

Cluster of Competence
The rehabilitation of war-torn societies
A Project co-ordinated by the
Centre for Applied Studies in International Negotiations (CASIN)

THE INTERVENTION BY THE
INTERNATIONAL COMMUNITY
AND THE REHABILITATION
OF KOSOVO

Juan Pekmez

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Juan Pekmez is visiting research Fellow at the Centre for Applied Studies in International Negotiations (CASIN, Geneva, Switzerland)

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Centre for Applied Studies in International Negotiations (CASIN),
Avenue de la Paix 7 bis
Boite postale 1340
1211 Geneva 1
Switzerland,
Telephone: +41 (0) 22 730 86 60
Telefax: + 44 (0) 22 730 86 90
e.mail: casinfo@casin.ch

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Abstract

A year after surrounding the city, the UN is still wondering how to manage refuse collection in Pristina. Hundreds of UN volunteers have been called on to help. Meanwhile, the people of Kosovo stand idly by. Surely there are enough of them with sufficient skill to do the task themselves? What are we to make of this unwarrantable interference? What if these people were made to deal with their own problems? The countless actors, officials and charitable organisations treading on each other's toes would be well advised to do just that and to review their handiwork in the Balkans.

This paper's finalized in May 2000, does not aim at responding to such questions, however perplexing or down-to-earth. It is to analyse the faltering efforts of the peace mission to Kosovo, an area grappling with a particularly difficult set of circumstances and, also at times, with its own demons. The paper concludes that the handling of the aftermath of ethnic conflict in Kosovo is the weakpoint of the United Nations peace mission, that this is something that must be confronted and that lessons must be learned without complacency if affairs are to be put back on track before it is too late.

In conclusion, a few suggestions are made which address the following issues:

1. Monitoring the handling of the situation.
2. Return of displaced persons.
3. The detained and missing.
4. Unpunished crimes.
5. The protection of patrimony.
6. Condemnation of violence.
7. Drugs and prostitution.
8. Participation by society.

I. Introduction

The story of Kosovo is not over, and nor are the arguments that surround it. One year on and the Kosovo conflict is still a source of debate - witness Kadaré, Dienstbier, Chomsky, Laplace, Debray ... Should the UN have gone in in the way it did? Were enriched uranium bombs really necessary? How is it possible for a 44,000-strong multinational force in one single area to both expunge the premeditated deportation of an entire people and to stand by, powerless, while another is deported?

A year after surrounding the city, the UN is still wondering how to manage refuse collection in Pristina. Hundreds of UN volunteers have been called on to help. Meanwhile, the people of Kosovo stand idly by. Surely there are enough of them with sufficient skill to do the task themselves? What are we to make of this unwarrantable interference? What if these people were made to deal with their own problems? The countless actors, officials and charitable organisations treading on each other's toes would be well advised to do just that and to review their handiwork in the Balkans.

Our aim here is not to respond to such questions, however perplexing or down-to-earth. It is to analyse the faltering efforts of the peace mission to Kosovo, an area grappling with a particularly difficult set of circumstances and, also at times, with its own demons.

It is important to remember, firstly, that for the goodwill forces from Europe and the West who are striving, for better or worse, to salvage the situation there, the Balkans, and the region between the Adriatic and the Black Sea as a whole, represent a vast unknown territory in political and cultural terms.

Secondly, since a half-hearted war cannot hope to produce anything other than a half-hearted peace, under international protection Kosovo finds itself typically subject to a series of half measures. As a result, the management of ethnic conflict is clumsy, the transition to democracy surreal and the search for a permanent solution remains blocked.

As far as self-criticism is concerned, the tutelary powers have much to do to put their house in order. "Saddamised" by sanctions, Milosevic remains in power and in Serbia, as in Iraq, it is the people who are being punished. One ethnic cleansing has succeeded another in a small area of land that must surely be one of the most densely militarised in the world. Electoral unrest has simply increased awareness of the hidden powers and in particular of the former Kosovo liberation army, which though officially disbanded, still continues to pull the strings. And millions of euros are about to be poured into an economic project that is not yet off the shelf in pursuit of the regional stability so beloved by futurologists.

The international players jostling for position in Kosovo are coming under fierce criticism, with an onslaught from the press in particular. On the first anniversary of the air strikes the press reviewed the situation in Kosovo - the United Nation's first protectorate - in what were, generally speaking, rather unflattering terms for the UN administration. It is not our intention here to award good points or bad but to take stock of the facts and the trials and errors that have turned Kosovo into a place of construction for some but a disaster area for others.

Moral diplomacy, the fellow traveller of the right to interfere in the affairs of others, has not emerged favourably from this trial run deep in the Balkans. Trapped by a Manichean logic, instrumentalised by a Kosovar extremism that has no wish to call a halt now after making such a good start, it is struggling to strike the right note and to find the middle ground between two communities who have known by turn what it is to be both victim and

oppressor. The ready apportionment of blame for the war to the Serbs, while certainly not legitimising acts of vengeance by the Albanians, has produced an apparently unbounded tolerance of reprehensible acts which, taken together, have led to the ethnic cleansing of the Serbs from Kosovo.

This 'original sin' committed by the UN mission with regard to the two communities is as much a burden today on the efforts to bring peace to Kosovo as the ambiguity of Resolution 1244 in the impossible pursuit of consensus on the final status of the province.

Lord Robertson was right when, in order to bring a sense of perspective to the criticisms levelled against NATO, he introduced into the equation "forty years of communism, ten years of apartheid and two years of horrifying violence against civilians"¹. But that is not enough, nor does it excuse anything. The grey area of international intervention in Kosovo will and must continue to be ruthlessly explored. If the international community's peace missions, with their promise of hope for a better future, are to gain coherence and credibility, this is the price that must be paid.

¹ Interview with the Secretary General of NATO. *Le Monde*, 25 March 2000.

II. The management of ethnic conflict

Pristina.- A spokesperson for the United Nations Mission in Kosovo reports a sudden increase in violence against minority groups in recent days. There have been ten murders during the past week, compared with three the week before. Four Serbs and four Roms have been killed. (Source : UN/Kosovo News Reports, 10 April 2000).

One year after the beginning of military and diplomatic intervention by the West on a scale not witnessed in Europe since the Second World War, a chronicle of everyday hatred continues to unfold in Kosovo. “We knew that it would not be possible to create another Switzerland there in the space of nine months”² stated George Robertson, Secretary General of NATO, referring to the fact that the number of violent deaths had reached 50 during the summer of 1999.

Inside the province, the impossibility of achieving reconciliation between the communities has had the effect of reinforcing the ethnic barrier that cuts the town of Mitrovica in half, leaving its hinterland within the confines of Serbia. The new internal border, separating the almost entirely Serb north from the rest of the province with its considerable Albanian majority, has produced a territorial dispute which complicates the search for a final settlement. It has reduced Kosovan unity to no more than a vision.

1. A botched resolution

The United Nations Interim Administration Mission in Kosovo (UNMIK) translates into operational terms Security Council Resolution 1244, adopted on 10 June against the background of a humanitarian disaster.

Faced with the exodus of more than 850,000 Albanians, Resolution 1244, which provides the legal basis for international intervention, was drawn up as a matter of emergency. Promising the impossible - “virginity and maternity at the same time”³ - to win the support of Russia and China, it is outstandingly ambiguous.

- The United Nations commitment to “substantial autonomy” for Kosovo does not bring Yugoslav sovereignty into question. But the Security Council does not express its opinion on one problematic issue, that of the “future status” of the province – which it abandons to a prospective “political settlement”, without establishing either the framework or terms for this.
- By referring to the “population of Kosovo” en masse, the UN leapfrogs over the problem of nationality. The lack of reference to non-Albanian minority groups demonstrates an extremely relative perception of the reality of the situation. The protection of these minorities was, however, to prove the principal problem with which UNMIK would have to deal. Now, ten months later it has still not finished examining this issue and the consequent cost in human and political terms has been incalculable (the continuation of ethnic cleansing, the displacement of populations and *de facto* partition of the area).

² Interview with George Robertson. *El País*, 12 April 2000.

³ ‘Estamos perdiendo la paz’ [We are losing the peace] by Timothy Garton Ash, lecturer at St. Anthony’s College (Oxford), *El País*, 13 February 2000.

- Neither Resolution 1244 nor the Kumanovo military accord on the withdrawal of Serb troops addresses the problem of those who are missing or have been detained in Yugoslav prisons.⁴ A solution is not yet in sight and, as a result, it is impossible to put an end to hostilities once and for all.

Despite its initial defects, Resolution 1244 remains the “bible” for international intervention in Kosovo. For six months it appeared to adhere firmly to the concept of a “multiethnic” Kosovo. Then as a result of new developments (the movement of populations, the continuation of uncontrolled violence and the confrontations in Mitrovica), the official interpretation found itself trying to catch up with events. “Multiethnicity” is no longer the goal, tinkering with the concept is the order of the day.

Vague and both rigid but lacking in direction, Resolution 1244 has proved most unsatisfactory in fulfilling its function as a framework for the Kosovo peace mission.

“The problem is that it was drafted too quickly, to ensure the departure of the Serbian troops and the entry of the multinational force. No proper analysis was carried out as to its scope, its limitations and the reason for the existence of an (international) mandate. This analysis was then left at the mercy of events and to those who had to manage the situation after the conflict.” Staffan De Mistura, Mitrovica’s first international administrator and currently UN representative in Italy therefore reaches the same conclusion as Bernard Kouchner, special representative of the Secretary General of the United Nations, ie that “the interpretation of Resolution 1244 in terms of a multiethnic Kosovo is no longer an objective on which one can rely”.⁵

2. A policy of *fait accompli*

During the first eight months, international intervention was faced with continuing acts of violence against minority groups⁶ - a cruel and constant whittling away usually described as low level ethnic cleansing in comparison with other tragic episodes that have taken place in the Balkans. During the course of the summer of 1999, most of Kosovo, despite being under the direct control of the multinational force, effectively ceased to be multiethnic or to have a mixed population.

Population movement took place in three directions: the bordering countries such as Serbia, Macedonia and Montenegro, the north of Kosovo which remains a Serbian heartland and a string of small, mono-ethnic enclaves isolated from each other within Kosovo itself.⁷ The emergence of homogeneous pockets of Serbs has raised fears among Albanians that their province will be divided into separate districts - the first step on the road to out and out partition.⁸

Having shown itself to be incapable of reversing this trend, the Kosovo peace mission has settled into a policy of *fait accompli*.

⁴ At the end of February 2000, the ICRC handed over to the Belgrade authorities a list of 2987 people reported to be missing. On the Yugoslav side, at the beginning of March the weekly publication *Nin* estimated the number of Serbs kidnapped in Kosovo at 700.

⁵ *Corriere della Sera*, 22 February 2000.

⁶ “In most cases, the attacks required (...) meticulous organisation.” *Le Monde diplomatique*, March 2000.

⁷ Since June 1999 some 250,000 Muslim Serbs, Tziganes, Slavs and also Turks have had to leave Kosovo. *Libération*, 22 February 2000.

⁸ In *Zeri Ditor*, public law expert Shkelzen Maliqi denounces “a homogenisation of the Serbs (in enclaves) which runs counter to the will of the international community”. In *Courrier international* N°486, 24 February 2000.

2.1 An Inadequate strategy

UNMIK's mandate was issued to deal with a situation of extreme violence which had reached its height with the forced exodus of the Albanian population from Kosovo. This mass departure was linked to the presence of Serb troops who terrorised the inhabitants of the province. Under the terms of the UN mandate, it was reasonable to expect that the withdrawal of military, paramilitary and police units from the Yugoslav state would lead to the return of the Albanians and the start of the peace process.

However, with the end of the fighting, ethnic violence, far from dying out as expected, became even more intense. Only now the roles were reversed: those who had been victims became the executioners. In the space of a few months a flood of reprisals changed the demographic make-up of Kosovo completely. In the new Kosovo, now separated administratively from Belgrade, Serbia's former Albanian minority – now a 90% majority – began "cleansing" the remaining 10% of the population.

The reversal of Kosovo's majority population, while mathematically predictable, was not an issue addressed when the UNMIK mandate was drawn up. Majority and minority groups were however condemned without appeal to swap places as a result of international intervention, the first effect of which would be to cut Kosovo off from Serbia. But for those interpreting Resolution 1244, with Bernard Kouchner at their head, the "implied" minority – since it had not been mentioned by name – could only be the Albanian-speaking population.⁹ It therefore took some six months for UNMIK to adapt its way of thinking to the new humanitarian emergency involving the "real" minorities. With a time lag of this length, all catch-up efforts to protect such groups would be little more than a gesture.

2.2 The "discovery" of the minorities

The multiethnic strategy, the legal and moral basis of international intervention, was shattered by the twofold effect of a mass return by the Albanians and the hastened departure of minority groups. These two movements in opposite directions took UNMIK by surprise and finding itself the butt of criticism, with little regard for plausibility it put forward the idea of the "discovery" of the minority groups.

Between September and December 1999, the argument was based on four key ideas which became a constant refrain for Bernard Kouchner, United Nations chief administrator and for Klaus Reinhardt, commander of the multinational force in Kosovo (KFOR).

- The minority Albanians in the former Yugoslavia are safe and the main objective of the mandate has been achieved.
- The other minority groups were discovered belatedly. From the moment of their discovery their protection has formed part of the mandate interpreted in its broadest sense.
- Shortcomings in the protection of minorities are due to the lack of police forces in sufficient number. The role of KFOR is not at issue.¹⁰

⁹ Not until the first quarter of the year 2000 was there an unequivocal *aggiornamento* in Bernard Kouchner's thinking. "Our priority, today, is to protect the Serbs", he declared after the murder at the end of February of a Serb doctor in Gnjilane. 'Les travaux pratiques de Bernard Kouchner', *Le Monde*, 25 March 2000.

¹⁰ Shortly after June 1999, Brigadier General Adrian Freer, commander of the 5th airborne brigade, acknowledged in a confidential report, made public by the BBC on 3 January, that many Albanians had engaged

- The violence can be explained by the hatred accumulated over centuries. Both sides have been dismissed without pronouncing in favour of either.

2.3 *Understanding and a fair price*

The Albanian writer Ismaïl Kadaré condemns the crimes committed by the Albanians, attributing them to vengeance, or even to “understandable vengeance”.¹¹ The special representative of the Secretary General of the United Nations in Kosovo gives a similar opinion when he in turn denounces “this detestable spirit of revenge (which) is in response to acts of violence dating back to last spring”¹², ie to the period April to May 1999.

“Understanding” of crimes against the non-Albanian population is far from unanimous. For example, Jiri Dienstbier believes that “the main reason for the expulsions, the murders, the pillaging and destruction of houses and other acts of violence is the activity organised by those who, with weapons in their hands, appropriate the property of those driven out and try to seize power. Criminals and the mafiosos cross the open border without a problem. The international Mission is not capable of preventing them. And the terrorised population even less so.”¹³

In Geneva, Vaclav Havel’s friend gave a damning report of the situation before the Commission for Human Rights: “The main part of Kosovo has now been ethnically cleansed of non-Albanians and divided. It has been stripped of its legal system and is run by illegal UCK structures and often by the mafias.”¹⁴

In the face of this onslaught, Bernard Kouchner had his own very personal reading of the UN official line on the protection of the population: “The promise to protect Yugoslavia’s Albanian minority, located mainly in Kosovo, has been kept. It represents a success in the history of mankind. Later, we discovered that within this entity there were other minorities that we must protect and we will be judged on this. This is perhaps not very fair, but it is legitimate.”¹⁵

The UN administrator concedes in passing that there were indeed two phases in the perception of security needs, priority *before* (with regard to the Albanians) and surprise *after* international intervention. Kosovo’s non-Albanian population were taken into account late in the day and as events developed and bore the brunt of this dual and staggered approach to security.

Referring to the “spiral of revenge”, the French Minister of Defence, for his part, has no hesitation in condemning the first source of the violence: “The Serb-speaking Kosovars are paying the price for the ethnic oppression they failed to condemn when their neighbours

in violence against Serb civilians practically under the gaze of British soldiers “knowing full well that we were powerless to stop them”. Quoted by *Le Monde*, 6 January 2000.

¹¹ ‘Gagner la guerre, perdre la paix’ [Winning the war, losing the peace], Ismaïl Kadaré, *Le Monde*, 14 December 1999.

¹² Interview with Bernard Kouchner, *Le Figaro*, 2 February 2000.

¹³ ‘Perdre la vérité, perdre la paix’ [Losing the truth, losing the peace], *Le Monde*, 26 January 2000. Jiri Dienstbier, formerly Minister of Foreign Affairs in Czechoslovakia, is UN special Rapporteur on human rights in Bosnia-Herzegovina, Croatia and the Federal Republic of Yugoslavia.

¹⁴ *Libération*, 30 March 2000.

¹⁵ Interview with Bernard Kouchner, *Le Monde*, 1 February 2000.

were dying from it.”¹⁶ For Alain Richard, it is clearly a matter of the collective responsibility of the Kosovo Serbs.

2.4 Conceptual adjustment

Its failure to protect minority groups is, without doubt, the Kosovo peace mission's greatest downfall. Yet UNMIK is reluctant to accept any blame for the fact that multiethnic society has virtually ceased to exist. At the end of 1999 it disposed of the question through a conceptual adjustment that produced an *a posteriori* reconciliation of its initial objective in Kosovo with the consequences of an ethnic redistribution that was escaping its control just as it had escaped its vigilance. The term “peaceful coexistence”¹⁷ thus replaced the reference to multiethnicity which remains, in principle, the official reason for the presence of the UN in Kosovo.

Following the line that multiethnicity was not something to be forced, the concept became as distant an objective as reconciliation between the Serbs and Kosovars. The very word is taboo: “I have never spoken of multiethnicity” stated Bernard Kouchner in a number of interviews - a view supported by General Klaus Reinhardt, commander-in-chief of the multinational force (KFOR) who stated “It is impossible to force people to live together who do not wish to do so”.

The revised and corrected year 2000 version of the official line on the future of inter-community relations in Kosovo has therefore been adjusted to take account of the realities of the counter-cleansing that took place in 1999. Through the means of one or two short phrases a basic downwards revision of UN strategy in Kosovo has been carried out, outside the Security Council. Six months presence in-the-field were enough to convince international decision-makers that the objective of the war is no longer that of the peace they were struggling to build.

Throughout these declarations, UNMIK's principal spokespersons backed up their new approach to the problem of nationality with retrospective observations: Kosovar society had never truly been multiethnic; the communities did not mix; they did not live “together”; they had been killing each other for centuries, etc. This led to the conclusion that it would take at least a generation to rebuild trust between the people of Kosovo. Meanwhile, there was a place for the Kouchner' doctrine of peaceful coexistence under supervision.

3. Imposing coexistence

In February 2000, the successive “ideological” packages of the notion of the protection of minorities - evidence of UNMIK's hesitance and confusion - finally came to grief on the line of demarcation separating Albanians and Serbs in Mitrovica. With its trail of dead and wounded, this outbreak of violence became a turning point in the history of post-war Kosovo.

Under pressure from confrontations in the north of Kosovo and “discovering” that the situation was slipping out of its control, UNMIK cast off its passive role and showed a sudden and uncharacteristic determination : “We decided to protect the minorities on both

¹⁶ ‘Kosovo : le bilan et l'avenir’, Alain Richard, *Le Monde*, 26 March 2000.

¹⁷ In an editorial published on 4 February 2000 and entitled ‘La colère de M. Kouchner’, *Le Monde* states that multiethnicity had never existed in Kosovo and that “Mr Kouchner (...) is right to say that for the present he is setting a more realistic objective: peaceful coexistence between the communities”.

sides of Mitrovica, north and south, and to finish building a security system valid for the whole of Kosovo”.¹⁸ This declaration of intent by the UN administrator came, it should be emphasised, at a time when virtually no mixed population remained in Kosovo and when both halves of Mitrovica had been virtually “cleansed”.

Following the abandonment of the multiethnic model and at a time when the model of peaceful coexistence existed only in words, KFOR struggled to regain the initiative. It sent substantial troops into Mitrovica, carried out house-to-house searches¹⁹ and rehoused Albanians who had been driven from their homes. It was in fact fulfilling, in the divided town of Mitrovica, the role of an intervention force that for months it had been saying, even at the height of counter-cleansing, it was not in a position to assume in Kosovo.

3.1 The Mitrovica effect

The fuse that was lit in Mitrovica in February 2000 produced a dual acceleration in the handling of a crisis that had been endlessly discussed for eight months. The confrontations in the town demonstrated to the world that the situation in Kosovo had reached the point of no return.

- The Albanian population refused to accept the division of Kosovo. It demanded the return of free movement of people in this divided town. For the Serbs, the defence of the mono-ethnic enclave of northern Mitrovica was seen as a matter of survival. In the two opposing camps, the question of Kosovan unity rekindled latent concerns regarding UN intentions. This was an acceleration of fear.
- UNMIK, for its part, while still striving to regain control of the situation in Mitrovica by military means, once again posed “the” basic question, believing that the time had come to discuss the final status of Kosovo. This involved rethinking the stages provided for under Resolution 1244, in other words a second revision of UN strategy. This was an acceleration in political terms.

3.2 Reversal of principles

With regard to the management of ethnic tension, Mitrovica was to experience a ‘before and after’ situation. In concrete terms: the minimal use of or excessive caution in the exercise of authority no longer applied, UNMIK was striving to impose its decisions on the opposing parties.

- Rehousing: attempts by the HCR to reinstate those who had been driven out in their own district or village fell through. The reason given was that it was impossible for KFOR to guarantee their safety once they had returned to their homes. At the beginning of January 2000, the French Minister of Defence noted this fact : “I do not wish to impose the reinstatement of a community within another community in a place where we would not be able to guarantee their safety”, he stated during a brief visit to Kosovo.²⁰ However, six weeks later, the French contingent of KFOR undertook the rehousing of 43 Albanian families

¹⁸ *El País*, 19 February 2000.

¹⁹ A few days before the outbreak of violence in Mitrovica, the commander of KFOR, referring to the UCK, stated that, “We cannot go from house to house confiscating all the arms we find”. *Die Woche* quoted by *El País*, 23 January 2000.

²⁰ *Le Monde*, 4 January 2000.

driven out of northern Mitrovica,²¹ an operation that would unleash the anger of the Serbs who were unimpressed by the promise to return “their” exiles to the southern half of the town.²²

- Self-protection: following the end of the air strikes, KFOR’s approach in Kosovo was guided by the “zero risk” principle. As these strikes had been painless for NATO, the ground operation must, in all logic, continue in the same vein and the security of the multinational force became an end in itself. Confrontations were carefully avoided, patrols reduced to the essential and, generally speaking, troop “visibility” was taken down to the lowest level. It was the Americans who set the tone, turning a blind eye for months to the comings and goings of UCK combatants in the 5 km-wide buffer zone, on Serbia’s administrative border. This reticence was linked to the electoral imperatives of the Clinton administration²³ which did not want its “boys” in the peace mission to hit the headlines. However, the hostility of the Albanians towards their liberators, whom they perceived as spoilsports, increased day by day and KFOR found itself forced to launch in quick succession between February and March 2000 “Operation Ibar” in Mitrovica and anti-guerrilla action to dismantle the rear bases of the UCPMB,²⁴ the “eastern Kosovo” liberation army composed of former members of the UCK. Lagging behind events, the security principles on which NATO troops operated did not survive the Balkan winter. From the earlier softly-softly approach things progressed without transition to severe warnings and armed intervention.²⁵
- Appraisal: as spring 2000 approached the multinational force faced mounting danger in the worst of scenarios. The target of extremists on all sides and caught in the crossfire, KFOR became the first target of snipers in Mitrovica and suffered the loss of a soldier from the Russian contingent shot down at Srbca in the centre of Kosovo. In Mitrovica, the new task of NATO troops was to maintain security zones by use of force, provide troop support, ensure multiethnicity at local level, this extreme expression of enclave logic reworked to suit new requirements after having been judged non-viable by UNMIK, as being too risky from the security point of view since the start of its intervention in Kosovo.

This relentless pursuit of policy with its reversal of viewpoint proved contagious: the Americans, for their part, took the initiative of rehousing in the village of Osojane, near Istok (in the north-west of the province) some 700 Serbs, forced to flee during the summer of 1999.²⁶ They were acting against the opinion of the United Nations High Commissioner for Refugees who believed that the necessary safety conditions had not been met.

²¹ A spokesperson for the HCR reported his organisation’s reservations, stating that “safety means more than physical protection”. *Le Monde*, 4 March 2000.

²² According to a communication of 12 April 2000 issued by the international police force, 180 Albanians had returned to the northern section and 12 Serbs to the southern part of Mitrovica. (Source : UN/Kosovo News Reports)

²³ ‘Allies split on Kosovo’, *International Herald Tribune*, 14 March 2000.

²⁴ The Presevo, Medvedja and Bujanovac Liberation Army, which appeared in February 2000 and operates in an area in the south of Serbia where Albanians form the majority of the population.

²⁵ The *Washington Post*, quoted by the *AFP*, revealed on 16 March 2000 that American troops had carried out operations against Albanian militia groups in order to prevent cross-border attacks against Serbia.

²⁶ *Washington Post*, quoted by the *International Herald Tribune*, 17 April 2000.

3.3 The collapse of the justice system and the lack of police

It was six months before Kosovo's period without the rule of law was settled on paper. In the end UNMIK brought back into force the Yugoslav legislation that had existed prior to 1989 after some reservations and alterations.²⁷ It also appointed 400 judges. But the police and the judiciary were not properly equipped to deal with the everyday reality: undermanned and lacking in credibility they could not counter the criminality and take-over by the mafia who had taken advantage of post-war confusion.

With a derisory manning level, the international police – some 2,500 of the 4,800 expected and the 6,000 requested by UNMIK – were unable to pursue their investigations very far. They also came up against the law of silence and the language barrier. The first waves of local police (the police college is to train 3,500 at the rate of 250 every two months) are simply a back-up force of little more than symbolic value.

For more than six months, criminals arrested were released due to the lack of legislation and courts that could send them to prison.²⁸ Once judges were appointed and the legal framework had been defined, the ethnic question immediately became an issue. Serb defendants objected to Albanian judges and vice-versa. Albanian judges were reluctant to prosecute defendants from their own community for fear of reprisals. In certain cases the solution to freeing up the administration of justice was to appoint foreign magistrates.

NATO command was obliged to attach more than half its personnel to police duties. A requirement on this scale had not been envisaged at the start of their peace mission in Kosovo. The multinational force provided frequent protection for Serbs who had remained in their apartments in Pristina,²⁹ mounted guard in isolated rural areas where some Serbs still resided, provided the escort needed by HCR convoys in the "humanitarian corridors" providing a land link between the scattered Serb enclaves, as well as providing crowd control at major demonstrations and acting as anti-riot troops in Mitrovica in particular.

4. The problems facing KFOR

The multinational force of 48,000 men, of whom just over 37,000 were deployed in Kosovo received a triumphal welcome from the Albanian population. NATO troops' peace mission began in a climate of euphoria. But as the months went on problems began to arise between the liberators and those liberated, between the protectors and those protected. With varying degrees of willingness the different national contingents working for UNMIK assumed duties for which they had not been prepared, such as state and town police, anti-riot troops and community police officers.

The military presence in Kosovo, which was massive, had not been intended to respond to the needs of a civil society in a situation of conflict now becoming long term and displaying an ascending spiral of violence of an ethnic nature.

²⁷ It is generally recognised that the legislation derived from the 1974 Yugoslav constitution is of a non-discriminatory nature.

²⁸ More than 4,000 arrests took place up to January 2000, but only 200 people were actually imprisoned.

²⁹ "We have 180 soldiers from a British regiment in Pristina. As a security measure, each of these 180 soldiers lives in a Serb apartment." Interview with the commander of KFOR, *Reporter*, 8 January 2000.

4.1 Liberators and liberated

After decades of oppression the victim-executioner scenario dominated the thinking of the great majority of Albanians in Kosovo. This community therefore showed a tendency to appropriate for itself exclusively the protection that the UN expected to give the “population of Kosovo” as a whole. This ethnocentric interpretation obliged KFOR to act as a shield for the Albanians against the dangers threatening them from outside (Serbia) and inside (the Serb minority and the non-Albanian speaking population in broader terms).

Having enjoyed a very positive welcome on its arrival, KFOR placed great importance on relations with the Albanian population, which it treated, quite correctly, as a minority group emerging from oppression. But overnight the Albanians became the majority group and, conscious of this fact they in turn acted as oppressors.³⁰ There was a gap between the image and the reality, the conduct of the liberators and of the liberated, their mutual perception forming part of a pre-war model now completely outmoded. This explains, though it does not excuse, the passive attitude of NATO military forces with regard to ethnic cleansing with, on the one hand, the Albanians being ensured of impunity, and, on the other, the minority groups condemning their abandonment by the international community.

4.2 Protectors and protected

UNMIK and its military wing might take pride in the demilitarisation of UCK combatants but only ten thousand weapons were recovered of the 150,000 still in undercover circulation. This cosmetic disarmament had no influence on the course of events and reinforced the image of an international administration competing in indulgence towards the most hard-line factions of Albanian nationalism.

Counterbalance? Equidistance? KFOR tolerated a *de facto* situation of partition in the north of Kosovo – sometimes termed “a situation of pre-existing partition” – which drove the Albanians to challenge, day after day, in the name of Kosovan unity, the French troops forming a barrier between the two sectors of the city.

Accused of being pro-Serb, the French contingent found itself flanked by units from other countries. This start to the internationalisation of security in Mitrovica gave every appearance of being a fresh attempt at allaying criticism from the Albanians.

To this balancing act, KFOR went on to contribute some stupid psychological errors producing tension in its own ranks. During confrontations in Mitrovica, German and American soldiers, held in contempt by the Serbs, were put in charge of controlling the northern sector and seeking out weapons. They were forced to pull back under an avalanche of stones. The American interservice chief-of-staff immediately requested in writing that KFOR command should not call on American soldiers again to act outside of their designated area.

4.3 Security and providing reassurance

In applying the “zero risk” principle KFOR did not judge it appropriate to undertake the general and total disarmament of the population. The Albanians were reassured about the

³⁰ In an interview with the Reuter news agency, Jonathan Eyal, a British expert from the Royal Institute of Defence Studies explained that “the UCK has a clear interest in sowing discord in order to try to drive out the remaining Serbs and force the West to accept the independence of Kosovo”. *Libération*, 15 February 2000.

intentions of the multinational force towards them. However, overall security, and that of minority groups in particular, suffered badly.³¹

The state of public opinion in the West, divided and weary after an air campaign against Yugoslavia that had continued longer than planned, affected the commitment of KFOR soldiers on the ground. The spectre of a land campaign had disappeared with the capitulation of those in power in Belgrade and the presence in Kosovo of contingents supplied by 36 countries was seen as a military parade in a liberated country, among a population 90% of which was grateful.³²

Having enjoyed a triumphal welcome and now this honeymoon period, KFOR was naturally encouraged to adopt a velvet glove policy towards the Albanians.

There is no shortage of examples of this policy being pursued, come hell or high water, with, for a large part of the time, a good dose of otherworldliness. The most explicit of these relate to the protection of the Serbs in the capital and the redeployment of former UCK combatants.

- *Pristina, summer - autumn 1999*

Before the war there were twenty thousand Serbs and by the end of July 1999 only five thousand. At that time British military forces had taken control of the sector. Six months later the number of Serbs living in the capital had fallen to approximately 300, who described their situation as that of an “endangered species”.³³ Other estimates exist: between 700 and 800 according to the OSCE. Fewer than 400 according to Oliver Ivanovic of the national Serb council of Mitrovica. At all events, bringing reassurance to the Albanians at any price resulted in the exodus of the majority of Serbs from Pristina.

- *The Kosovo Protection Corps, formed 21 January 2000.*

The 30,000 UCK combatants were deeply rooted in the Albanian population. The negotiation of their disarmament required a wealth of diplomacy and, in return, the promise of “recycling” the members of the Kosovo Liberation Army to perform community tasks, three thousand of them going into the Kosovo Protection Corps. Today, this monoethnic national guard believes that it should form the core of the future army of an independent Kosovo. The special treatment reserved by UNMIK for the former members of the UCK was not designed to bring reassurance to Kosovo’s minority groups who, during the summer and autumn of 1999, flooded on to the road to exile, fleeing from murder attempts, abductions and all manner of threats. According to a United Nations internal report obtained by the *Washington Post*,³⁴ the ex-UCK Kosovo Protection Corps “detained, tortured or killed people belonging to ethnic minorities”, forced shopkeepers to pay illegal taxes and prevented police intervention by intimidation.

³¹ “You would do better to leave, we cannot protect you.” Advice given by an American KFOR captain to a Serb from the village of Zegra, in the province of Gnjilane. ‘The exodus from Kosovo continues’, *The Institute for War & Peace Reporting*, N°110, 25 January 2000.

³² On 4 February 2000, Jonathan Marcus, military correspondent for the BBC, reported on NATO security policy : “After waging war to defend the human rights of the Albanian majority in Kosovo, NATO’s imposing military presence has proved incapable of guaranteeing the rights of the Serb minority that has remained”.

³³ ‘Los Serbios de Kosovo somos animales en extinción’, [We, the Serbs of Kosovo are an endangered species] *El País*, 6 March 2000.

³⁴ Quoted by the *International Herald Tribune*, 15 March 2000.

The Albanian leaders have never expressed themselves clearly on the subject of multiethnic coexistence in Kosovo. On the other hand, they consider the presence of a Serb hideout, tolerated by KFOR in the north of Kosovo, as a danger to the safety of the ethnic majority they represent. They therefore regularly condemn the presence of paramilitaries from the other side of the administrative border. It is likely that, perhaps out of concern for equidistance, a certain level of armament “for the self-defence of Albanian civilians” was justified in the eyes of UNMIK.

4.4 Protectorate and occupation

UN intervention in Kosovo was on such a scale, responsibility for the area so total, that the situation is reminiscent of the mandates of the now defunct SDN. Unlike the Kosovo mandate, those mandates had been issued for an unlimited period of time. To avoid any possible confusion, UNMIK – through Bernard Kouchner – and KFOR, through its German commander, General Klaus Reinhardt, determined to keep their distance with regard to any colonial interpretation of the foreign presence in Kosovo.

In repeated statements regarding two sensitive areas – security and civil administration –, the two men reiterated their principles.

- It is the inhabitants of Kosovo who are at home, the international administration is not.
- The UN must take care of its relations with Kosovar civilians: “We must be careful in how we guide them to avoid turning into a colonial army of occupation.” (Bernard Kouchner, UNMIK)
- “KFOR must not project the image of a police state.” (Klaus Reinhardt, KFOR)

The fact remains that KFOR was an army of occupation in the strict sense, insofar as it effectively occupied an area of Yugoslav territory by force. It was right not to behave as an occupying force. But its reticence in exercising its authority is puzzling, to say the least.

In a report in December 1999, the *International Crisis Group* addressed this issue. Concerned by the violence in Kosovo and the persistence of ethnic cleansing, the London-based organisation had no hesitation in recommending that KFOR should harden its attitude against acts of violence whatever their origin. It was insistent that the multinational force should make up its mind to make “the international occupation of Kosovo” effective by carrying out its peace mission with vigour and vigilance.³⁵

³⁵ ‘Starting from scratch: the honeymoon is over’, *International Crisis Group*, 10 December 1999.

III. The transition to democracy

Pristina.- Mr Javier Solana, European Union Senior Representative for Common Foreign and Security Policy, today condemned the rocket attack on the home of Mrs Sonjaz Nikolic, Serb representative on the Kosovo transition Council. (Source : ONU/Kosovo News Reports, 18 April 2000).

Since 1 February, the self-proclaimed and similar institutions created during recent years by the UCK and the Ldk have been replaced by an interim executive power and an advisory council with parliamentary authority, both non-elected and created in line with UNMIK's plans. The networks and structures that are the legacy of the resistance, although officially disbanded, continue to exert an important influence on the periphery of official institutions. The Kosovo interim administration council (executive) and the Kosovo transition council (a kind of mini parliament with advisory powers) are in fact the visible part of an as yet virtual pyramid consisting of 20 ministerial departments, the organisation of which, in spring 2000, was for the most part still at the development stage as was the staff of civil servants.

At the beginning of April 2000, a group of leaders from Kosovo's Serb minority put an end to six months of boycotting of the province's interim administration. Mitrovica's Serb leaders rebelled against this decision and continued their boycott. This split in the Serb camp occurred at the very time that Kosovo was entering an election period. By the end of the year, the electoral process, supervised by the OSCE, should lead to the first free election in the province's history.

1. An obstacle course

A number of factors make the implementation of the democratic process in Kosovo extremely difficult, or even chaotic:

- *The lack of a democratic tradition.* Having proceeded from Ottoman control to Serbian domination, Kosovo has never had the opportunity to give free expression to its political and national aspirations. For a short period of time, under the personal regime of Marshal Tito, the area enjoyed a large measure of self-government without, however, being recognised as having the status of a republic within Yugoslavia.
- *Violence and apartheid.* Following the annulment of the provisions of the 1974 constitution, Kosovo experienced conditions approaching apartheid for almost a decade. Political repression and social decline strengthened the feeling of national frustration. The extraordinary violence of political discourse³⁶ in post-war Kosovo can be explained by the extreme conditions with which the province's inhabitants had to cope since the early 1990s. Albanian political forces have, for many years and by many means, heaped discredit upon one another.

³⁶ The UCK published death threats on its internet site against those in charge of *Koha Ditore*, Pristina's moderate daily newspaper. This escalation, condemned by Philippe Thureau-Dangin in *Courrier International*, 7-13 October 1999, resulted in UNMIK issuing a directive punishing "appeals to hate".

- *The fragility of regional models.* None of the States that succeeded the former Yugoslavia can serve as an example for Kosovo in the area of ethnic coexistence. Macedonia, behind its peaceful exterior, conceals the divisions and tensions of a bi-national State which still refuses to accept this. In post-Tudjman Croatia, the return of the Serbs from Krajina is not without its problems. As for Bosnia and its two entities, the fire continues to smoulder and attempts to impose multiethnicity in the town of Brcko, for example, are only held together by the presence of SFOR. Ethnic coexistence is still a fragile notion in the Balkans. Either Kosovo will create its own model or it simply will not happen.
- *The archaic nature of society.* Clannish allegiances and other forms of vote-catching have fashioned the conditions of existence of an area forced to turn in on itself to confirm its own identity. These relics of the past, along with the infiltration of the mafia,³⁷ hinder the western-style process of accelerated democratisation entered upon under the aegis of the UN.
- *Transition without visibility.* The last objective of the current interim phase remains as vague as the final status of the province, which is yet to be determined. In this case what is left unspoken allows all opinions to remain possible. It is an invitation to adventurist conduct by all who wish to influence the course of events.
- *Drip-feed aid.* The consequences of the war are considerable and reconstruction is a matter for the long term. Its pace will depend on aid arriving from abroad. Western governments make generous promises but take their time when fulfilling their undertakings. The lack of internal stability is another impediment to the inflow of capital.³⁸

2. Arbitration challenged

The UN mission in Kosovo reflects the variations and reservations of the States that have drawn the contours. It is criticised by the Serbs, who find it pro-Albanian and by the Albanians who cannot forgive it for creating an obstacle to their dream of independence.

Taken to task by both camps but, in the final analysis, holding legislative and executive power, UNMIK remains the supreme arbiter of the situation, though it has not gone unchallenged. UNMIK carries within it all the contradictions of the international community.

- In practical terms (currency, travel documents, etc), Kosovo is separate from Serbia, but Yugoslav sovereignty is not challenged.
- Faced with the tragic consequences of ethnic violence, UNMIK is taking no credible measures to impose its own criteria for coexistence in Kosovo as a whole.

³⁷ In an article on organised crime that appeared in *Koha Ditore* and was quoted by *Courrier International* 26 August – 1 September 1999, Janusz Bugajski condemns the advance of the Albanian mafia towards Kosovo. “The principal objective of the United Nations, NATO and the European Union must be security, he writes. It is absolutely essential to prevent the mafia infiltrating political circles and ending up by taking control of the Kosovar State, which is still in its embryonic form.”

³⁸ International aid, channelled by the United Nations or private organisations, reaches one out of two of Kosovo’s inhabitants. Given this high level of dependency, any delay or lack of foresight in external aid has far-reaching repercussions on civil society.

- KFOR makes ostentatious use of its armed forces but displays considerable reticence when it is a question of responding with force to the machinations of extremists.
- While not abandoning the concept of a united and multiethnic Kosovo, UNMIK has allowed the situation of *de facto* partition to grow stronger.
- The participation of minority groups is deemed indispensable to creating a situation of coexistence but UNMIK says it is incapable of guaranteeing the return of displaced persons, and of Serbs in particular.
- The Kouchner administration is working towards appeasement in Kosovo but, lacking the initiative for a final settlement, remains the prisoner of confrontation both within and on the borders of the province.

3. *The electoral machine*

The theme of the elections appears as a major element of international strategy in Kosovo. Almost since the start of the interim administration at the beginning of summer 1999 references to it can be seen everywhere in the official declarations of UNMIK's senior officials. This comes right in the middle of the period of reverse ethnic cleansing whereas the real priority at this time should be re-establishing minimum conditions of security in Kosovo, making it possible and credible to hold elections in the short term.

Public opinion is a factor that weighs heavily in the relentless pursuit of elections. Within, the elections are a response to pressure for independence from local political leaders who are concerned with taking over command. For the international community, a hastily organised election represents a kind of shortcut to calm things down and to endeavour to find a way out of the logic of confrontation, to preserve its image by producing via the ballot box a political class eager to take the reins and to avoid at all costs the risk of getting bogged down which has haunted UNMIK since it arrived on the scene following in the tracks of Europe and the West.

3.1 *Dual powers*

In the combined version which came into force on 1 February, the international administration came up against the presence of parallel structures³⁹ that had developed during the last decade in response to Serb oppression and to the state of neglect that existed in Kosovo. These structures had large networks that had become increasingly well established at local level during years of resistance. This situation is an important obstacle to placing Kosovo under international supervision.

These clandestine or self-proclaimed structures are the outcome of two popular elections (1990 and 1998) which themselves represented a challenge to the authority of Belgrade. Therefore, in comparison with these Kosovar "institutions", the international administration, imposed in its entirety by the UN, displays a democratic shortcoming that only the use of the ballot box can help erase.

³⁹ In the post-war period, the only structure to have retained an authentically Albanian legitimacy, once it had emerged from underground, was the Kosovo Protection Corps. According to Ismet Hadjari, a journalist with *Radio Free Europe*, the UCK's former command structure remains intact within the new civil protection grouping and "military organisation could be very quickly brought back into working order". *The Institute for War & Peace Reporting*, N°117, 18 February 2000.

3.2 *The race for legitimacy*

UNMIK's eagerness to hold elections can be explained by the concern to appear as a legitimate power in Kosovo, as if Resolution 1244 were not enough. However, there are many obstacles to be overcome, of both a technical and political nature.

- Electoral registers do not exist, they were destroyed by the Serbs. The population has no identity documents. To determine who is entitled to vote, a population census must first be carried out. This very delicate operation began in April 2000 within Kosovo itself and abroad under the supervision of the International Organisation for Migration (IOM).
- The internal situation which, since the end of 1999, has again shown a tendency to deteriorate, makes it very unlikely that there will be a return to calm that would enable preparations to take place in a peaceful environment.
- Elections in which minorities displaced outside Kosovo and to Serbia in particular do not take part, and which would leave the Serbs of Mitrovica and its region without a voice, would run counter to the plural image they are meant to project.

In 1999 UNMIK was unable to resolve all these problems straight away and has handled the pre-election period 1999-2000 through a series of adjustments which also represent trial runs for future institutions.

- Negotiation with the "real powers" has led to an agreement on the dismantling of the parallel structures. Significantly, this undertaking has been signed by Hashim Thaçi and Ibrahim Rugova, who thus waive any claim to the "presidency" or other "government" high offices in which they had certainly shown an interest. The head of the UCK has given prior agreement to the "recycling" of its combatants into activities of civil protection and community interest.⁴⁰
- The supporters of these two groups have been placed in charge of the nineteen civil administration departments in Kosovo. UNMIK has devised a dual command system for this, each "ministry" being placed under the control of an Albanian and a UNMIK representative.

This joint management formula was aimed at allaying the impatience of the two historical Albanian resistance leaders. However, far from diminishing, their rivalry has simply been transferred from the administrative field, where UNMIK acts as arbiter, to that of nationalism⁴¹, this time with the street as their sounding board.

In addition, the division of interim power between the two "historical" leaders has had a perverse affect on emerging political activity in Kosovo.

- The thirty or so political organisations that have blossomed since the withdrawal of Serb troops – hence as a result of international intervention – are challenging the precedence and privileges granted by UNMIK to the Ldk and the successors of

⁴⁰ The creation of the Kosovo Protection Corps was greeted by one of its commanders as "the first stage in the reconstruction and development of Kosovo as an independent State". *The Institute for War & Peace Reporting*, N° 110, 25 January 2000.

⁴¹ The "limitations" of the two leaders are mercilessly described by the director of *Koha Ditore*: "Each of them can talk for hours about independence and liberty, but neither has anything to say about social policy, economic reform or the integration of European legislation." *Courrier International*, 3-9 February 2000.

the UCK in the leadership of the joint management systems. “Moderate” voices were immediately heard asking for the elections to be postponed⁴² to allow time for all political forces to emerge and develop.

- The equality of treatment given to the UCK is a source of great displeasure to the Ldk whose peaceful struggle predated guerrilla warfare by more than seven years.
- The rivalry between these two bodies has created a climate of nationalist one-upmanship harmful to UNMIK’s efforts to achieve normalisation. Instead of concentrating on their electoral programmes, Thaçi and Rugova are involved in a head to head race in an exclusively nationalist field to win for themselves the dividends of the situation created in Mitrovica following the February confrontations.
- This is a dynamic that brings in its wake the sudden emergence of other unresolved and prickly questions associated with Kosovo’s future. As a result the final status of the province has moved from the wings to front of stage.⁴³

The big names in the struggle for independence have reluctantly lined up behind the banner of the local elections, although what they really wanted from the outset was national elections. A “warm” spring and the irredentist escalation in “eastern Kosovo” (southern Serbia) seems likely to steer local elections along the path of exacerbated nationalism, the excesses of which they are intended to restrain.

4. Ambiguities in the process

One obstacle to UNMIK’s driving role is the need to clarify the stages, methods and objectives of the democratisation process. The United Nations, which seem unable to shed any particular light on this, are navigating visually among political and military ambiguities that have not changed since the mandate began and which are still some way from being removed.

- The unity of Kosovo, as envisaged in Resolution 1244, is incompatible with the situation of partition that already exists between the north, under Serb influence, and the rest of the province. Elections, whether local or national, raise the issue of first re-establishing territorial unity.
- Another impediment to Kosovan unity is the opposition from groups of Serb refugees in their 1,000 sq km enclave. Northern Mitrovica and its hinterland remain largely outside KFOR’s control.
- Non-participation by Serb minority representatives in mixed interim structures conflicts with consensual management of the electoral process.⁴⁴
- An election organised outside the Yugoslav constitutional framework could have the value of a referendum on self-determination. Even in the case of local

⁴² ‘It is too early to summon the Kosovars to the ballot box’, article by Nebi Qena, published in *Koha Ditore* and quoted by *The Institute for War & Peace Reporting*, N°76, 1 September 1999.

⁴³ In an interview published on 22 February in *Les Inrockuptibles*, Bernard Kouchner believed that one should begin to “discuss objectives and the final status” of the Serb province.

⁴⁴ With regard to the participation of the Kosovar Serbs, more than hypothetical in the absence of co-operation from Belgrade, Bernard Kouchner is categorical: “We will hold the elections even if they are unable to vote.” *Libération*, 30 March 2000.

elections, the first wave of leaders to emerge from universal suffrage could proclaim themselves to be a constituent assembly, though this would be against the clearly expressed wish of the international community.

5. The need for a framework agreement

To fulfil all these prior conditions, all the fundamental problems that have been raised since international intervention in Kosovo began must be resolved before the holding of free and democratic elections. This is the impossible task that faces UNMIK.

Talk about the elections, which began at the end of summer 1999, has thus given rise to talk about all the various options in a climate of general confusion, deep suspicion and tension. Clearly what is needed is to take stock, to identify areas of consensus, bring these together and place them within a binding environment. Bernard Kouchner has therefore suggested the idea of a framework agreement as a way out of the impasse.

UNMIK's administrator will seek to win over the political forces of Kosovo to the idea of a kind of constitutional charter that will bring content to the notion of substantial autonomy⁴⁵ while reducing the pressure exerted by the issue of independence. This "interim constitution" would have the significant advantage of giving consensus a higher profile and clearing the way for elections.

From UNMIK's point of view, for elections to be successfully held a year and a half after the administration was placed in charge of the catastrophic situation in Kosovo would be a real achievement.

- The ballot box will provide the material proof that the international community is fulfilling its promises to democratise⁴⁶ the province.
- The elected members of the local administration, the population's only legitimate representatives, will gain greater independence in terms of the networks of influence which developed underground.⁴⁷
- The spectre of a UN peace mission taking on the role of a colonial administrator is beginning to fade.
- While remaining within the terms of Resolution 1244, the first internationally audited expression of universal suffrage is another democratic sign to Belgrade that there will be no return to the previous state of affairs.

6. Negotiating reconstruction

Without security there can be no reconstruction. This concept is fundamental and is an extension of the idea of a framework agreement applicable to Kosovo.

⁴⁵ According to the *New York Times*, quoted by the *International Herald Tribune*, 8 March 2000, Bernard Kouchner intends to proceed without waiting for a definition from the Security Council, which, in any case, has approved the holding of elections before the end of the year.

⁴⁶ Hubert Védrine, French Foreign Affairs Minister, believes that the preparations for the municipal elections will themselves "produce a democratic shock in Kosovar society". *Le Monde*, 25 March 2000.

⁴⁷ There is not "the slightest possibility of organising free elections" in Kosovo, states *El País* in its editorial of 24 March 2000.

In Albania, in the district of Gramsh, the UNDP has been renewing the infrastructure, in exchange for which, the beneficiaries of this operation – ie the local population – are handing over all the weapons, ammunition and explosives accumulated by them since the civil riots of 1997. Concerned primarily with the construction of schools, roads and bridges, the inhabitants have had no problem accepting the validity of the terms of exchange proposed by the UNDP. As a result, 5,700 light weapons and a hundred tons of ammunition and explosives have been carried by the truckload to local police headquarters. This way of proceeding highlights the need for those who give and those who receive to understand the rules of the game. This is the basis of negotiated reconstruction and should serve as an example for all the United Nations agencies operating in Kosovo today.

With other “peace deals” proving conclusive in other parts of the world, in Mali in West Africa in particular, Mark Malloch Brown, UNDP administrator, and Jayantha Dhanapala, UN Assistant Secretary General for disarmament, believe that the time has come to put arms collection programmes on the agenda of agreements on peace and the demobilisation of armed forces.⁴⁸ According to them, “the predominance of easy-to-conceal weapons in countries in a post-war situation prolongs instability, places UN peace-keeping forces in danger and creates an obstacle to the reintegration of displaced populations and former combatants”. The Italian Under-Secretary General of the UN, Pino Arlacchi, shares this view and goes further still: “I believe that the most important thing (to do in) the Balkans is to disarm the population and to establish the rules of the game in terms of development. We must avoid injecting vast resources which could lead to harmful repercussions if they were to fall into the wrong hands.”⁴⁹

This type of agreement with its give and take approach has clearly not inspired UNMIK or KFOR during the first seven months of international handling of the situation in Kosovo. Linking aid for reconstruction to the handing over of weapons nevertheless remains the way forward in all post-conflict situations, particularly where a population hungry for revenge is involved.

⁴⁸ ‘Let’s go out into the world and gather up the small arms’, *International Herald Tribune*, 26 January 2000.

⁴⁹ ‘The Balkans and Europe’, seminar under the auspices of the Italian and French Foreign Affairs Ministers, Venice, November 1999.

IV. The search for a permanent solution

Pristina.- "The time has not come to clarify – in the sense of determining – the final status of Kosovo; no-one is ready for this, except the extremists on either side whose views are totally opposed. It would only be inflammatory." (Interview with the French Foreign Affairs Minister, Der Spiegel/El País, 23 April 2000).

For a year Kosovo has been in an improvised incubator with the international community bustling around it. With its international status in limbo and an internal configuration close to an unidentified political aim, the picture lacks definition. However, the search for a permanent solution does not seem to figure among the current priorities.

On 6 March this year, Bernard Kouchner tried to stimulate a debate on this in the Security Council. After nine months of navigating visually, a question remained close to his heart with regard to Resolution 1244 and possible dialogue with Belgrade: "Why is a political agreement in Kosovo always treated as a distant prospect?"⁵⁰ The UN administrator was listened to politely. But after the discussion, just as before, the council members either did not want or did not know how to provide a guideline, not even on the nature of the substantial autonomy proposed to the future Kosovar electorate. Clearly, the time was not yet ripe.

The question still remains: is it possible for international intervention of a non-standard nature giving rise to an experience of democracy from outside to be carried out successfully in a situation of neither war nor peace?

In the absence of a clear vision of the future and with the ambiguities in the political texts relating to Kosovo still remaining, the United Nations and the multinational force have no other choice than to handle things on a day by day basis. The binomial UNMIK-KFOR chooses what direction to take, defines the tempo and in fact enjoys a wide margin of improvisation. The peace mission is supposed to produce an autonomy on which Resolution 1244 has nothing to say either with regard to its articulation in a regional strategy or the institutional forms it should take.

Leaving considerations of an international order purposely aside, is it conceivable that an autonomous Kosovo can be created without regard to its geo-political environment, as if it were located in the middle of nowhere? True enough, the former territory of Yugoslavia, which, for a decade, has been gradually breaking up, is not a pretty sight. Nationalist Serbia has problems on its borders, post-nationalist Croatia too. Bosnia, five years on from Dayton, is on deferment and Macedonia is holding its breath.

Taking a broader perspective, the area between the Danube and the Black Sea, weakened economically by the closure of its waterway since spring 1999, is another source of difficulties. The preserve of the Russian, Albanian, Serbian and Italian mafias, this vast region is arousing very serious concerns as it shows signs of becoming a Balkan Colombia.⁵¹ For his part, Bernard Kouchner is somewhat alone in thinking that Kosovo has managed to escape the drug networks: "You would have to be mad to send them through here (this being

⁵⁰ 'Bernard Kouchner asks the UN for clarification on his mission in Kosovo', *Le Monde*, 8 March 2000

⁵¹ According to Frances Kennedy, quoting Italy's anti-mafia Department, Albania is on the way to becoming another Colombia on the doorstep of Europe. *Independent on Sunday*, quoted by *Courrier International*, N° 488, 9-15 March 2000.

one of) the most heavily policed provinces in existence.”⁵² Yet only a few days earlier he had said “even with 45,000 soldiers it is impossible to seal off the border”.⁵³

Uncomfortably installed in a provisional yet enduring arrangement, international intervention in Kosovo is not out of the woods yet. At any event, Resolution 1244 imposes no time limitation and, as the French Minister of Defence put it, “for a certain period of time we will see neither an independent or an integrated Serbia”.⁵⁴

International intervention in Kosovo, given a free hand, has simply to prepare the middle ground. This practical task, in the absence of any guidance and vision, is open to all kinds of approach, expectations and improvisations. In theory, the various options that existed prior to 10 June 1999 remain on the table. What is different from a year ago is their degree of plausibility.

1. *The ideal scenario*

After the halt to fighting in June 1999, the international community reckoned on the disappearance of the Milosevic regime and therefore showed open support for his political adversaries and for the Yugoslav municipalities that moved over to the opposition. It counted on international sanctions to accelerate the break up of private power in Belgrade and the emergence of a leadership that would distance itself from the nationalist argument⁵⁵.

The best possible scenario in terms of a final settlement to the Kosovo crisis would be the disappearance of Milosevic. Without him, a small chance remains for the consolidation of a “small Yugoslavia”, in a federation reconciled with democracy and with three autonomous components (Serbia, Kosovo and Montenegro).⁵⁶ This scenario has the advantage of being compatible with the spirit and letter of Resolution 1244 which visualises the future of Kosovo within the terms of substantial autonomy and respect for the sovereignty of Yugoslavia.

Slobodan Milosevic survived military defeat. Popular demonstrations led by opposition leaders failed to deliver. The indiscriminate nature of international sanctions⁵⁷ has exasperated the population and played its part in fuelling nationalist frustration. The regime in Belgrade was able to take advantage of this and the curtain came down on the scenario favoured by the international community, at least up to July 2001, when Milosevic’s presidential term of office comes to an end.

2. *The other options*

As outlined in Resolution 1244, the general strategy of the June 1999 international plan consists of five integrated stages:

1. The emergency phase itself.

⁵² *Le Monde*, 31 March 2000.

⁵³ *L’Hebdo*, 9 March 2000.

⁵⁴ *Le Monde*, 21 March 2000.

⁵⁵ Madeleine Albright and Joschka Fischer in Zagreb for the investiture celebrations for President Stipe both acknowledge that Croatia is a good model for the opposition to Milosevic. *Reuter* news agency, 18 February 2000.

⁵⁶ Ibrahim Rugova, leader of the LDK, thinks differently: “A confederation with Albania is a question of time.” *El País*, 23 April 2000.

⁵⁷ On 14 February 2000, the European Union partially adjusted its fire by lifting the ban on flights to Yugoslavia. The freezing of Yugoslav property abroad and the embargo on oil and its derivatives are still in place.

2. The consolidation of the administrative structures.
3. The completion of preparations with a view to elections.
4. The setting up of provisional institutions of self-government.
5. The final settlement.

Since then, this sequence has been overturned by events. Kosovo was not yet out of the emergency phase when the topic of the elections appeared as the real priority of the moment. The administrative structures were still in their early stages when all UNMIK's efforts became concentrated on preparations with a view to elections. And, with the elections eight months away, fundamental questions about the ultimate objectives of the international community in the province suddenly emerged, raised by Bernard Kouchner in person before the Security Council.

In short, the stages initially envisaged have overlapped, there is no clear boundary and we are in the realm of the "fade in-fade out". This produces four possible scenarios, which in fact are the same as before the air strikes of spring 1999.

- Maintaining the status quo
- Special status with autonomy
- Partition
- Independence

However, today these four options are no longer purely theoretical. As the months have gone by they have taken on a concrete existence. At one and the same time. In fact, viewed in terms of a return to a form of coexistence, the Kosovo situation is marking time (status quo) while heading in the direction of autonomy (special status) with the province living with *de facto* territorial division (partition) which, however, has not prevented the appearance of external signs of sovereignty (its "own" currency: the German mark, custom-made legislation, institutions that are at least new, etc).

2.1 Maintaining the status quo

The post-war situation in Kosovo continues to be characterised by its instability. Violence between ethnic groups and the exacerbation of nationalist feeling among Albanians and Serbs threatens, in the long term, to jeopardise UNMIK's efforts to construct a society of citizens with respect for human rights. In this sense the status quo prevails.

But it would have been unthinkable to allow these extremely negative elements to take advantage of a stagnant situation. That would have led to a deterioration, a "rout" for the peace mission in Kosovo,⁵⁸ for which the most serious danger is getting bogged down and the emergence of a cycle of violence and repression which would put at risk the whole process set in motion by the international community.

The status quo, a truly nightmare scenario for the chancelleries of the West, thus explains the rapid activation of the electoral process.

⁵⁸ 'Kosovo, el naufragio', ['Kosovo, the shipwreck'] *El País*, 14 March 2000.

2.2 *Special status with autonomy*

The setting up of institutions of self-government was designed to serve as an antidote. Having avoided the pitfalls of a stagnant situation, a positive dynamic in line with Resolution 1244 was gradually put in place.

The problem raised by special status with autonomy is one of gaining approval for it within the framework of the political and administrative structures of Yugoslavia. The matter comes back once again to the question of the final status of Kosovo. The electoral process has steered things in the direction of autonomy without integration, if not “the population of Kosovo would man the barricades”, warns Ibrahim Rugova.

The leaders in Belgrade face charges brought by the International Criminal Tribunal. This is a further problem for Bernard Kouchner who has confronted the question of integration and even asked the Security Council’s member states how to establish “a State within another State (...) without talking with the people in Belgrade”.⁵⁹

Whoever holds the power in Belgrade, autonomy for Kosovo without the agreement of Yugoslavia presupposes the long-term, if not permanent presence of a NATO deterrent force. “No Serb, regardless of Milosevic, would consent to the loss of Kosovo”, states Hubert Védrine, the French Foreign Affairs Minister.⁶⁰ Only the size of the international military presence is adaptable, in accordance with the degree of stability achieved in the Balkans. So, with or without Milosevic, special autonomy status for Kosovo must be combined in the long term with the notion of a protectorate.

2.3 *Partition*

Backing on to Serb territory, the small Serb-populated area to the north of the town of Mitrovica, which includes the extraction industry at Trebca, is developing almost outside the reach of UNMIK. A separate political future for this Serb enclave is incompatible with the vision of a united Kosovo. It was responsible for a sudden rise in temperature from February 2000 onwards, with the Albanians taking advantage of the provisions of Resolution 1244 to demand that a stop be put this *de facto* separation.

The appearance of an ethnic border within Kosovo is incompatible with the line followed by the UN in conflicts in the former Yugoslavia. Curiously, the multinational force accepted this, thus keeping alive the hopes of the Serb minority who were in favour of a territorial division which would leave them with the useful part of Kosovo.

The *de facto* partition of Kosovo is likely to contribute to the destabilisation of southern Serbia, which is populated by Albanians. It raises the issue of a possible exchange of territories with Yugoslavia – the north of Kosovo in exchange for the south of Serbia – which would, by the same token, weaken Macedonia with its 35% Albanian population. The bipartition of Macedonia, the rear base for international intervention in Kosovo, is, moreover, inconceivable given its strategic importance in NATO’s organisation.

For all these reasons, the partition of Kosovo is, of all the possible scenarios, the one most actively opposed by UNMIK. And opposed with particularly determination along the fault line of Mitrovica, where KFOR soldiers are trying to remove the “border” formed by the

⁵⁹ ‘Bernard Kouchner asks the UN for clarification on his mission in Kosovo’. *Le Monde*, 8 March 2000.

⁶⁰ *Le Monde*, 25 March 2000.

Ibar river by building bridges, both literally and metaphorically, between the two parts of this symbolic town.

2.4 Independence

This is the option favoured by Albanian nationalist leaders. However, it is in direct conflict with the Security Council's Resolution 1244 which takes account of Kosovo's aspirations for self-government, but only within the framework of the Yugoslav state.

This legal obstacle aside, Kosovan independence would have a serious knock-on effect and is therefore an additional factor of instability in the Balkans. International resistance to any change to the region's current fragile balance, clearly more marked in Europe than the United States, makes it impossible to consider this option as anything other than pure hypothesis.

Irrespective of the degree of plausibility of any particular case put forward, a permanent solution in Kosovo cannot be achieved without genuine internal debate on the national question. It would also require a stage of international negotiation, entirely missing from Resolution 1244, which no doubt considers it implicitly contained in its reference to the final settlement.

3. The need for international study

Given the seriousness of the challenges faced on a regional level and the global nature of the approach currently under way in Kosovo, the need for clarification goes well beyond the immediate setting of this small territory. It is something that must be studied by all the Balkan countries and all the actors – States and inter-State organisations – involved in Kosovo under the banner of the United Nations. It is by focusing on its current and future *modus operandi* in south eastern Europe that the international community will be in position to make a stabilising contribution to the *modus vivendi* it has so far sought in vain to achieve in Kosovo.

A pragmatic readjustment of international conduct necessarily requires a diplomatic thaw. Four different routes are possible: the region (the south eastern Europe stability pact), the UN and sanctions, Europe and European enlargement, Russia and its association.

3.1 The Stability Pact

At its 'running-in' stage, the stability pact for the Balkans, which, for the moment, disregards Serbia which is reduced to the status of a pariah State, plays an unobtrusive role in the Kosovo crisis but is called upon, in principle, to assume important responsibilities at a regional level.

The stability pact is marred by its ostracism of Belgrade. A technical question, such as closing off the Danube, has been burdened by all the political anathemas and plunges the countries bordering the Danube into an economic depression. The collapse of commerce along the Danube contributes to the destabilisation of the Balkans. It calls into question the very purpose of the stability pact. In the region itself, Greece, with the support of Italy, has declared itself in favour of exploring the question of a resumption of river traffic.⁶¹

⁶¹ 'D'Alema : riaprire il Danubio', *Corriere della Sera*, 6 November 1999.

In fact, the logic of confrontation has had a doubly negative effect: it has both paralysed the pact itself and given the Belgrade regime a controlling hand. Meeting in Lisbon at the end of March, the fifteen acknowledged a failure by the European Union in the Balkans and the mediocre outcome of the stability pact for south eastern Europe, attributable, among other things, to a lack of “coherence”. Taking stock of the situation in an openly self-critical manner, they asked Javier Solana, the Senior Representative for Common Foreign and Security Policy, to exercise genuine leadership to clarify the political strategy and to “strengthen the central role of the EU” in the region.⁶²

3.2 Sanctions

There is no doubt that maintaining the sanctions imposed on Yugoslavia, which has been banished from the international stage, far from benefiting political opposition groups, contributes to strengthening Slobodan Milosevic’s regime. The ruling power, more strongly nationalist than ever, took on the martyr’s crown in the same way as Saddam Hussein’s regime, which remains in power years after the end of the Gulf War.

The resumption of flights to Belgrade represents a step forward, moving away from the early indiscriminate coverage of sanctions and is the first significant step towards a targeted review of sanctions policy.

The United Nations administrator in Kosovo has confirmed clearly that he would ask for sanctions to be lifted if the Yugoslav government were to agree to settle the problem of the detained and missing Albanians. This is proof that the sanctions imposed on the Belgrade regime are not sacrosanct and that the departure of Slobodan Milosevic is not a prior condition of their removal.

3.3 The position of Europe

Western Europe has shown initiative in the Balkans - its geographical proximity left it no choice. On its way to enlargement, the European Union has a strong political interest in the affair. The Kosovo crisis gave Europe an opportunity to assert itself. It did so through a military approach, but has yet to find a suitable form of political expression.

In the military field, the Europeans have scored points within the Atlantic alliance by taking over at the head of KFOR. In April 2000, control of the multinational force effectively passed into European hands. Eurocorps command, which is to become a rapid reaction force by the year 2001, has taken control of the general staff of land operations in Kosovo. Never in the fifty years of its existence has NATO entrusted such a task to a force outside its permanent chain of command.

This new military role, a turning point for growing European defence, shows a stronger affirmation of the European role in settling the Kosovo crisis. The current co-ordination of common foreign policy, placed in the hands of Javier Solana, ex-secretary general of NATO, with a mandate to strengthen European coherence in terms of the Balkans, is the logical complement of this.

⁶² ‘Bilan peu reluisant dans les Balkans’, *Libération*, 25 March 2000.

3.4 A role for Russia

At the height of military operations in Chechnya, NATO made a noteworthy gesture towards Russia. The February meeting between Vladimir Putin, interim president, and George Robertson, secretary general of NATO, was marked by the resumption of the relations that had been severed at the time of the Alliance's strikes against Yugoslavia in the spring of 1999.⁶³ For Russia, a return to normal relations with NATO required a change in the current international approach to Yugoslav affairs.

Was a strategic partnership between NATO and Moscow on the agenda? Murmurs from behind the scenes were still unclear. The United States wanted to come to an arrangement before launching itself into an anti-ballistic programme that would sound the alarm bells in Russia. And Russia, for its part, was demanding maximum participation in maintaining security in Europe. The two powers agreed to consider that a thawing of relations between Russia and NATO should be subject to a settlement in Kosovo.⁶⁴

That said, after Rambouillet as after Dayton, the main objective of the new strategic order in south eastern Europe was to reduce Russian influence in the region and to contain it at the lowest possible level. This objective has been achieved. Does it mark the end of the honeymoon period between Russia and America that followed the end of the cold war?

- In Kosovo, the Russian contingent put up a poor show alongside the five NATO member countries who allocated themselves areas of occupation.
- Romania, and in particular Bulgaria, entered NATO's sphere of influence on 12 June 1999 when the two countries, having prohibited Russian planes from over-flying their territory, had the surprise intervention at Pristina airport aborted.
- While the strengthening of NATO presence in Kosovo can be explained by the increase in internal tension, it also acts as a deterrent where Russia is concerned. From its bases in Kosovo, NATO is well positioned for intervention in both the Near East and central and south-west Asia, which are also potential theatres for rivalry with Russia.
- In this scenario of future confrontation and "containment" with regard to the new Russia, Kosovo as a NATO protectorate is infinitely more valuable than the whole of the enlargement planned by the Alliance in the region.
- Enlargement is a matter for the future, whereas Kosovo already forms part of NATO's plans for defensive/offensive strategy.
- The relationship between NATO and Kosovo is one of protector and protected, with Kosovan dependency being highly advantageous for the Atlantic Alliance. It has no need to take account of arguments about sovereignty or internal political play, as it would with a member country, which though it might be a firm ally would not be an unconditional one.

⁶³ 'The visit by George Robertson is a beginning (...) Russia wants to be treated as an equal.' Interview with General Leonid Ivashov, head of the international affairs department at the Russian ministry of defence. *El País*, 15 March 2000.

⁶⁴ "All decisions concerning Kosovo must be taken with respect for the integrity of Yugoslavia" Declaration by the Greek Foreign Affairs Minister, George Papandreou, broadcast on Russian television following his talks with his counterpart, Igor Ivanov. *ITAR-TASS*, 20 March 2000.

Kosovo is a well-guarded military zone. According to anonymous sources in KFOR, it will remain so for five years at least. The American Bondsteel base, which occupies 300 hectares near Gnjilane, is, at any event, evidence of a long-term strategic vision.

3.5 Preventive Diplomacy

The international mandate issued to Bernard Kouchner did not define what approach to follow to find a political settlement to the Kosovo question. One path not yet explored is to open channels for dialogue with Belgrade. But nothing in the texts governing UNMIK prohibits such a development.

An advantage of the vagueness of Resolution 1244 is that it leaves room for manoeuvre that diplomacy has been wary of exploiting up to now. It is possible for initiatives to come from the binomial NATO-UN, from Brussels or Manhattan, but also from Pristina if the head of the peace mission were to risk putting a still broader and more voluntarist interpretation of its mandate before the Security Council. And he is capable of this. "I have a habit of taking advantage of crises in order to move forward", he admitted. And there is no shortage of crises "forecast".

- The Presevo valley in southern Serbia, a strategic communications route between Yugoslavia and the Mediterranean, via Macedonia, is teetering on the brink. The Albanian guerrilla force of "eastern Kosovo" could tip the region into a cycle of armed confrontations and repression, leaving the way open for a major new confrontation between Yugoslavia and NATO.
- A drift towards "terrorism" by extremist movements, thwarted by the holding of elections in Kosovo, cannot be discounted since the first unsolved attack on a Serb serving on UNMIK's advisory body, and the violent death of a member of the Kosovo Protection Corps in Pristina.

Should we cross our fingers and wait and see what happens or should we take preventive action by stirring diplomacy from the torpor that surrounds it? The borders of Kosovo and the province itself are a powder keg simply waiting for a spark.

V. Conclusion

The handling of the aftermath of ethnic conflict in Kosovo is the weakpoint of the United Nations peace mission. This is something that must be confronted. Lessons must be learned without complacency if affairs are to be put back on track before it is too late.

- Monitoring the handling of the situation. The United Nations must adopt a more professional approach to their role in this post-conflict situation and, in order to ensure independence, should entrust a non-UN organisation with monitoring and reviewing the results achieved by the secretary general's special representatives during the period of their mandate.
- Return of displaced persons. The creation on 1 May 2000 of a committee for the return of refugees to Kosovo, with the participation of a senior representative from the national Serb council alongside Bernard Kouchner and General Juan Ortuño, is an extremely positive measure, although somewhat tardy. In a jointly signed declaration, this triumvirate declared itself in favour of "the establishment of peaceful coexistence and a multiethnic society in Kosovo". These two concepts, which up to now had been seen as entirely separate, or even opposites, were now brought together in an official document. To avoid future disappointments, the HCR, which is also a member of the committee, would be well advised to take the initiative of forming a think tank whose task it would be to ensure that these criteria are translated into practice, thus enabling UNMIK to regain coherence and consistency in its approach to the ethnic question.
- The detained and missing. This issue, which is one of utmost priority and poisoning inter-community relations, must be entrusted to a committee formed by the ICRC, UNMIK and the representatives of the Yugoslav state on neutral territory, under the chairmanship of a mutually acceptable key figure. Bringing this matter out of the impasse in which it lies will create détente in the field of security. It is an essential accompanying (confidence-building) measure that will make it possible to plan for the gradual return of minority groups to Kosovo.
- Unpunished crimes. There cannot be two standards, two approaches where ethnic cleansing is concerned. The creation of a committee of investigation to take legal action in respect of crimes against minorities committed since UNMIK took up its duties, is essential under the terms of Carla Del Ponte's mandate. The United Nations High Commission for Human Rights could make a valid contribution to the setting up of such a committee.
- The protection of patrimony. It is desirable that the Kosovo Protection Corps, currently in its quarters, should be entrusted, in association with KFOR, with mounting a guard around religious buildings belonging to the Serb orthodox church. This presence would have the advantage of sending a strong political message to the whole population, removing any doubts about the nature of this "civil" force, composed of former UCK combatants, through a genuine demonstration of citizenship in support of appeasement and coexistence. UNESCO's involvement in the protection of this invaluable heritage is essential.
- Condemnation of violence. UNMIK must demand that the leaders of the Albanian-speaking peoples visibly demonstrate their rejection of ethnic violence by attending the funerals of its victims, which is something they have so far never

done on the pretext that the Albanian-speaking majority would not understand their attitude. Written evidence of their disapproval and other appeals for tolerance obtained under pressure from UNMIK are interpreted by the majority of the population as an understandable concession that does not really commit anyone.

- Drugs and prostitution. The time has come to strengthen border controls, on the Albanian side in particular, giving special responsibility to KFOR's Italian contingent, which is responsible for this sector, in the battle against the mafia.
- Participation by society. Half way through the year 2000, the concrete concerns of the Kosovars are of an economic and social nature (employment, social security) and are far more clearly expressed than demands of a political nature (the electoral process). It is in these priority areas that the international administration is being considered and judged. While job creation helps to mark time there is no large-scale initiative to mobilise society around a global project that meets their expectations. The creation of a states general, bringing together all sectors of industry, would make it possible to mobilise the working population and grades, currently neglected, who would be only too happy to involve themselves in the rehabilitation effort undertaken by the international community. Kosovo already has a two speed economy: on the one hand, the high income international sector (40,000 people) and the small traders who depend on it and, on the other, the traditional sector (agriculture) which is beginning to experience a slight revival and a wide floating band of individuals who remain on the fringes of the relative prosperity that results from the presence of foreigners. Today the demand for Kosovar society to participate in defining its economic future is being voiced with increasing clarity, particularly in the towns with the highest levels of unemployed skilled workers and students.

Geneva-Pristina, May 2000

Postscript

The international community used terms of reference that are very much at the margins of international law together with "the right to interfere" to justify the armed "humanitarian" intervention it embarked upon in Kosovo. Although an improvement over usual standards, it nevertheless represents an isolated example of international willingness to act and was linked to a highly specific set of short-term circumstances. This makes it very difficult to apply on a systematic basis. Hence, while the situation in the Balkans or in the Gulf might indeed trigger humanitarian action, other situations such as the conflict in Palestine or the situation in the Great Lakes are characterised by hesitation and inertia. This creates a feeling of inconsistency and ensures that the perpetrators of many acts of aggression or genocide go unpunished. It seems that the world is therefore at risk of pursuing a piecemeal approach, where identical crimes do not necessarily lead to the same action being taken, unless a less shallow and less complacent approach can be found and implemented via the framework that is provided by the United Nations.

As far as intervention in Kosovo itself is concerned, it is clear that the international community has been unable to issue clear signals to the parties in the conflict, due to the lack of a judicial framework capable of offering guidance on how to act on the ground. Hence the reason for the Albanian speaking population to continue to act as if independence were a foregone conclusion, whereas in fact it is not even given a mention in any of the texts that

have been approved by the UN. And the same goes for the Serbs who live in dread of their country being partitioned, as a result of selective implementation of the relevant Security Council resolutions.

The other lessons that can be drawn from this intervention are listed below:

1. KFOR, which took over from NATO in Kosovo, had to adapt and become a sort of ethnic policeforce in a conflict that has multi-secular roots.
2. KFOR was ill prepared for its policing role and so was unable to put a stop to the practise of ethnic cleansing in Kosovo, this time aimed at the Serbian population.
3. For almost a year, KFOR gave the unfortunate impression that it was adapting to this role, without toughening its tone and stance against the Albanian-speaking extremists.
4. For its part, MINUK failed to provide its armed wing with the requisite criterion to be able to maintain security. It appeared hesitant in its approach to multiethnic issues. Furthermore its approach also seemed to be open to many different conceptual interpretations. This lack of political guidance has been attributed to the vagueness of the initial UN mandate on this matter.
5. Other United Nations peace keeping missions (such as MONUC in the Democratic Republic of Congo) experienced problems during implementation, due to adoption of somewhat hasty solutions or the addition of inconsistencies to the reference texts that were issued or endorsed by the Security Council.
6. It is clear that the content of the UN peace keeping mission on the ground in Kosovo was dominated by a single concept, namely NATO's version of an international community. Or put another way, once the armed phase of the conflict against the Republic of Yugoslavia was at an end, Kosovo was then used to continue the "political" war against Slobodan Milosevic. The whole Kosovo question (its future, prisoner releases and other humanitarian issues) were put on the backburner, since negotiations with the former Yugoslav leader were deemed "politically incorrect", given that they might in some way delay his removal.
7. In light of this, MINUK was relegated to running Kosovo on a day to day basis. It might be said that with a "stopwatch in hand", MINUK depended on "line of sight" to determine their direction, while effectively waiting for incidents to occur before attempting to deal with them.
8. The democratic changes that have taken place in Yugoslavia leave the different parties asking the same question they were asking at the start of this process, namely what will happen to Kosovo? The positive events, greeted with such appreciation by the international community, that have taken place in Belgrade, only serve to reinforce the mistrust felt by the Albanian speaking population and to further intensify the desire for independence. The "terrorist" plots hatched in the buffer zone around Presevo that KFOR has never seemed able (or even perhaps willing) to control, are now on the increase and are jeopardising the

extremely laborious process of building a Kosovo that enjoys autonomy via the ballot box.

9. With the risk at time running high of this contagion spreading throughout the region, the international community is itself at risk of having to police the Balkans indefinitely, while attempting to protect frontiers that are being undermined by nationalists who then proceed to set up new borders elsewhere.
10. The main priority at this point is to promote a dialogue of reconciliation between Belgrade and Pristina. Hence the need to reinforce Yugoslavia's place in Europe, for too long now isolated from the heart of European construction. Redefinition of the links with Serbia and a region reconciled to the concept of democracy mean that moves to grant Kosovo autonomy (that is both accepted and acceptable in a national way and along the lines of the Catalanian model, a region no less nationalistic than Kosovo) can now be realised. On the other hand the option for conditional independence, extolled by the Independent International Commission on Kosovo, would perpetuate the international protectorate and lead to the de facto dismembering of Serbia, something that is completely unacceptable in the eyes of current international law.
11. Despite Bernard Kouchner's current protestations that this is not the time to discuss the final status of the province (when it seemed he would come out and say the opposite just a few short months ago), the international community would be well advised to refrain from leaving Kosovo in limbo. Indeed, alongside the process that will lead to autonomy, it should also seize the initiative by opening up appropriate discussion channels using a four-strand strategy that would operate via the OSCE, the EU, the Stability Pact and the UN Security Council.

Geneva, January 2001

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