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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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<sup>1</sup> Adopted unanimously by the Committee.

<sup>2</sup> *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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*Draft Recommendation**on the situation in Kosovo*

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 report<sup>1</sup> 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.

<sup>1</sup> 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 effectiveness<sup>2</sup>.

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 phases<sup>3</sup>. 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 Wilson<sup>4</sup> 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 ..."<sup>5</sup>.

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,

<sup>2</sup> 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.

<sup>3</sup> "Operation Allied Force", Military Analysis Network, pp 1-8.

<sup>4</sup> Member of the United States Joint Chiefs of Staff.

<sup>5</sup> 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 day<sup>6</sup>. 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<sup>7</sup>". According to

<sup>6</sup> 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".

<sup>7</sup> 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 issue<sup>8</sup> 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"<sup>9</sup>. 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"<sup>10</sup>.

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"<sup>11</sup>. The Pentagon officials' reaction to this incident was simply, "They got lucky"<sup>12</sup>.

## 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

<sup>8</sup> *Ibid.*

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

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

<sup>11</sup> *Ibid.*

<sup>12</sup> *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 mission<sup>13</sup>;
- (...) to contribute to a secure environment for the international civil implementation presence, and other international organisations, agencies, and non-governmental organisations<sup>14</sup>;
- (...) provide appropriate control of the borders of FRY in Kosovo with Albania and FYROM until the arrival of the civilian mission of the UN<sup>15</sup>.

#### *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 points<sup>16</sup>:

- “(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;

<sup>13</sup> Article I : General obligations ; §2.

<sup>14</sup> Article I : General obligations ; §4.

<sup>15</sup> Article II : Cessation of hostilities ; §2-h.

<sup>16</sup> 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 functions<sup>17</sup>:

- “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 June<sup>18</sup>. 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

<sup>18</sup> “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”.

<sup>17</sup> Annex 2, §6.