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The situation in Kosovo

REPORT

submitted on behalf of the Defence Committee
by Mr Townend, Rapporteur, and Mr Bársony, co-Rapporteur

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¹ Adopted unanimously by the Committee.

² *Members of the Committee:* N. ... (Chairman); MM Zierer, Schloten (Vice-Chairmen); MM Baumel, Blaauw, Mrs Calleja, MM Cioni, Colla, Contestabile, Cox, Davis, Dhaille, Díaz de Mera, Dreyfus-Schmidt, Goris, Goulet, Henry, Irmer, Leers, Lemoine, Maginas, Mardones Sevilla, McNamara, Medeiros Ferreira, Mota Amaral (Alternate: Mrs Aguiar), MM Neumann, Pereira Coelho, Polenta, Pottakis, Robles Fraga, Lord Russell-Johnston, MM Selva, Siebert, Speroni, Theis, Valk (Alternate: Dees), Mr Verivakis (Alternate: Micheloyiannis), Mr Wilshire (Alternate: Townend).

Associate members: MM Bársony, Godal, Mutman, Yürür, Tanik (Alternate: Kalkan)

N.B. *The names of those taking part in the vote are printed in italics.*

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The Assembly,

- (i) Noting that the European forces engaged in the Allied Force and Joint Guardian operations have demonstrated their ability to intervene effectively in a crisis, in spite of their shortcomings in terms of command structures and sophisticated equipment;
- (ii) Noting that European governments have demonstrated their capacity to act together and overcome their differences of political and military evaluation in order to assert their common interests, and have also been able to maintain their decision-making autonomy in the face of requests from more powerful allies;
- (iii) Desirous that the lessons learned from the Kosovo war serve to strengthen European cooperation in the defence field, in particular with regard to equipment, intelligence capabilities and transport assets;
- (iv) Desirous also that WEU nations coordinate more closely the deployment of their forces in the Balkans in order to alleviate the problems of manpower shortages some of them are experiencing;
- (v) Expressing the wish that when component units of KFOR are next relieved, forces answerable to WEU (FAWEU), such as the European Corps, be engaged on the ground;
- (vi) Noting that a situation of insecurity persists in Kosovo and at its borders, in spite of the presence of KFOR and the activities of the international police force;
- (vii) Worried about the ongoing inter-ethnic violence and the growing role being played by the former KLA in the political and administrative management of Kosovo, to the detriment of moderate Albanian political forces and the representatives of other Kosovar communities;
- (viii) Concerned about the consequences for regional stability of any change in the status of Kosovo which would not be consistent with the provisions of UN Security Council Resolution 1244 which stipulates that:

“The Security Council,

(...) 1. Decides that a political solution to the Kosovo crisis shall be based on the general principles in Annex 1:

(...) Annex 1

(...) – A political process towards the establishment of an interim political framework agreement providing for a substantial self-government for Kosovo, taking full account of the Rambouillet accords and the principles of sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other countries of the region, and the demilitarisation of the KLA;

– Comprehensive approach to the economic development and stabilisation of the crisis region (...).

Annex 2

Agreement should be reached on the following principles to move towards a resolution of the Kosovo crisis :

(...) 5. Establishment of an interim administration for Kosovo as a part of the international civil presence under which the people of Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia, to be decided by the Security Council of the United Nations. The interim administration is to provide transitional administration while establishing and overseeing the de-

velopment of provisional democratic self-governing institutions to ensure conditions for a peaceful and normal life for all inhabitants in Kosovo (...)"

- (ix) Concerned about the delays affecting the deployment of the international police force and about the tensions which may be generated in those parts of Kosovo with a Serb majority by the deployment of local police forces, composed almost entirely of Kosovar Albanians;
- (x) Noting with concern the continuing instability in Albania and the increasingly radical positions being adopted by some representatives of the Albanian community in the Former Yugoslav Republic of Macedonia (FYROM);
- (xi) Hoping that European governments are planning to maintain or expand the security presence in those two countries, with the agreement of their governments;
- (xii) Regretting that the WEU Council has not so far envisaged making a contribution to stabilising Kosovo by providing assistance for police forces or demining operations,

RECOMMENDS THAT THE COUNCIL

1. Put the issue of Kosovo on its agenda and ask the governments of WEU nations to participate actively in the KFOR and international police force missions with a view to sharing out the joint effort in an equitable fashion;
2. Ask the WEU Military Staff to submit options for the possible deployment in Kosovo of FAWEU, in particular the European Corps, to relieve the KFOR units currently serving in the province;
3. Envisage cooperating with the United Nations and OSCE on the international police force and border monitoring, in order to give those organisations the benefit of the expertise WEU acquired in this field as a result of the UN embargo-monitoring operation on the Danube and the Multinational Advisory Police Element (MAPE) in Albania;
4. Propose to the European Union that it give WEU a mandate in Kosovo for demining operations in cooperation with KFOR, for which it would draw on the expertise it acquired in Croatia;
5. Closely involve WEU's south-eastern European states and Turkey in the discussions on Kosovo;
6. Encourage, through the Western European Armaments Group (WEAG) and Western European Armaments Organisation (WEAO), the creation of joint programmes and broad cooperation in the field of electronic warfare and battlefield surveillance equipment;
7. Give impetus to the development of a European space-based observation and communication system, for which the WEU Satellite Centre is the first component.

Explanatory Memorandum

(submitted by Mr Townend, Rapporteur, and Mr Bársony, co-Rapporteur)

I. Introduction

1. On 10 June 1999, the Kosovo war ended after 78 days of military operations at two levels: in the air – with NATO in the front line – and on the ground – where KLA units were pitched against the Yugoslav military and police forces. In spite of the resources put into this war, it was ended by dint not of weapons but of complex diplomatic negotiations conducted by the Contact Group for Former Yugoslavia, the G-8, the European Union and the United Nations. The result, somewhat similar to what happened following NATO's intervention in Bosnia, was to freeze the situation on the ground, a stable and lasting solution to the question of Kosovo's status not having been found.

2. During the conflict there was criticism of the way in which military operations were being conducted and of the means used. Generally speaking, the military operations were performed with professionalism and relative efficiency, given the political constraints, which weighed much more heavily than during the Gulf war – a conventional territorial war fought under UN auspices – or during the conflict in Bosnia and Herzegovina. However, political and military evaluations of the Kosovo war are marked by the controversy and doubt which emerged after the cessation of hostilities as a result of the developments unfolding in this region during the first few weeks and which continue today.

3. Following a first report¹ in which the Assembly's Defence Committee followed NATO's air campaign and analysed the various options open to the Alliance for intervention on the ground, it has decided to review the situation following the cessation of hostilities, with a view to drawing lessons from the conflict in order to contribute to the debate on the underlying concepts of a European crisis-management and crisis-intervention policy, and the means of putting them into practice.

¹ See "The situation in Kosovo", Assembly Document 1651, 10 June 1999.

II. Military aspects of the situation in Kosovo

4. The arrival of the KFOR troops in Kosovo on 12 June 1999, following the negotiated withdrawal of the Yugoslav military and paramilitary forces, was hailed as a strategic victory for the Alliance and retroactively sanctioned by UN Security Council Resolution 1244, adopted on 10 June. However, our analysis of the situation today, three months after the end of the conflict, is somewhat more cautious. Indeed, a comparison of the official statements on air strike targets with the results given by military sources and the facts established on the ground, raises a number of questions which have not all been satisfactorily resolved.

5. The impact of the air strikes, the diplomacy conducted in parallel by European countries, the United States and Russia, and the role of the KLA are some of the factors which contributed to the outcome of the war, but it is difficult to identify the key elements which determined the Yugoslav Government's decision to temporarily hand over the control of Kosovo to international authorities. To quote the catch phrase of an internationally known television series, "the truth is out there", as far as the realities of this conflict are concerned.

6. In addition to the political issues, the military dimension is very important, because it enabled the concepts of deployment of forces, operations planning and coordination, and readiness and equipment of forces, to be tested in a real crisis situation, clearly revealing the much decried disparity between the United States' military capability and that of its European allies. It is both important and necessary that the European allies should learn the lessons from this war together and not simply apply the recommendations stemming from the evaluation process in a purely national framework.

A. Assessment of NATO operations

7. According to a report prepared by the Center for Strategic and International Studies (CSIS) for the US Air Force, assessing the air campaign over the FRY, "the initial NATO reporting on the effectiveness of the air and missile campaign had little value or credibility. The data

that NATO, the British, and the US released became more detailed over time, although they still had a high propaganda content through the end of the campaign. (...) The reporting on sorties rates was approximate and often contradictory. There was little reporting on how many strikes actually delivered munitions, what aircraft performed what missions, the number of weapons released by type, and their effectiveness².

8. Indeed, it was only three months after the end of hostilities that the first verified results were published by NATO. Those results continue to be contested by the press and by independent analysts, who sometimes quote military, essentially American, sources. This may appear to be a debate of minor importance, but it will have consequences in the future for joint operations by the United States, the European allies and Canada in the framework of the Alliance or an *ad hoc* coalition.

1. The military targets

9. NATO's air campaign in Kosovo had three phases³. The first involved the bombing of military targets in Kosovo and the FRY. It started on 24 March 1999 with attacks against the integrated air defence system all over the FRY. During the second phase, which started on 27 March 1999, the range of targets was extended to include the military infrastructure of the security forces in Kosovo and the support structures of the military forces (headquarters, telecommunications installations, equipment and munitions depots, barracks). Finally, the range of NATO operations was further extended during the third phase to include targets considered to be strategic (power stations, military and civilian communications, industrial infrastructure).

(a) Lines of communication

10. From 12 to 18 April (days 20 to 28 of the campaign) NATO mainly attacked communication lines or routes likely to be used by the Yugoslav military forces. UK Defence Minister George Robertson stated on 23 April that "some of our principal targets have been road and rail bridges. Both major rail routes into Kosovo have

been cut and two of the four major roads". The aim of this new approach to the air campaign was also to influence public opinion in Yugoslavia, as explained by Rear Admiral Thomas Wilson⁴ during the briefing of 22 April: "The damage to the lines of communication as well as the psychological effect of seeing them destroyed is affecting [...] the attitude of mobilisation ..."⁵.

11. However, little information was given on the strikes against lines of communication and military routes. NATO published a low- and medium-intensity damage assessment on 27 April, but no map showing the different targets was presented. General Wesley Clark (SACEUR) stated on 27 April that "NATO had now hit 37 bridges".

12. The details concerning the strikes against lines of communication only became official on 30 April. According to a Pentagon report on that date, 20 major routes, 8 rail routes et 2 main bridges were either destroyed or seriously damaged. On 5 May, the British Defence Minister stated that 32 road and rail bridges had been damaged or destroyed, which was subsequently confirmed by NATO. At the end of the air strikes on 10 June, the US Department of Defense reported "having inflicted moderate damage to lines of communication throughout the country".

(b) Command and control installations

13. Between 12 and 18 April, the rate of NATO attacks on the Serb command and control installations increased by 124%. On 22 April, the United States announced that it had selected no fewer than 27 major targets, and that it had inflicted serious damage on national command and control systems, the special police and interior ministry, the capabilities of the First, Second and Third Armies, the air defence headquarters and command posts and the airborne headquarters. Most of the strikes were directed against the Third Army, which was the main operational force in Kosovo. However, the command and control facilities targeted by NATO also included President Milosevic's residences, the socialist party headquarters, the main headquarters of the security forces and various dual-use installations,

² Anthony H. Cordesman, *The lessons and non-lessons of the air and missile war in Kosovo*, report to the USAF XP Strategy Forum, 20 July 1999, CSIS, p 56.

³ "Operation Allied Force", Military Analysis Network, pp 1-8.

⁴ Member of the United States Joint Chiefs of Staff.

⁵ Anthony H. Cordesman, *The lessons and non-lessons of the air and missile war in Kosovo*, report to the USAF XP Strategy Forum, 20 July 1999, CSIS.

in other words, radio and television stations and the telephone network.

14. During the briefing of 22 April, Rear Admiral Thomas Wilson announced, "...we have both degraded the effectiveness and the efficiency of this overall command and control network, the national command authority, and in doing so have sent strong messages to certain elements, in fact all echelons of command, that we will attack where and when we can to disrupt or degrade their ability to command these forces". He went on to state that "the MUP facilities in downtown Belgrade were destroyed. (...) Key army-level and corps-level military command and control installations and headquarters have been destroyed. The First Army, the Special Corps, an airborne unit in Nis, Third Army headquarters, which is controlling operations in Kosovo and, of course, the air defence headquarters and command post have been attacked as well". At the end of the NATO air strikes on 10 June, the US Department of Defense reported that the Serb operational capability was in poor condition.

2. The results of the NATO air strikes

15. During the 78 days of air strikes, the rate of attack was irregular, but perfectly reflected the logic of a war which had initially been intended to be a swift one. Indeed, there was a relatively large number of strikes on the first day – 150. From 1 to 7 May, the number regularly decreased from 150, to 100 per day. During the second phase from 8 to 29 May, there was a linear increase from 100 to over 250 strikes each day, reaching a peak around 29 to 30 May. During the third phase of the conflict from 30 May to 7 June, the rate suddenly decreased from over 250 to less than 100 per day. Finally, during the last phase from 7 to 10 June, NATO considerably increased the number of strikes from 90 to about 170 a day⁶. General Wesley Clark announced to journalists during the presentation of NATO's official air strike evaluation report: "The results are not so far off what we believed them to be at the end of the war"⁷. According to

⁶ Anthony H. Cordesman, *The lessons and non-lessons of the air and missile war in Kosovo*, CSIS, revised 20 July 1999, Figure I, Figure 4 "Overall patterns in weather during the air and missile campaign".

⁷ Source: NATO briefing of 16 September 1999, www.nato.int

the official NATO figures, 93 tanks, 153 armoured vehicles, 339 military vehicles and 389 artillery pieces and mortars had been destroyed.

16. However, the American weekly *US News and World Report* reported in its 20 September 1999 issue⁸ that "a NATO team that visited 900 aim points targeted by NATO in Kosovo found carcasses of only 26 tanks and similar-looking self-propelled artillery pieces; after the war, NATO claimed it destroyed 110". According to this review, "some NATO analysts think pilots hit many more decoys than at first thought – and that Serbs may have sent damaged tanks out to be struck over and over. The Air Force has deduced from pilots' reports, cockpit videos and intelligence sensors that measure the plumes from explosions on the ground that they really destroyed at least 75 tanks, according to a NATO official"⁹. Indeed, on the ground the Serbs showed themselves to be experts at the art of camouflage and decoys. "The decoys were often surrounded by anti-aircraft artillery and gunners with shoulder-fired missiles who hoped to lure NATO jets into a deadly trap. NATO never lost a plane to this ruse, although allied pilots did bomb a number of decoys"¹⁰.

17. NATO losses were minimal. The Serbs' greatest achievement was to shoot down two American aircraft, including an F-117 *Stealth*. Pentagon officials think that both aircraft were hit by a missile fired from the stationary SA-air defence systems. "NATO pilots have long honed their tactics for evading and suppressing those 1960s-era missiles, but Serbs used some techniques not in the playbook"¹¹. The Pentagon officials' reaction to this incident was simply, "They got lucky"¹².

B. Deployment of KFOR

18. The Rambouillet Accords already made provision for the deployment of a military force in the Kosovo region. The conditions of the ceasefire between NATO and the FRY, set out in the "Military Technical Agreement" of 9 June

⁸ *Ibid.*

⁹ "The bombs that failed in Kosovo", *World report*, 20 September 1999.

¹⁰ "Tricky targeting tactics surprised both sides", *World Report*, 5 May 1999.

¹¹ *Ibid.*

¹² *Ibid.*

1999, were somewhat different from the original agreement and the operations of the Kosovo Force (KFOR) were restricted to the territory of Kosovo alone. UN Security Council Resolution 1244 paved the way for the deployment of an "international security force", of which KFOR formed the core. The arrival of Russian troops at Pristina airport (Slatina) and the desire expressed by the Russian authorities to maintain a substantial military presence in Kosovo led to the signature on 18 June, between the United States and Russia, of an "agreement on Russian participation in the international security force". These three texts together provide the framework for KFOR operations, although they contain a number of points which remain unclear.

1. The NATO-FRY Military Technical Agreement

19. Signed on 9 June following two days of intensive discussions, the "Military Technical Agreement between the International Security Force (KFOR) and the governments of the Federal Republic of Yugoslavia and the Republic of Serbia" paved the way for the deployment of Alliance forces. This technical agreement also contains a number of political points which temporarily limit Yugoslavia's sovereignty over the territory of Kosovo. What is striking about this text is that it imposes KFOR as the only international force present on the ground, although Resolution 1244, adopted on 10 June, theoretically allows any UN member state to be present in Kosovo. The KFOR acronym is systematically used in conjunction with the term "international security force" to make it clear that they refer to one and the same force.

20. The agreement contains six articles and two annexes, one on the gradual withdrawal of the Yugoslav military, paramilitary and security forces, and the second on KFOR operations in Kosovo. It establishes two safety zones, a 25 km air safety zone (ASZ) starting at the border between Kosovo and the FRY and a 5 km ground safety zone (GSZ). The agreement entered into force immediately after being signed by the two parties. The Yugoslav forces withdrew from Kosovo on the basis of three zones which were defined in the first annex. An 11-day period was granted in which to complete the entire withdrawal, but only three days were given for the Yugoslav air and air defence forces.

21. Furthermore, the document explains the objectives of KFOR:

- "(...) to establish and maintain a secure environment for all citizens of Kosovo and otherwise carry out its mission¹³;
- (...) to contribute to a secure environment for the international civil implementation presence, and other international organisations, agencies, and non-governmental organisations¹⁴;
- (...) provide appropriate control of the borders of FRY in Kosovo with Albania and FYROM until the arrival of the civilian mission of the UN¹⁵.

2. UN Security Council Resolution 1244 (10 June 1999)

22. Resolution 1244 retroactively provided a legal basis for NATO action in Kosovo and enabled the peaceful deployment of KFOR. However, there are a number of points on which the text is open to conflicting interpretations, making the quest for a satisfactory solution for Kosovo's future even more complex. A contentious point, for example, is how much value can be attached to the "(...) commitment of all member states to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia (...)" when there is a de facto physical, political and economic separation on the ground between Kosovo and the FRY. The call "for substantial autonomy and meaningful self-administration for Kosovo" is also called into question by the increasing role in the administration of Kosovo that has been accorded to the KLA, whose sole objective is independence.

23. The tasks of the international security force are defined in eight points¹⁶:

- “(a) deterring renewed hostilities, maintaining and where necessary enforcing and ensuring the withdrawal and preventing the return into Kosovo of Federal and Republic military, police and paramilitary forces, except as provided in point 6 of Annex 2;

¹³ Article I : General obligations ; §2.

¹⁴ Article I : General obligations ; §4.

¹⁵ Article II : Cessation of hostilities ; §2-h.

¹⁶ UN Security Council Resolution 1244 of 10 June 1999, §9.

(b) demilitarising the Kosovo Liberation Army (KLA) and other armed Kosovo Albanian groups (...);

(c) establishing a secure environment in which refugees and displaced persons can return home in safety, the international civil presence can operate, a transitional administration can be established, and humanitarian aid can be delivered;

(d) ensuring public safety and order until the international civil presence can take responsibility for this task;

(e) supervising demining until the international civil presence can, as appropriate, take over responsibility for this task;

(f) supporting, as appropriate, and coordinating closely with the work of the international civil presence;

(g) conducting border-monitoring duties as required;

(h) ensuring the protection and freedom of movement of itself, the international civil presence, and other international organisations”.

24. Thus the international security force, consisting of KFOR alone, finds itself confronted with tasks which go beyond conventional military duties. Enforcing law and order and monitoring borders take up most of its human resources and put it in the front line of inter-ethnic violence, as was the case in the town of Mitrovica. Having to perform such policing tasks at a time when the security situation of the Serb and Rom minorities is deteriorating, makes KFOR suspect in the eyes of those two communities which consider it to be biased. This could well trigger self-defence mechanisms which would make the internal situation even more dangerous.

25. Annex 2 to the Resolution also provides for the return of an unspecified number of Yugoslav security staff to fulfil the following functions¹⁷:

- “liaison with the international civil mission and the international security presence;
- marking/clearing minefields;

- maintaining a presence at Serb patrimonial sites;
- maintaining a presence at key border crossings”.

26. The conditions and scale of this return remain a source of friction between the Serb and Yugoslav authorities on the one hand, and the UN and KFOR local administrations, on the other. The growing role the KLA is accorded in the Kosovo Protection Corps, in which practically no other minority is represented, aggravates the feeling of insecurity among the non-Albanian population and makes their medium-term prospects for remaining in Kosovo look uncertain, while the absence of Yugoslav forces, even in the form of a token presence, represents a challenge to the territorial integrity of the FRY.

3. *The special case of the Russian forces*

27. The Russian Federation took a negative view of the NATO operation from the outset. Its diplomatic efforts, together with those of other European states, led to the adoption by the G-8 on 6 May 1999, in Petersberg, of seven principles, which were agreed to by the FRY authorities on 2 June¹⁸. Immediately after the adoption of UN Security Council Resolution 1244, some of the Russian forces stationed in Bosnia and Herzegovina crossed the border into the FRY and headed towards Pristina. This operation, which was prepared with the utmost secrecy and

¹⁸ “Immediate and verifiable end of violence and repression in Kosovo; withdrawal from Kosovo of military, police and paramilitary forces; deployment in Kosovo of effective international civil and security presences, endorsed and adopted by the United Nations, capable of guaranteeing the achievement of the common objectives; establishment of an interim administration for Kosovo to be decided by the Security Council of the United Nations to ensure conditions for a peaceful and normal life for all inhabitants in Kosovo; the safe and free return of all refugees and displaced persons and unimpeded access to Kosovo by humanitarian aid organisations; a political process towards the establishment of an interim political framework agreement providing for a substantial self-government for Kosovo, taking full account of the Rambouillet Accords and the principles of sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other countries of the region, and the demilitarisation of the KLA; comprehensive approach to the economic development and stabilization of the crisis region”.

¹⁷ Annex 2, §6.

without the knowledge of either the Russian political authorities or the Alliance, caused consternation among the NATO forces. We know today that the Commander of KFOR, most of whose installations and equipment were on the territory of the Former Yugoslav Republic of Macedonia, refused to obey SACEUR's order to prevent the Russian forces from taking possession of Pristina airport (Slatina).

28. Faced with a *fait accompli*, the United States authorities decided to negotiate the arrangements for the participation of Russian forces in KFOR directly with the Russian Federation. An accord was signed in Helsinki on 18 June 1999 on "Agreed principles for Russian participation in the international security force (KFOR) for Kosovo". While reaffirming KFOR's unity of command, the document nonetheless concedes that "(...) the Russian contingent in Kosovo will be under political and military control of the Russian Command". The number of Russian forces is set at "five battalions with a total strength not exceeding 2 850 troops, plus up to 750 troops for the airfield and logistics base operation combined, plus 16 liaison officers"¹⁹. Their operating zones are in the German (Malisevo), American (Kosovska Kamenica) and French (Lausa) sectors respectively. A logistics base has been established in Kosovo Polje. The direction of operations in the Pristina airport area is shared between KFOR and the Russian forces, under the auspices of a "Director of Kosovo Air Operations working for the KFOR Commander".

29. This agreement also provided a basis for reopening the military dialogue between the Russian Federation and NATO, which had been broken off at the beginning of the air campaign in the FRY. It contains the following provisions concerning liaison with the Russian forces participating in KFOR:

"(a) Russia will return the Russian Military Representative to SHAPE, augment his staff and expand their responsibilities to include Russian participation in KFOR. The Russian representation will consist of up to 10 officers;

(b) Russia will establish a liaison group with HQ AFSOUTH. The Russian liaison group will consist of three officers"²⁰.

30. To date, Russia's participation in KFOR has gone fairly smoothly, with the exception of one incident involving the relief of Dutch troops in Orahovac. Faced with opposition from the local ethnic Albanian population, publicly supported by the KLA, the Russian forces gave up the attempt to deploy after five days of discussions (22-27 August 1999). On 6 September, a Russian patrol intervened in a confrontation between Serbs and Albanians and used force in legitimate self-defence, killing three Serbs, one of whom was carrying documents proving that he belonged to the Yugoslav security forces.

4. *The results of KFOR's deployment*

31. On 10 June 1999, following the signature of the Military Technical Agreement and the adoption of Resolution 1244, the North Atlantic Council authorised the launch of Operation Joint Guardian, of which the objectives²¹ are to:

- "establish a security presence in Kosovo, as authorised by the UN Security Council Resolution (UNSCR) 1244 and further defined in the Military Technical Agreement (MTA) signed by military authorities from the Federal Republic of Yugoslavia and NATO;
- verify and enforce the terms of the MTA;
- establish a secure environment in which refugees and displaced persons can return home in safety;
- establish a secure environment in which the international civil presence can operate, a transitional administration can be established and humanitarian aid can be delivered;
- help achieve a self-sustaining secure environment which will allow public security responsibilities to be trans-

¹⁹ Agreed points on Russian participation in KFOR, Helsinki, 18 June 1999, www.nato.int/kosovo

²⁰ Liaison arrangements for participation of Russian forces in KFOR, attachment 6, Helsinki, 18 June 1999, www.nato.int/kosovo

²¹ NATO, Allied Forces Southern Europe (AFSOUTH), www.afsouth.nato.int/int/kfor

ferred to appropriate civil organisations”.

KFOR is the land component of the operation, which also has naval and air support.

32. On Kosovo territory there are military units from 21 states²², totalling almost 40 000 troops. The KFOR headquarters is in Pristina and Kosovo has been divided into five zones:

- North, in the region of Kosovska Mitrovica, under the responsibility of France (7 000);
- South, in the region of Prizren, under the responsibility of Germany (8 000);
- West, in the region of Pec, under the responsibility of Italy (6 000);
- Centre, in the region of Pristina, under the responsibility of the United Kingdom (8 000);
- East, in the region of Gnjilane, under the responsibility of the United States (6 000).

33. KFOR’s deployment started on 12 June and has gone smoothly, with the exception of a few isolated encounters with elements of the withdrawing Serb security forces. Nevertheless, KFOR was unable, during the first few days of its deployment, to prevent acts of revenge or banditry committed by ethnic Albanians belonging, or claiming to belong, to the KLA. This provoked a mass exodus of Serbs from Kosovo, followed by members of the Rom community and of other ethnic minorities. Given the absence of representatives of the United Nations, OSCE and European Union, responsible for the political and economic stabilisation of Kosovo, the policing and reconstruction tasks fell initially to KFOR.

34. Its efforts to maintain law and order have sometimes led to limited confrontations with KLA elements, who seized upon the vacuum created by the departure of the Yugoslav security forces to establish their own political, administrative and economic power base in Kosovo. To

²² Belgium, Canada, the Czech Republic, Denmark, France, Germany, Greece, Hungary, Italy, the Netherlands, Norway, Poland, Portugal, Spain, Turkey, the United Kingdom and United States (NATO) and Austria, Finland, Russia and the United Arab Emirates (non-NATO): www.afsouth.nato.int/kfor

date, the most difficult situation has been the one confronting the French troops in Mitrovica, a town divided between ethnic Albanians and a still sizeable Serb minority. All over Kosovo, a considerable share of the KFOR resources is devoted to protecting minority groups unable to protect themselves.

35. Relations between KFOR and the KLA are a delicate issue, for the presence of an international security force represents a major obstacle to the independence for Kosovo that is the KLA’s declared aim. KFOR’s impartiality may encourage Serbs and the members of other ethnic minorities who have fled to neighbouring countries to return. The KFOR presence, like that of SFOR in Bosnia, preserves the *status quo*, pending changes in the FRY’s internal political situation, which will determine the future status of Kosovo. The period that began with the deployment of KFOR in Kosovo is fraught with uncertainty, particularly as regards the security of Kosovo and of the Balkan region as a whole.

III. Security problems in Kosovo

36. “We emerge from this conflict neither satisfied nor complacent, but rather determined. There are far too many dead, traumatised and abused people for any other emotion. Added evidence of the extent of Mr Milosovic’s crimes may come to light in Kosovo’s new dawn. And as we have learned in Bosnia, when conflict ends, the even more difficult job of winning the peace begins”²³. With these words at the end of the conflict between NATO and the FRY, US Secretary of State Madeleine Albright summed up the difficulty of the task of rebuilding Kosovo and the problems it poses for the future stability of the region.

37. One of the aims of the NATO operation was to “stop the killing and achieve a durable peace that prevents further repression and provides for democratic self-government for the Kosovar people”²⁴. Although the violence perpetrated by the Yugoslav authorities against Kosovo’s Albanian majority ended with KFOR’s arrival and the departure of the Yugoslav military

²³ *Wall Street Journal*, 14 June 1999.

²⁴ “US and NATO objectives and interests in Kosovo”, US State Department, 26 March 1999.

and police forces, the task of establishing a “durable peace” and “self-government” in an unstable and violent situation remains. At the same time, those who live in fear are now in the other camp, only this time the ethnic groups that are victims of violence have no protection, for there is no Serb or Rom equivalent of the KLA. Moreover, it is difficult, following the support given by some European governments and the United States to the Kosovar Albanian population before and after the conflict, to explain to public opinion that members of that same community are now themselves responsible for acts of violence against minority groups in Kosovo. While some Yugoslav military and civilian authorities and other elements were clearly to blame for oppressing the Albanian population, their guilt has now been extended to the whole community.

38. In order to maintain the semblance of a multi-ethnic society in Kosovo, if that is the appropriate term when over 90% of the population belongs to the same ethnic group, it is vital to protect the safety of minority groups. KFOR and UN police forces play a crucial part in that respect. Another issue is the economic situation. From 1989 to 1999, Kosovo’s Albanian population, excluded from the region’s decision-making bodies, developed its own, parallel structures in the fields of education, health and trade. These covered the basic needs of most of the Albanian population, particularly in urban areas. Moreover, the funds sent by the Kosovar Albanian diaspora, together with international aid, provided the community with a not inconsiderable source of support.

39. The Serb minority, particularly in urban areas, faces economic and social hardship following the withdrawal of Yugoslav forces from Kosovo. Since it does not have the same support from inside or outside the community, its continued existence is threatened and it is only the ongoing economic crisis in the FRY which prevents its members from leaving Kosovo altogether. Economic reconstruction in Kosovo, if it is pursued without discrimination, will help improve the security situation for minorities and reduce mistrust between the different ethnic groups. Finally there is a political dimension to the international community’s work in Kosovo, which has the task of building representative institutions and developing a dialogue among the different ethnic groups.

A. The role of KFOR in stabilising Kosovo

40. The decision to launch NATO air strikes against the FRY was taken by the North Atlantic Council alone and carried out by the military structures of the Atlantic Alliance. The administration of Kosovo, which remains a part of the FRY, is the responsibility of the United Nations, which operates through UNMIK (United Nations Interim Mission in Kosovo), in cooperation with the European Union and the OSCE. The United Nations is also responsible for maintaining law and order by means of an international police force which it is the task of the OSCE to train. KFOR operations in Kosovo must therefore take account of the different views and agendas of the other organisations present in the region.

41. Two other important factors must be borne in mind for any international action in the region. One is the part played by the KLA in the management of the region’s affairs, the other is the development of the internal situation in the FRY and the need to define a new status for Kosovo. The future of the KLA, whose military structure was supposed to have been disbanded on 19 September 1999, was decided by an agreement concluded between the KLA and KFOR on 20 June 1999, in compliance with the provisions contained in UN Security Council Resolution 1244. Kosovo’s status is a matter for a future decision by the Security Council, which will also take account of the opinion of the FRY, without which it would not be possible to achieve the consensus needed for the adoption of a resolution.

1. Internal security in Kosovo

42. “Around 30 people are being killed each week in Kosovo, where a lack of police and a justice system have contributed to a ‘vacuum of law and order’”²⁵. The rapid departure of the Yugoslav security forces left the Serb civilian population defenceless against the Albanian majority and elements of the KLA, while KFOR, in the process of deployment and concerned with the safety of its own troops, did not have the time to intervene between the various communities. After a decade of repression during which the rights of the ethnic Albanian and other minorities, mainly Muslim Serbs, had been trampled on, a desire for revenge was to be expected. What is less excusable is the failure of the inter-

²⁵ *SHAPE News*, 2 August 1999, www.shape.nato.int

national community to take the necessary steps to contain and alleviate the violence.

43. This was acknowledged by KFOR Commander, Lieutenant-General Sir Michael Jackson, in an interview with the *Sunday Telegraph* on 1 August 1999, when he stated that "too many Albanians haven't realised we're trying to do something new and different here. Some Albanians have behaved in a very similar way to those who have just left. (...) It's no good pointing your finger at me. KFOR is not the answer. We are doing all we can, but attitudes can't be changed, thinking can't be changed, with a soldier"²⁶.

44. Indeed, KFOR's arrival was not initially followed up by civilian support from the United Nations and the OSCE. The tasks of maintaining law and order and repairing local infrastructure damaged by the internal conflict and NATO bombing fell to the international security force. The Commander of the German forces based in Prizren, General Wolfgang Sauer, told the *Berliner Zeitung*, on 7 August 1999, that "there was no law and order, no street cleaning and firemen, hospital staff and utilities employees were working without pay. Doctors, paramedics and nursing staff were receiving occasional payments of 100 German marks just so that they wouldn't simply run away"²⁷. The German troops carried out policing tasks, repaired houses and roads and performed demining operations.

45. It was only on 8 August, two months after KFOR's arrival in Kosovo, that the first international police units arrived and started their patrols, mainly in Pristina²⁸. It took until 7 September to instal 1 024 police officers, although since June the plan had been to send 3 000²⁹. During those three months, the situation of the minorities in Kosovo only worsened, leading to a process of ethnic regrouping in the towns and villages, with all the attendant problems of providing health care and supplies to the people concerned, and education for their children. This mobilised part of the resources of KFOR, which found itself

providing escorts and physical protection for the Serb, Rom and other minorities.

46. The international police forces clearly do not have the numerical strength needed to guarantee the safety of the some 100 000 members of Kosovo's minority groups. The United Nations reported on 7 September the presence of some 500 policemen in Pristina (roughly 20 000 Serbs)³⁰, 49 in Mitrovica (12 000 Serbs), 35 officers in Prizren (150), 35 in Gnjilane (3 500), 26 in Pec (450) and 78 on border policing duties. On 13 September, the UNMIK international police force was declared operational for the region of Pristina. On 22 September, UNMIK reported that 1 400 police officers were deployed in Kosovo³¹.

47. In parallel, the OSCE police training operation was launched, starting with 200 recruits, of whom 17 were members of the minority groups. This police force, due to attain a strength of 3 000 officers, nonetheless risks being sidelined by the Kosovo Protection Corps which has succeeded the KLA, which is also 3 000 strong, plus 2 000 reservists. This new force, composed almost entirely of ethnic Albanians and commanded by one of the KLA military leaders, Agim Ceku, helped consolidate the power base of this military and political organisation in Kosovar Albanian society.

2. Demilitarisation of the KLA

48. The KLA³² has not been able during its short existence (1997-99) to assert itself as a credible partner either in the political dialogue with the FRY authorities or with NATO, the European Union and the individual states which supported the cause of Kosovar Albanian autonomy. Militarily speaking, it played a minor role during the war and its action was successfully countered by the Yugoslav forces. Its programme of independence for Kosovo is not accepted by some of the FRY's neighbouring states and also calls into question the principle of preserving the FRY's territorial integrity, enshrined in UN Se-

²⁶ "Jackson: Albanians are as bad as Serbs", *Sunday Telegraph*, 1 August 1999.

²⁷ *SHAPE News*, 8 August 1999, www.shape.nato.int

²⁸ *Ibid*, 9 August 1999.

²⁹ United Nations, UNMIK, www.un.org/peace/kosovo/pages/kosovo1.htm, 7 September 1999.

³⁰ "Second assessment of the situation of ethnic minorities in Kosovo": UNHCR, OSCE, 6 September 1999, www.osce.org/kosovo/reports/minorities.htm

³¹ UNMIK, status report, 27 September 1999, www.un.org/peace/kosovo/pages/kosovo_status.htm

³² The origins, structure, aims and activities of the KLA are described in the Committee's previous report: "The situation in Kosovo", Assembly Document 1651, 10 June 1999.

curity Council Resolution 1244. Within the region itself the KLA is still distrusted by part of the Kosovar Albanian political class and in particular by Ibrahim Rugova's Democratic League of Kosovo.

49. However, the KLA is a factor that the Kosovo international administration and KFOR have to reckon with, for it has the capacity to destabilise the international presence. The solicitude shown by KFOR and the UN administration for the KLA's political leader Hashim Thaci illustrates his importance for the internal stabilisation of Kosovo. The negotiations held on 19 September 1999 with a view to disbanding the KLA, attended by SACEUR in person, not only demonstrated the negotiating skills of the KLA's political and military leaders, but also its real ability to obtain concessions from KFOR and the UN local representatives.

50. Provision for the programmed dissolution of the KLA was made in UN Security Council Resolution 1244 in paragraphs 9(b)³³ and 15³⁴. An "Undertaking of demilitarisation and transformation by the UCK (KLA)"³⁵ was signed on 20 June by NATO (on behalf of KFOR) and the KLA political and military leadership. This agreement, like the abovementioned texts, contains a number of ambiguous points which will have consequences for the future of Kosovo and regional stability. The document provides for a "ceasefire by the UCK (KLA), their disengagement from the zones of conflict, subsequent demilitarisation and reintegration into civil society. (...)" (paragraph 1). KFOR's concern to assure the safety of its forces and that of the international civil implementation presence vis-à-vis the KLA emerges clearly in paragraph 6(b) of the agreement:

³³ "Decides that the responsibilities of the international security presence to be deployed and acting in Kosovo will include: (...) Demilitarising the Kosovo Liberation Army (KLA) and other armed Kosovo Albanian groups (...)"

³⁴ "Demands that the KLA and other armed Kosovo Albanian groups end immediately all offensive actions and comply with the requirements for demilitarisation as laid down by the head of the international security presence in consultation with the Special Representative of the Secretary-General".

³⁵ "Undertaking of demilitarisation and transformation by the UCK", 20 June 1999, www.nato.int/kosovo/docu/a990620a.htm

"6. The purposes of this Undertaking are as follows :

(...)

(b) To provide for the support and authorisation of the KFOR (...) and to contribute to a secure environment for the international civil implementation presence, and other international organisations, agencies, and non-governmental organisations and the civil populace".

51. The agreement sets a 90-day deadline for demilitarisation of the organisation and disbanding its military structures. It makes provision for a joint committee headed by the KFOR Commander and composed of senior officers from KFOR and the KLA (thereby giving the latter "army status") and a representative of the civilian administration in order to monitor the process. This is tantamount to "political" recognition of the KLA by KFOR and UN representatives. At the end of the agreement are two controversial points, contested by the FRY, stipulating that "the international community should take due and full account of the contribution of the UCK (KLA) during the Kosovo crisis and accordingly give due consideration to :

"(a) Recognition that, while the UCK (KLA) and its structures are in the process of transformation, it is committed to propose individual current members to participate in the administration and police forces of Kosovo, enjoying special consideration in view of the expertise they have developed;

(b) The formation of an army in Kosovo on the lines of the US National Guard in due course as part of a political process designed to determine Kosovo's future status, taking into account the Rambouillet Accord" (paragraph 25).

52. Given the current situation in Kosovo, recognition of the KLA and of its influence over a large part of the Kosovar Albanian community is a logical solution to the problem of assuring the safety of KFOR and the international civil implementation presence. As far as its actual disarmament is concerned, KFOR has assumed the role of guarantor for that part of the agreement. However, the KLA remains divided at grass roots level on the demilitarisation agree-

ment, and some local leaders might in the future contest the direction in which it is moving if the quest for independence, which remains the aim of the KLA leadership and is supported by other Kosovar Albanian political forces, is not successful in the medium term. The international presence in Kosovo could in that case become a target for certain extremist Albanian elements which see it as an obstacle to independence.

3. The future of the international military presence in Kosovo

53. Following 78 days of air strikes and long drawn-out diplomatic negotiations, KFOR troops occupied the territory of Kosovo with a view to helping resolve the problems of this province and stabilising the region. Four months on, KFOR and the international civilian presence in Kosovo are struggling with a whole host of problems, more of a political than military nature, but which have consequences for the defence arrangements of the states involved in the operation. The basic question concerns the recourse to military means in order to solve the political, economic and social problems which are at the root of the crises in former Yugoslavia.

54. If the point is to demonstrate that NATO is making an effective contribution to regional stability, then that has been proven beyond doubt, at least since the Bosnian crisis. The problem is that NATO does not have the civilian, police and economic assets required to improve and stabilise the situation in the region in the medium and long term. Those tasks are left to other, less integrated organisations within which there are different assessments and conflicting interests. A recent precedent, since overshadowed by the Kosovo crisis, was Bosnia and Herzegovina.

55. Since 1995 – first through IFOR and then (1997) SFOR – NATO has been maintaining the demarcation lines between the Croat-Bosnian Federation and Republika Srpska in Bosnia and Herzegovina. A federal, bipartite government exists on paper, together with local governments in Sarajevo, Mostar and Banja Luka. The various militia groups have been disarmed and in exchange three official armies – Muslim, Croat and Serb – have been maintained. Little headway has been made with integrating the Croat and Muslim armed forces, in spite of American ef-

forts. The economy relies on international aid, unemployment stands at 40% in the Croat-Bosnian Federation and probably even higher in the Republika Srpska.

56. In view of events in Bosnia and Herzegovina, it is important to avoid repeating past mistakes concerning the use of force to resolve internal conflicts. Indeed, the task of reorganisation and reconstruction cannot be performed without taking into account the specific regional situation in terms of the coexistence of different ethnic and religious communities. Kosovo's problems did not begin in 1989, they existed even before Slobodan Milosevic came to power. There was never any real symbiosis between the ethnic Albanian and Serb communities and there was little mixing between the two groups, contrary to the situation in Bosnia, where there *was* a certain amount of ethnic mixing. Currently, in Kosovo, it is important for the UN administration to assert its authority and enforce the provisions of Resolution 1244, without which there is a possibility that UN intervention might no longer be accepted in similar conflicts on the continent of Europe.

57. The "Kosovo effect" is already being felt in the Russian Federation in connection with Chechnya. No UN agency has so far been authorised to move into the area and there has been no response to the offers of assistance to refugees made by the OSCE and EU, contrary to what happened in 1994. This is probably due, among other things, to the same concern for ensuring respect for territorial integrity as that felt by the FRY with regard to Kosovo. Moreover, the interpretation of that principle varies according to the power structures in Europe. In the case of Croatia and of Bosnia and Herzegovina, it was strictly applied at the cost of mass expulsions of the Serb population in the first instance and of a physical separation of the three groups – Bosnian, Serb and Croat – in the second case. For the moment this is an unknown factor as far as Kosovo is concerned, but the fact that double standards are applied when judging ethnic Albanians (all victims) or Serbs (all perpetrators) will in the long run make it difficult to comply with the stated aim of Resolution 1244, which is to keep Kosovo in the FRY. Yet the principle of territorial integrity is one of the founding principles of all modern states, including the member states of the European Union.

58. If the territorial integrity of a state is to be maintained, there must be an agreed and accepted link with a central political authority. The problem is that in some cases, the imbalance between different population groups can make it difficult to create or maintain such a link in the absence of common interests. In such instances mediation – backed up by practical economic and political proposals and measures – is essential. In the particular geographic context of the Balkans, the key to finding a solution to the problems rests with the FRY and Albania. To completely discount Serbia or apply an “Iraqi-style” policy of containment is a dubious solution in terms both of time and effectiveness. Moreover, this will have negative repercussions in the short and medium term, in that it will put pressure on the economy of the former Yugoslavia Republic of Macedonia, and on those of Bulgaria and Romania, thereby jeopardising the political development of those states and their *rapprochement* with NATO and the EU. As far as Albania is concerned, internal political instability, compounded by a weak economy and the uncontrolled proliferation of weapons may escalate into armed conflict, as it did in 1997, unless there are more energetic diplomatic efforts on the part of the EU member states.

59. The situation is all the more worrying in view of the fact that current stability depends almost entirely on the deployment of NATO and other national forces in the region, without there being any real exit strategy. Moreover, any state can take a unilateral decision to withdraw at any time, which is what happened in 1995 when the United States decided it would no longer participate in the UN embargo on arms deliveries to Bosnia and Herzegovina. It cannot be taken for granted that the situation will improve, and without considerable economic and social development in the region, together with real prospects for integration in the EU or *rapprochement* with it, we may see a further disintegration of former Yugoslavia, with negative repercussions for FYROM³⁶ and other south-eastern European states. The presence of international troops must not become an end in itself. Rather, it must be

³⁶ See the articles entitled “Macedonia presidential campaign dominated by Kosovo” and “Macedonia’s Petkovski warns against free Kosovo”, *Albanian Daily News*, 29 October and *Central Europe Online*, www.centraleurope.com, 1 November 1999.

part of a coherent and generous overall strategy which is attentive to the real needs of the population. This is a task for the EU and indeed, it represents – above and beyond all the fine words – the first real test of the new Common Foreign and Security Policy announced in the Cologne Declaration.

B. Lessons for Europeans

60. The Kosovo war has given rise to many conflicting assessments and interpretations of the factors responsible for victory (air power, NATO’s unity and determination, the role of the Russian Federation, for example). All this has consequences for Europe’s plans in the field of a common security and defence and for the future of transatlantic relations. The effects will be most strongly felt and enduring in the latter case, for this war brought home in no uncertain terms the technological and doctrinal gap between the United States and the other members of the Alliance. The complexity of the multinational decision-making process and the differences of opinion between Europeans and Americans, including military leaders³⁷, are different facets of the same problem. Indeed, it dates back to the 1980s when the United States embarked on a far-reaching reform of its armed forces and defence industries, with a particular focus on new technologies, the effects of which can be felt today in the way it deploys its military strength.

61. Progress in the fields of satellites, radar, guidance systems and information technology has led to changes in the American military mind-set and vindicated those who advocate the use of air power. The conflicts in the Gulf, Bosnia and Herzegovina and Kosovo provided the opportunity to demonstrate not only the possibilities but also the limitations of “technological” warfare with “zero fatalities”, limited losses in terms of materiel and a more “humane” approach by avoiding “collateral damage”, in other words, casualties among the enemy’s civilian population. The aim of such warfare is no longer to occupy “enemy” territory and force its population into submission, but rather to force a government to change its domestic or foreign policy, or even to bring that government down, without having to intervene directly on the ground.

³⁷ Indeed there were also differences of appreciation between SACEUR and the Pentagon, particularly with regard to the use of air power.

62. This is the policy, already applied to Iraq, which the United States advocates for Serbia. In both cases the aim is to bring about an internal change, replacing a “hostile” government with a “friendly” one, or at least one that is more sympathetic to the political objectives of the United States, in the first instance, and of NATO and the EU in the second. One may, however, well ask whether the hoped-for results are worth the sacrifices imposed on the civilian population. Saddam Hussein’s regime, were it to fall, would not be replaced by a democratic government in that part of the world in which only Turkey and Iran elect their leaders and accept changes of government to some degree. Similarly, if the present Serbian government were to be replaced by representatives of the opposition parties, this would not necessarily mean the unconditional acceptance of independence for Kosovo, which is the long-term objective of all strands of Kosovar Albanian political opinion.

1. Transatlantic relations after Kosovo

63. Six months after the cessation of hostilities, each of the major NATO members is trying to draw its own conclusions from the war in Kosovo. While their military assessments look similar, they do not all agree on the approach to be adopted in the case of future operations of the same type or of a larger-scale conflict.

(i) The United States

64. In the published summary of its “Kosovo After-Action Review”³⁸, the US Defense Department focused on two points: “Alliance and coalition warfare” and “Deployment, employment and sustainment”:

“NATO’s internal command relationships had not been used previously to plan and conduct sustained combat operations. Parallel US and NATO command and control structures and systems complicated operational planning and maintenance of unity of command.

The US needs to work with allies to:

Enhance NATO’s contingency planning process for non-Article V operations (operations that do not involve an armed

attack against one or more of NATO members);

Develop an overarching command and control policy;

Enhance procedures and conduct exercises strengthening NATO’s political-military interfaces.

Operation Allied Force would not have been possible to conduct without the use of our allies’ military infrastructure, including military bases, airfields, and airspace.

Disparities between US capabilities and those of our allies, including precision strike, mobility, and command, control, and communications capabilities had the effect of impeding US ability to operate at optimal effectiveness with NATO allies.

Successful implementation of the Defense Capabilities Initiative must remain one of NATO’s top priorities because it will enhance allied military capabilities in five key areas: deployability and mobility, sustainability and logistics, effective engagement, survivability of forces and infrastructure, and C2 and information systems³⁹.

DoD needs to develop options for earlier and more efficient use of the capabilities resident in its reserve forces.

The C-17 made the concept of direct delivery the strategic air movement of cargo – from an aerial port of embarkation to an airfield as close as practicable to the final destination – a reality.

DoD systems for planning and executing transportation of its forces were strained by the rapidly evolving requirements. DoD is responding by improving its ongoing programmes to provide automated, rapid-response transportation planning.

When possible, increased use of sealift assets should be considered in future conflicts and contingencies.

One of the most useful communications capabilities was provided by the wide-

³⁸ This review of the results of the war is still under preparation: www.defenselink.mil

³⁹ “Lessons Learned from Kosovo”, www.defenselink.mil

band dissemination system, an advanced concept technology demonstration used extensively throughout the conflict for rapidly transmitting high-priority imagery of emerging targets.

The allied air offensive was sustained and, in fact, expanded because we maintained pressure on their air defence systems, forcing the Serbians to keep their systems hidden under most circumstances and to use defensive tactics that limited the systems' effectiveness.

The heavy commitment of NATO's air defence suppression forces indicates we need to find innovative and affordable ways to exploit our technological skills in electronic combat to bring greater pressure to bear on a future enemy's air defense system.

Success using these latest generation of air-delivered munitions systems (e.g., Joint Direct Attack Munition (JDAM)) in Kosovo validates production plans to increase inventories.

The conduct of an integrated information operations campaign was delayed by the lack of both advance planning and strategic guidance defining key objectives⁴⁰.

65. The Pentagon analysts also stressed that:

"(...) New technologies, such as video imagery from munitions in the terminal attack phase, will likely help improve battle damage assessment performance in the future, but a substantial degree of uncertainty will continue to exist in any future war.

Unmanned aerial vehicles (UAVs) were used to an unprecedented degree in Operation Allied Force. Improved mission planning, improved processes for interaction between UAV operators and manned aircraft, frequent and realistic training opportunities, and equipment upgrades for individual UAVs all would benefit future force effectiveness.

⁴⁰ *Ibid*: "Deployment, employment and sustainment", www.defenselink.mil

(...) Humanitarian operations connected to the Kosovo crisis highlighted the importance of such resources as linguists and civil affairs personnel, engineering assets capable of emergency repair of roads and bridges in very austere environments, detailed maps of the relevant areas and pre-positioned stocks of tents and water bladders.

The capability of US forces to achieve outstanding mission success must be tempered by an understanding of the indirect costs in terms of reduced readiness in US-based forces and the post-conflict "re-constitution" expenses necessary to restore the deployed forces to a satisfactory steady-state operational tempo⁴¹.

(ii) *The United Kingdom*

66. The British Ministry of Defence noted five important points:

- (...) From the international perspective, the first lesson for the Alliance is the value of unity of purpose (...);
- second, in cooperation with our Allies, we need to examine ways in which member states can increase their qualitative and quantitative military contribution to NATO's overall capabilities. The priority lies in such areas as precision attack weapons, secure communications and strategic movement assets. Interoperability of systems will, of course, be a key component of this;
- third, there is a particular need to boost European capabilities. In order to strengthen our ability to use force effectively, we Europeans need to improve the readiness, deployability and sustainability of our armed forces and their ability to engage in both high intensity operations and those of an expeditionary nature. This would strengthen our contribution to NATO, which remains the sole instrument for collective defence. NATO will still be the natural choice for the conduct of non-Article 5 crisis-management operations

⁴¹ *Ibid*: "Other lessons learned", www.defenselink.mil

which North American and European Allies might choose to undertake in the future. A strengthened European capability would allow us to undertake European-led crisis-management operations, in circumstances in which the whole Alliance is not engaged. We strongly support the focus of the European defence debate on these key capabilities and the more effective targeting of defence resources. We will pursue these aims through NATO's Defence Capabilities Initiative, and the Western European Union's audit of European capability (...);

- fourth, our experiences have vindicated the analysis that underpinned the Strategic Defence Review. While full implementation of the Review's recommendations has not yet been completed, the requirements on deployability, mobility and sustainability have been firmly underlined;
- the fifth lesson reflects the importance of efficient military and political consultation and decision making machinery in the Alliance. Throughout the conflict, Allies kept in constant touch, both in NATO and through bilateral and multilateral contacts at Ministerial, Head of Government and senior military and diplomatic staff level (...)⁴².

67. This document tackles another important issue: public relations and public opinion. The document states:

"The importance of public opinion cannot be over-emphasised (...). It is clear that, in democratic countries with a free press, this fast-moving area is a characteristic of modern conflict which is likely to be increasingly demanding in the future."

68. Following the preliminary conclusions drawn from this initial assessment, the British defence authorities decided to focus on "the UK's capability for air and stand-off attack of a range of targets in varying weather conditions. Detailed examination of what was achieved, as well as

operational analysis of future options, will be required. A range of issues in the very fast-moving communications and information systems areas need continuing scrutiny to ensure that we can gather and pass information securely and quickly at a number of levels. These range from Headquarters to, perhaps, individual aircraft, tanks and ships. We need to take forward work already outlined in the Strategic Defence Review on deploying and supporting our Services on expeditionary operations"⁴³.

69. However, according to the British newspaper *The Sunday Telegraph*⁴⁴, in a reference to the confidential army report drafted by Brigadier Adrian Freer⁴⁵, "NATO troops' advance in Kosovo had the potential to be hampered by serious difficulties in communications and the chain of command". According to this report which was cited in the newspaper, "ComKFOR's (General Sir Michael Jackson's) intent was not always transmitted with sufficient detail and coordinating instructions. Even when detail was requested from KFOR it was not always forthcoming. This led to improvisation at brigade level and a consequently asymmetric effect within KFOR as different brigades made their own interpretations. (...) The division of responsibilities between national and NATO operational chains of command took some time to become clear (...)". According to *The Sunday Telegraph*, "The report supports recent testimony to the United States Congress by General Wesley Clark, NATO's overall commander during the Kosovo campaign. In July, General Clark told congressmen that the Alliance was "hamstrung by competing political and military interests that may have prolonged the conflict". Finally, the article quotes Royal Air Force officers and Air Vice Marshal Jock Stirrup, the assistant chief of the air staff, who gave the following assessment of the air strikes: "We don't know how many tanks were destroyed and we will have no way of knowing".

(iii) France

70. During a seminar organised by the French Defence Ministry on 21 June 1999 on "Initial

⁴³ *Ibid.*

⁴⁴ "General Jackson criticised by Kosovo report", *The Sunday Telegraph*, 17 October 1999.

⁴⁵ Brig. Freer was in charge of the Parachute Regiment and Gurkha soldiers who were the first, apart from special forces, to enter Kosovo on 12 June.

⁴² "The Kosovo Crisis": A Paper by Lord Robertson of Port Ellen, UK Ministry of Defence, www.mod.uk

lessons to be drawn from the operations in Kosovo”, the French authorities expressed the view that progress had been made in the fields of “intelligence, daylight and night precision strikes and the aptitude of personnel to participate in all levels of the NATO chain of operational command”. The last point is important, given that France is not “integrated” in the military structure of the Atlantic Alliance. The document also points out, however, that “the balance is still heavily tilted in favour of the United States. Although Europe had a sufficient number of aircraft, the imbalance reinforces the effects of the United States’ technological lead. This enables it to play a predominant role, in particular in the command structures. Better coordination of the command of the European air forces would help reduce the gap. In the future, concerted or even joint planning of studies and defence equipment will be necessary, in order to make the most of European countries’ strong points, optimise their assets and reduce that gap”.

71. Various aspects of the command of operations in Kosovo were examined with a view to improving procedures and preparing more effectively for future operations. Key sectors were defined for the purposes of the assessment, including command structures, observation, electronic warfare, military sea- and airlift, in-flight refuelling and civil-military operations. These sectors are very important, not only from an operational but also a political standpoint, for they are areas in which the gap between Europe and the United States is growing. During the session devoted to the “capability gap” vis-à-vis the United States, it was stressed that:

“This conflict highlighted the disparities between the military assets of the United States and those of Europe. The United States has developed massive military capabilities consistent with the global ambitions it has entertained since the end of the second world war. These disparities are also due to the efforts made since the beginning of the 1980s in the field of research and armaments programmes. Our technological lag in certain areas, such as the real-time control of information and stealth techniques, is due more to our smaller research budgets (Europe’s total defence research budget is three times less than that of the United States) than to a

problem of know-how on the part of European companies. Furthermore, the Kosovo conflict highlighted both the quantitative shortfalls – which may affect our capacity to sustain operations over a long period – and a total lack of certain items of equipment (cruise missiles, radar satellite observation systems or jamming systems, double identification of aircraft).

European countries, including NATO members, probably do not have the means to completely close the “capability gap” in the immediate future. It is therefore appropriate to identify those areas in which we wish to offset existing disparities and shortfalls and, taking into account the budgetary constraints, to establish priorities. It is important that such measures should be taken in coordination with our European partners, with the aim of acquiring strategic autonomy for Europe. At the end of the day this approach should enhance the synergy between the defence budgets of European countries and promote a strengthening of Europe’s defence industrial and technological base.”

IV. Conclusions

72. In a study of the Kosovo war published in the magazine *Foreign Policy*⁴⁶ (Brookings Institute), there is a quote by the former Head of the United States Joint Chiefs of Staff, General Colin Powell, concerning the command of military operations:

“Decisive means and results are always to be preferred, even if they are not always possible. So you bet I get nervous when so-called experts suggest that all we need is a little surgical bombing or a limited attack. When the desired result isn’t obtained, a new set of experts then comes forward with talk of a little escalation. History has not been kind to this approach.”

73. NATO’s military intervention in Kosovo cannot be reduced entirely to such an approach, although from the conceptual and planning points

⁴⁶ “Unlearning the lessons of Kosovo”, Ivo H. Daalder and Michael E. O’Hanlon, in the autumn 1999 issue of *Foreign Policy*, www.brook.edu

of view it came close. It did, however, open a new chapter in international relations and mark a new phase in their development. The crises of the past five years in Europe, Africa and Asia have shown the limitations of the regulatory system built up around the United Nations and various regional organisations (OAS, OAU, OSCE). In the absence of any means of intervention other than those made available to those organisations by their different member states, and in the absence of appropriate command and control structures, such crises have had to be resolved by means of unilateral action, which, depending on the power structures in that particular region, has a disproportionate presence⁴⁷ in Kosovo, none at all in Africa, a hesitant approach in Asia (Indonesia and East Timor) and muffled reservations with regard to Chechnya.

74. Respect for human rights, protection of minorities, the right of self-determination, respect for electoral choices and the refusal to accept border changes imposed by force: all these principles are invoked to suit the circumstances and, depending on whom one is dealing with, used as political "weapons". This can only weaken their impact and make any appeal to them, particularly by western countries, suspect. The recent annual session of the UN General Assembly revealed the rifts dividing the advocates of "humanitarian interference" from those who wish to abide by the traditional principles that have governed international relations since 1945, including that of non-interference in other countries' internal affairs. The Kosovo crisis marked a turning-point, after which people began to challenge the present international system.

75. However, it is the peoples concerned who must have the last word. The great majority of Kosovar Albanians have opted for independence, whoever is President of Yugoslavia. The Albanians of the Balkan region have embarked on a process of rediscovery of their linguistic, cultural and historical ties which transcend the borders fixed by those same states which have decided

⁴⁷ Some of the European funds for the reconstruction of Kosovo were taken from EU aid for developing countries. The budget earmarked by the US Government for setting up Camp Bondsteel to accommodate the American troops in Kosovo is higher than UNMIK's budget in real terms (source: *Le Monde*, 13 October 1999).

today, as they did at the beginning of the century, to "play God" vis-à-vis those peoples, claiming to bring enlightenment and civilisation. This process can unfold gradually and peacefully, or it may spill over into violence, including intra-ethnic Albanian violence. Aid for economic and social development, indeed a genuine economic commitment to the region of south-eastern Europe, backed up by a coherent political programme founded on recognised legal principles (the various Council of Europe conventions on minority, human and social rights, for example), together with credible prospects for integration in the Euro-Atlantic structures, are all vital to security and stability. The financial costs are difficult to estimate, but they are certainly much less than the costs paid in human lives for past procrastination and so-called humanitarian intervention.

76. For Europe, in the limited sense of the European Union, the Kosovo conflict showed what can happen when words are not matched by deeds. Two arguments were put forward to justify the call for US military intervention. The first was the desire not to damage transatlantic relations and the second, the fact that the considerable military assets of the United States are a deterrent to any potential aggressor. The leading role played by the United States in NATO tends to obscure the different feelings of European countries about armed intervention, and makes it politically difficult to opt out unilaterally. As regards armed forces and armaments, the initial British and French assessments of the Kosovo conflict have pointed clearly to the gap between Europe and the United States and the risks of decoupling that this may entail for the future.

77. It is with regard to the solutions that opinions diverge. For some European countries, NATO's Defence Capabilities Initiative is the answer, whereas for others the solution is to develop autonomous procedures and capabilities outside NATO in order to provide Europe with a capacity – which above all must be credible – for intervention. It is essentially a matter of political will and of the relations between states. One's perception of security in the Balkans and south-eastern Europe will be very different if one is looking at it from Lisbon or Athens, although it is more important for Brussels than for Washington. NATO provides a framework which has the advantage of being reassuring and above all, of

not entailing major risks, given that as a last resort the United States can cover practically all contingencies. The stakes would be higher in the case of autonomous European intervention and the contribution that each country would be asked to make would be bigger – in the case of Kosovo it would have meant an extra thousand European aircraft and five to six thousand more troops.

78. It is important in this debate to put matters into perspective and to compare like with like. It is not possible either in organisational or budgetary terms for European states, or for Europe at the present stage, to take the United States defence system as a model. The technological race may lead to a situation similar to the one that developed between the United States and USSR as a result of the Strategic Defense Initiative. It is sheer nonsense for Europe to imagine that it can close the technological gap with the United States. It would be too costly in both economic and political terms, particularly since only a small number of European countries have the industrial, research and financial resources to make headway in this area, and they are not prepared to share the results with other countries which for structural or economic reasons are not partici-

pants in the various programmes that have been organised. The Helios satellite does provide Europe with some intelligence capability, but only the three nations participating in the programme are entitled to decide which images can be passed on to their allies⁴⁸.

79. The Kosovo war has had a salutary effect on the process of reflection about European defence. It highlighted Europe's shortcomings in the fields of forces readiness, interoperability (notwithstanding more than 40 years of efforts within NATO) and available equipment (in both quantitative and qualitative terms). Having established that, it is important to come up with solutions and to put them into practice. The Defence Capabilities Initiative, the WEU audit of forces, the attempt to define convergence criteria for defence spending, industrial restructuring and the growing awareness of the need to step up scientific research at all levels (both civil and military) are major steps in the right direction. However, if such efforts are to be crowned with success, they must be preceded and accompanied by a gradual harmonisation of national defence concepts and policies. These are political decisions which have to be taken at the highest level and will require the support of the national parliaments.

⁴⁸ The same reproach applies to the United States and the intelligence transmitted by US satellites.

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