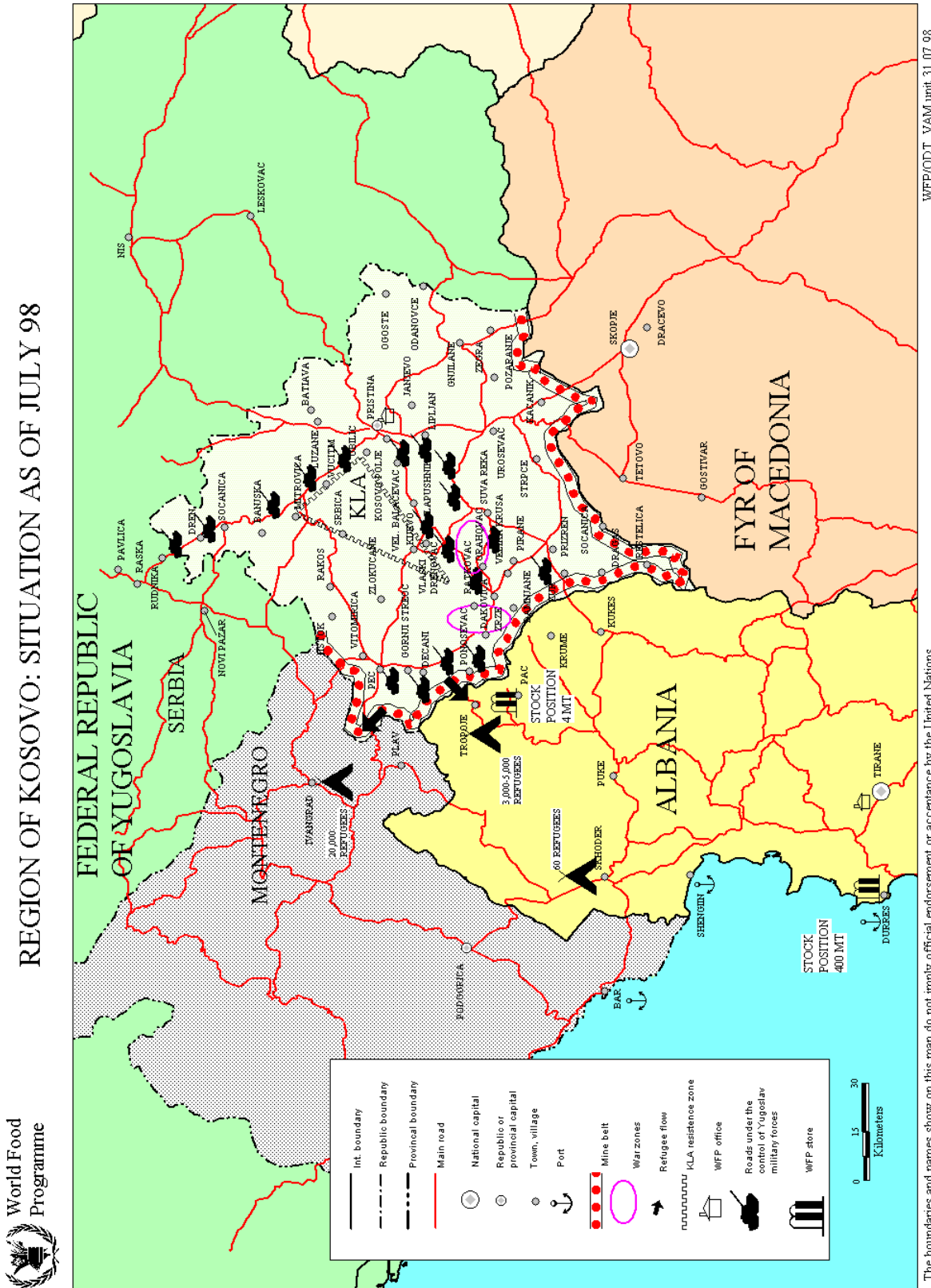
Alert Status	Action Taken
Alert Status ZERO Normal Working Environment	Basic Personal Security Measures Arrival Security Documentation updated EAP Updated Communications and Emergency equipment inspected
Alert Status ONE Potentially Deteriorating Environment	EAG Convenes Lower Profile, travel in pairs Travel after dark must be approved Reporting of movements strictly enforced Maintain radio communications Vehicles 3/4 tanked Vehicle Security Inspections conducted as directed
Alert Status TWO Deteriorating Environment (no direct threat to the OSCE members)	Movement restricted to Emergencies only OSCE personnel remain in accommodations 15 kilo bags packed Prepare Concentration point Establish OPS Room in Vienna
Alert Status THREE Deteriorating Environment (direct threat to the OSCE members)	OSCE Personnel proceed to Concentration Point Account for all personnel Bring 15 kilo bag Store additional luggage Stock food and beverages for minimum three days vehicles fully fueled Sitrep to EAG every three hours Armed security requested
Alert Status FOUR Armed Conflict and/or Total Civil Disorder (within specific region)	Evacuate to OSCE Contingency Location Secure sensitive items Bring 15 kilo bag and valuable OSCE property Bring up to 85 Kilos of luggage and additional OSCE Property
Alert Status FIVE All out War Total Civil Disorder (throughout entire country)	Option A – Evacuate out of country from OSCE Contingency Location without NATO assistance
	Option B – Evacuate out of country from OSCE Contingency Location with NATO assistance

Appendix VIII – The four Albanian vilayets as of 1898



Source: www.answers.com (visited 20.05.2008)

Appendix IX – Kosovo: Situation As of July 1998



WFP/ODT - VAM unit 31.07.98.

The boundaries and names show on this map do not imply official endorsement or acceptance by the United Nations

Appendix X – Kosovo Road Map



Source: www.unmikonline.com (visited 20.05.2008)

Appendix XI – Pictures from the Field



An OSCE KVM vehicle passes an Yugoslav T-55 tank.
Source: www.wikipedia.com (visited 20.05.2008)



The OSCE KVM vehicles during the withdrawal on 19th March 1999
– the armoured Jeep Cherokee (center) and soft-skin Mitsubishi Pajero (left).
Source: www.answers.com (visited 20.05.2008)

Appendix XII – OSCE KVM Command Structure As on 5th March 1999

According to OSCE KVM Manual

Appendix XIII – OSCE KVM Locations As of 5 th March 1999

Appendix XIV – KVM Personnel and Selected Equipment List November 1998 – March 1999