

# KOSOVO: ONE YEAR AFTER THE BOMBING

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**HEARING**  
BEFORE THE  
SUBCOMMITTEE ON EUROPEAN AFFAIRS  
OF THE  
COMMITTEE ON FOREIGN RELATIONS  
UNITED STATES SENATE  
ONE HUNDRED SIXTH CONGRESS  
SECOND SESSION

—————  
JUNE 8, 2000  
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Printed for the use of the Committee on Foreign Relations



Available via the World Wide Web: <http://www.access.gpo.gov/congress/senate>

U.S. GOVERNMENT PRINTING OFFICE

67-874 CC

WASHINGTON : 2000

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## KOSOVO: ONE YEAR AFTER THE BOMBING

THURSDAY, JUNE 8, 2000

U.S. SENATE,  
SUBCOMMITTEE ON EUROPEAN AFFAIRS,  
COMMITTEE ON FOREIGN RELATIONS,  
*Washington, DC.*

The subcommittee met, pursuant to notice, at 10:20 a.m. in room SD-419, Dirksen Senate Office Building, Hon. Gordon H. Smith (chairman of the subcommittee) presiding.

Present: Senators Smith, Lugar, and Biden.

Senator SMITH. Good morning, ladies and gentlemen. We apologize for the delay in convening this hearing of the Senate Foreign Relations Committee. Too many duties early in the morning before this one today.

I am pleased to have with me my colleague, Richard Lugar of Indiana, and our witnesses today. This morning we are here to examine the situation in Kosovo. It is almost exactly a year to the day since the war ended. We welcome on our first panel Ambassador James Pardew, Principal Deputy Special Advisor for Kosovo and Dayton Implementation at the State Department.

We will then welcome Ambassador Morton Abramowitz, a member of the board of directors at the International Crisis Group, Dr. Paul Williams, assistant professor of Law and International Relations at American University, and Janusz Bugajski, the director of East European Studies at the Center for Strategic and International Studies.

I appreciate the willingness of all our witnesses to share with us their thoughts on what has occurred in Kosovo over the course of the past year, and I look forward to hearing their views on how the United States should go about winning the peace.

With the withdrawal of the Yugoslav military forces from Kosovo last June and the end of the NATO air strikes, the United Nations set up an interim administration and NATO deployed tens of thousands of troops in the region for peacekeeping duties.

The goal of these missions was to establish a secure environment so that self-governing institutions could be formed and could function effectively. Certainly much has been accomplished since that time. Over 1 million ethnic Albanians were able to return to their homes in Kosovo and begin the process of rebuilding their lives.

With the assistance of the international community, no one froze or starved this past winter. Elections are being planned for this fall, allowing the residents of Kosovo to choose their political leaders in a fair and open process. If serious problems persist in Kosovo, it may make it impossible for the United Nations and

NATO to accomplish its stated goals. Of these, the most significant are the inherent contradictions between the statements of the international community, which call for substantial autonomy and self-government in Kosovo within the Federal Republic of Yugoslavia and the wishes of nearly all ethnic Albanians for independence.

I wonder if the current policy of the alliance, that is, intentional ambiguity about the future status of Kosovo, whether this is the most effective way to proceed. Additionally, KFOR has been unable to prevent ethnic violence against Kosovar Serbs and other minorities, leading tens of thousands of them to flee Kosovo. Those that remain have boycotted interim structures established by the United Nations designed to bring Serbs and Albanians together for purposes of governing.

The tensions are especially high in the northern areas of Kosovo, where most ethnic Serbs are living, and I fear that radical elements controlled by Belgrade will persist in undermining any chance of a peaceful resolution of those tensions. Incursions by ethnic Albanian militias into southern Serbia is also a serious cause for concern. Although they stated they will give up their effort to unify this area with Kosovo, I fear that their ambitions have not been fully abandoned.

When the American soldiers intervene to prevent these incursions, there is a danger that they could be seen as the enemy by all sides. The slow pace at which the United Nations established its presence in Kosovo and its continued lethargic efforts at fully implementing its mandate has led to other difficulties as well.

Judicial reform has barely begun, allowing various criminal elements free rein to operate. Indigenous administrative structures are not operational. The international police is woefully understaffed, and local police will not be able to fulfill these functions for quite sometime.

I supported the NATO air strikes in Kosovo and I support doing what is necessary to win the peace as well. Difficult decisions will have to be made regarding what kind of Kosovo we want to see emerge. Postponing these decisions may be detrimental to the long-term interests of the United States and our allies in the Balkans.

Again, I welcome our witnesses, and will turn to my colleague for his opening statement.

Senator LUGAR. Mr. Chairman, I join you in welcoming the witnesses. I look forward to the testimony, and why don't we just proceed.

Senator SMITH. Very good.

Mr. Pardew, we welcome you and thank you for your presence, and invite your testimony now.

**STATEMENT OF HON. JAMES W. PARDEW, JR., PRINCIPAL DEPUTY SPECIAL ADVISOR FOR KOSOVO AND DAYTON IMPLEMENTATION, DEPARTMENT OF STATE, WASHINGTON, DC**

Ambassador PARDEW. Thank you, Mr. Chairman. I am very pleased today to update the committee on the situation in Kosovo 1 year after the NATO air campaign and intensive diplomacy brought the conflict there to a halt. I will briefly summarize my more formal testimony, which I would like to submit for the record.

Senator SMITH. Without objection.

Ambassador PARDEW. My presentation will highlight the accomplishments to date in Kosovo, identify the challenges—many of them mentioned in your statement—facing the international community, and outline the course of action for the next several months as we see it.

Next Saturday is the 1-year anniversary of the adoption of U.N. Security Council Resolution 1244 [UNSCR], authorizing the Secretary General to establish an international security presence and interim civil administration in Kosovo. This resolution is the foundation for the international effort in Kosovo, and will remain in effect until it is withdrawn by the unanimous vote of the Security Council. With the passage of UNSCR 1244, NATO forces already deployed in Macedonia and Albania moved quickly into Kosovo as the nucleus of the international security force, or KFOR.

The international civil administration organization—the U.N. Mission in Kosovo [UNMIK]—last June had no funding or standing capability except for a humanitarian effort. The conditions facing the international organization in June 1999 were daunting. Thousands of Kosovars were killed or missing, more than 1 million ethnic Albanians had been expelled from their home, Kosovo had no government, its economy was devastated, an insurgent force, the Kosovo Liberation Army [KLA], had grown from a very small group to over 26,000 people at the end of the conflict.

Kosovo was devoid of laws and judicial institutions. There were no police, no judicial system, no prisons. Press facilities and equipment had been destroyed. Community service organizations, schools and clinics were damaged, looted, and destroyed.

Much has been accomplished in the past 365 days. We have stopped the killing by Serb security forces. We have returned 1 million refugees and displaced persons to their home areas, and we got them through the winter. Services are available to some degree in most areas. Schools are open. Basic health services are available, and the civil administration staff is being paid.

The international community has begun Kosovo's transition to a market economy with a hard currency monetary system, and a new central bank. KFOR has overseen the demilitarization and disarmament of the KLA and created a civilian-oriented Kosovo Protection Corps [KPC]. UNMIK has appointed local judges and prosecutors, and trials are occurring in all districts.

The international community has deployed over 3,000 police of the 3,500 authorized, and more than half of the special police have been deployed. Nearly 800 new recruits have graduated from the OSCE police school, and we hope to have 4,000 trained by early 2001.

Although recent violence has set back the Kosovar Serb participation in the interim administrative process, we are hopeful that the local Serbs will continue to participate in activities that affect their future. Today, 193 in-country voter registration sites are open, and almost 500,000 Kosovars have registered for voter registration and personal documentation. We have 7 daily newspapers, 39 radio stations, and 5 broadcast outlets operational.

Mr. Chairman, as you mentioned, securing the peace and promoting democracy in Kosovo has been no easy task. Allow me to

summarize some of the major challenges we face. I want to use this forum this morning to highlight one current issue, the recent vicious attacks on Serbs in Kosovo. We condemn these extremist attacks in the strongest possible terms.

Vigilante attacks against minority citizens violate the principles of democracy and tolerance which we hold so dear, and divert attention and limited resources away from assistance to law-abiding people of Kosovo. We are urging local Kosovar Albanian leaders and the people to work with the UNMIK and KFOR to stop these attacks.

Other challenges include the U.N. staffing procedure. The United Nations must improve its capability to deploy and organize staff for civil administrative structures. With over 60 percent of its authorized strength, municipalities are not adequately governed, and key managerial positions have gone unfilled.

In mid-May, the U.S. Government began an initiative with the United Nations and the European Union to resolve these staffing shortfalls. The United Nations in New York is delegating hiring authority to the field and assigning personnel specialists to UNMIK to speed up the hiring process. The criminal justice system in Kosovo remains inadequate. This spring, the United States conducted a comprehensive judicial assessment and organized a quick start program for local courts.

OSCE is strengthening judicial training, and as an interim measure the Special Representative to the Secretary General plans to place international judges in Kosovo district courts to handle sensitive cases.

Mitrovica and southern Serbia continue to be potential flashpoints. KFOR and UNMIK have developed a set of measures to address the issue in Mitrovica. The United Nations has appointed a strong regional administrator in Bill Nash, an American. KFOR has established control zones of confidence, and international judges and prosecutors have been appointed there to deal with the criminal issues.

UNMIK is engaging an international consortium in the mining program in the area to begin preliminary work on the mines. Another challenge is demobilized members of the KLA, including those who have joined the Kosovo Protection Corps. Some of them have acted inappropriately. KFOR retains high standards for participation in the KPC organization, and we support a zero tolerance policy regarding illicit activities by members of the KPC. So far, KFOR has initiated 95 individual investigations, expelled four and suspended nine members of the KPC for misbehavior.

Finally, the continued retention of power by the Milosevic regime in Belgrade obstructs progress in Kosovo, as it does elsewhere in the region. The sooner the Milosevic regime is replaced by a democratic alternative, the sooner the region can begin to heal.

The recent crackdown on independent media and students shows that the regime is fearful, brittle, and in a downward spiral. We continue to oppose those individuals and actions that reinforce Milosevic, and we support those who promote democratic alternatives. Our focus for the next several months will be on establishing democracy in Kosovo, but defining the term in the UNSCR 1244 substantial autonomy in the interim period.

The first step is to overcome the practical challenges that I have discussed previously. The second step is to establish the provisional institutions for democratic self-government under the international supervision of UNMIK, including municipal elections to be held in October.

The issue of final status of Kosovo was set aside for now as we promote democracy, autonomy, and economic development. We have been clear and consistent that Europe must shoulder the lion's share of the resource burden in Kosovo. Our European allies accept this responsibility. Under normal conditions, the U.S. fields about 5,500 of the 45,000 troops in Kosovo plus 800 support troops in Macedonia, thus our contribution to KFOR remains at about 14 percent of the total KFOR deployment.

In other areas in the general category of revitalization and reconstruction for Kosovo, the total contribution for calendar year 2000 for all donors is about \$1.1 billion. At \$168 million, the U.S. contribution for 2000 for Kosovo's revitalization and reconstruction is about 14.6 percent.

We understand and agree with the Senate's concerns about adequate burden-sharing in Kosovo, and we are vigilant in ensuring that our European allies honor their commitments. At the same time, the United States needs to fulfill its obligation as a party in Europe.

Mr. Chairman, for months now several ideas have been proposed in the Congress that limits U.S. participation in Kosovo, or links our participation to levels of resource support provided by Europe. The message from the Congress on burden-sharing has been received loud and clear on both sides of the Atlantic.

We continue to believe that legislation which limits the flexibility of this administration and the next one is unnecessary and unwise. Arbitrary percentages on ceilings on our participation risk reciprocal actions in the future, limits our policy actions, and degrades our leadership in the key security institutions.

The engagement of the United States in Europe and our allies in Kosovo has been a success, but much work remains. We stopped the killing, restored regional stability, and are beginning to reinvigorate society and bring democracy to Kosovo. Our continuing engagement in Kosovo relates directly to our national security interest.

Two days ago, we had another anniversary, the anniversary of the D-day landing, and that anniversary reminds us of our security linkage to Europe. Our security is served by our leadership and participation in European security institutions like NATO and the OSCE. We cannot expect these institutions to support our interest if we do not participate in important European security issues.

Second, we know from history that a stable Europe is vital to American security, and that Europe is not stable if its southeastern corner is in turmoil. In the past 5 years, the United States and our allies have successfully contained and then subdued conflicts in Croatia, Bosnia, and Kosovo as the former Yugoslavia broke apart, but the area's stability remains at risk from the Milosevic regime and the fragile states recovering from the conflict.

The international security and civil administration presence is critical not only to creating a secure environment in Kosovo, but for

sustaining the peace and establishing the conditions for long-term stability in the region. The costs of our engagement have not been excessive, Mr. Chairman, and we must remain engaged with our allies.

Thank you, Mr. Chairman, for this opportunity to update the committee.

[The prepared statement of Ambassador Pardew follows:]

PREPARED STATEMENT OF HON. JAMES W. PARDEW, JR.

DEMOCRACY IN THE BALKANS

Mr. Chairman, I am pleased to be here today to update the committee on the situation in Kosovo one year after the NATO air campaign expelled Milosevic's security forces from the area. Today, I wish to review the current situation in Kosovo, highlight the accomplishments to date, and identify the greatest challenges we face. I will conclude with some points on the key objectives in Kosovo over the next several months.

First, let me go back slightly more than one year to pay tribute to the men and women of the Kosovo Diplomatic Observer Mission (KDOM) and OSCE's Kosovo Verification Mission (KVM). These unarmed international peacekeepers and diplomats, including a significant number of U.S. Foreign Service personnel, risked their lives daily on the ground in Kosovo seeking to avoid war in the autumn and winter of 1998. On March 20, 1999, these peacekeepers were forced to withdraw, as the Milosevic ethnic cleansing program against the Albanian majority in Kosovo became increasingly brutal and made peacekeeping ineffective. Three days after they withdrew, NATO began the air campaign against the FRY that, in combination with an intensive diplomatic effort on many fronts, expelled Milosevic's security forces from Kosovo.

KOSOVO—JUNE 1999

Almost exactly one year ago, a rapid series of events established the conditions for the international security force and the interim civil administration organization operating in Kosovo today. On June 3 of last year, Belgrade accepted the G-8 conditions to pull its security forces from Kosovo and agreed to negotiate with NATO a Military Technical Agreement (MTA) spelling out the conditions for that withdrawal. On June 10, the U.N. Security Council adopted Resolution 1244, authorizing the Secretary General to establish an international security presence and an interim civilian administration to restore order and governance to Kosovo. NATO suspended the air campaign the next day once the MTA was signed and the withdrawal of Serbian security forces had begun in earnest.

Already deployed on the perimeter of the conflict to assist the humanitarian relief efforts in Macedonia and Albania, NATO forces moved quickly into Kosovo on June 12 as the nucleus of the international Kosovo Force (KFOR). The international civil administration organization, the U.N. Mission in Kosovo (UNMIK), had no funding or standing capability except for the humanitarian effort and could only begin to be organized after UNSCR 1244 was adopted.

The conditions facing the international organizations in June 1999 were daunting:

- More than one million ethnic Albanians had been expelled from their homes. Over 800,000 refugees were in camps in Albania and the former Yugoslav Republic of Macedonia, and 550,000 were internally displaced within Kosovo. Over 120,000 Kosovar homes had been systematically destroyed.
- Kosovo had no government. Opposed to the 1989 imposition of a Serb apartheid regime in the province, the Albanian majority established a shadow state. FRY security forces murdered many Albanian leaders and destroyed many of the informal networks through which they governed.
- Kosovo's economy was devastated. Without food, power, sanitation, and shelter, a humanitarian disaster appeared imminent.
- An insurgent force—the Kosovo Liberation Army—had grown from a small local group to an estimated 26,000 troops at the height of the conflict.
- Kosovo was devoid of laws and institutions. There were no police, no judicial system, and no prisons.
- Significant portions of Kosovo's television network were incapacitated, including the large-scale destruction of its towers, masts, and repeaters. Press facilities

and equipment were destroyed to prevent Albanian voices from describing the scale of the devastation perpetrated by Belgrade.

- Many community service organizations, schools, and clinics were damaged, looted, or destroyed.

While UNMIK continues to struggle in fulfilling its mission, please keep in mind the ad hoc nature of new international civil administrative organizations, and the sheer scale of the devastation in Kosovo. Both make the effort of rebuilding from the war and converting old communist structures to democratic ones much more arduous.

#### JUNE 2000—MAJOR ACCOMPLISHMENTS IN THE FIRST YEAR

The international effort to organize the interim civil implementation mission in Kosovo drew heavily on the lessons learned from Bosnia. The U.N. gave UNMIK a strong mandate supported by NATO and the international community, and established clearer lines of authority for the mission. Additionally, the relationship between the civilian and military missions in Kosovo has also been close and effective.

We often wish implementation measures would move faster, but much as been accomplished in Kosovo in the past 365 days:

- The intervention by the international community stopped the killing by Serb security forces.
- International agencies helped return over one million refugees and displaced persons to their homes. Last winter the international community provided 75,000 shelter kits to 387,000 Kosovars, averting a large-scale humanitarian disaster. Since August 1999, UNMIK has begun to rebuild destroyed houses, primarily with European donations. Electricity is being restored to the province, with the repair of 50 power station transformers. Two of Kosovo's five generators are also operational.
- Services are available to some degree in most areas, schools are open, basic health services are available, and the civil administration is being paid.
- The international community has begun Kosovo's transition to a market economy with a "deutschmark" monetary system and a new Central Bank. A micro-credit bank has been established in Kosovo, and will assist in the financing of small start-up businesses. UNMIK has submitted a strategy for private sector development, which has been favorably received by the Interim Administrative Council (IAC). Upon IAC approval, UNMIK will implement the proposed commercial code and phased privatization program.
- KFOR and UNMIK together have begun to establish public order, but under a new system that will promote a rule-of-law society. The level of ethnic violence remains too high, but it is down significantly from the early days of the international deployment.
- KFOR has overseen the demilitarization and disarmament of the KLA. The former KLA handed in 10,000 arms during the demilitarization process; 3,800 other small arms have subsequently been collected and destroyed. The international community created the Kosovo Protection Corps (KPC), a civil emergency services organization of 5,000, to employ former KLA in useful public service efforts.
- UNMIK has appointed 242 local judges and 75 local prosecutors, and re-established the Supreme Court, municipal courts, and other minor courts. Trials are occurring in all district courts and some lower courts.
- The international community has deployed 3,035 of 3,593 regular police authorized for Kosovo; 540 of these are from the United States. More than half of the 1,125 special police (609) have also deployed, with more on the way. A Spanish unit should arrive in Kosovo in about a week.
- UNMIK and OSCE have accelerated the training of an indigenous, multi-ethnic police force to hasten the commissioning of 4,000 officers by early 2001. To date, nearly 800 new recruits have graduated from the OSCE police school.
- Barred from participation in official Yugoslav institutions, Kosovar Albanian leaders are involved in democratic governance with UNMIK's guidance. Recently, the Gracanica Serbs, under the leadership of Bishop Artemije, joined Kosovo's interim administrative institutions as observers. Although recent violence has set back Kosovar Serb participation in these institutions, we are hopeful that the local Serbs will continue to participate in activities that affect their future.
- In April, UNMIK, through the OSCE, began a Kosovo-wide voter registration program. Today, 193 in-country sites were open, and over 400,000 people have

been registered. Out-of-area registration is underway in-person in Montenegro, Macedonia, and Albania. The voter registration process is the basis for issuing internationally recognized identity papers, but more importantly, it lays the foundation for the involvement of the people in democratic political institutions.

- An independent and vibrant media environment is emerging in Kosovo today. Kosovo now has 7 daily papers, 39 radio stations, and 5 television broadcast outlets. The U.S. is supporting independent television stations, and is working with moderates in the Serb National Council to establish a radio station in Central Kosovo that is scheduled to open in June. Its broadcasts will reach the majority of Serb enclaves in Kosovo.

#### CURRENT CHALLENGES

As expected, securing the peace and promoting democracy in Kosovo is no easy task. Allow me to summarize some of the most significant challenges we face today.

The U.N. must improve its capability to deploy and organize staff for its civil administrative structures. While UNMIK has begun to address the problems caused by Belgrade's actions, it has not fully established its authority over civil administration. With only 60% of its authorized civil administration staff deployed, it has not been able to adequately govern many municipalities. Additionally, some key managerial positions have gone unfilled. The United Nations' system of personnel recruitment and appointment has slowed significantly the civilian implementation process in Kosovo.

The Department of State is making a concerted effort to focus international attention on UNMIK's staffing problems. In mid-May, a U.S. government team began coordinating with the U.N. and EU on a plan to remedy civil administration staffing shortfalls. The EU is also supporting an initiative with the aim of soliciting qualified personnel from its member nations for vacant positions in the EU pillar. In addition, the U.N. in New York is delegating hiring authority to the field and assigning personnel specialists to UNMIK to speed the hiring process. These measures are a welcome beginning to much-needed reform.

The criminal justice system in Kosovo remains inadequate. Courtroom facilities must be improved and the trial monitoring structure should be strengthened. In some instances, local judges have been unable to effectively try cases and the number of supplemental international judges is not enough to compensate. More civilian prison space is required. This spring the United States conducted a comprehensive judicial assessment and organized a "quick start" program to deliver much needed electrical generators and office equipment as early as this month to local courts. We are also working with the OSCE to strengthen its judicial training capacity. As an interim measure, until local judges are sufficiently trained in democratic law and secure enough to consider adjudicating a full docket, the SRSJ plans to place international judges in all Kosovo district courts to handle sensitive cases.

Another weak spot in the criminal justice system is the lack of sufficient detention facilities and experienced personnel to run them. UNMIK has trained about 260 corrections officers, and an additional 60 are currently in training. More needs to be done to fulfill the requirement for 600 officers to operate the prison system. A prison in Istok that can hold 520 inmates re-opened on June 1 and will expand significantly the system's current incarceration capacity. We are working with our allies to shore up the system in the interim, and provide the resources necessary to create and sustain a functioning penal system.

The municipal elections, which will be held this fall, will further focus the involvement of local leaders in municipal administrative structures by providing a public mandate to guide their participation. Organization for the elections is well underway.

The Serbs who remain in Kosovo feel insecure and are reluctant partners in steps to establish democracy in Kosovo. The OSCE and UNMIK are engaging with the Serb community to stress the importance of civil registration, but thus far few Serbs are registering. We are also working on a pilot project to return Serbs to Kosovo, and are investigating possibilities for enhanced assistance to existing Serb communities.

Mitrovica and southern Serbia continue to be potential flashpoints. Ethnic Albanian insurgents in the Presevo region had pledged to reject the use of violence and seek a political solution, but we know that their insurgency continues. We continue to warn extremists on both sides of the border that provocation and violence will not be tolerated. Additionally, KFOR and UNMIK are monitoring the situation carefully.

KFOR and UNMIK have developed a set of measures to address the issue of Mitrovica. The U.N. has appointed a strong administrator for the region, American

retired General William Nash. KFOR and UNMIK have returned more than 140 displaced Albanians to homes north of the Ibar River and KFOR-controlled "Zones of Confidence" have been established in problem areas around two bridges and one neighborhood. Two international judges and an international prosecutor have been appointed in Mitrovica. Additionally, UNMIK is engaging an international mining consortium to begin preliminary work in elements of the Trepce mining complex, previously the largest economic enterprise in Kosovo.

The violence toward minorities and the atmosphere of intolerance in Kosovo is of serious concern. The overall reduction in violence over the past year is heartening and is a tribute to KFOR and UNMIK police efforts. However, recent violence against Serbs and Roma, the isolation of those communities and the appearance of provocative "vigilante journalism" undermines the international effort in Kosovo and sets back the process of creating a tolerant democratic society there. We believe that those who aspire to lead in Kosovo should denounce these developments as UNMIK and KFOR take measures to improve security for minorities.

We are keenly aware of the possibility that demobilized members of the former KLA, including those who have joined the KPC, may act inappropriately. KFOR retains high standards for participation in the organization and enforces a zero tolerance policy regarding illicit activities by members of the KPC. In March, KFOR and UNMIK put into force the KPC Disciplinary Code (DC), which constitutes the formal mechanism for enforcement of the rules for compliance and disciplinary action against offenders. The DC applies to all KPC members and provides the legal basis for the commander of the KPC to take disciplinary action against non-compliant members. UNMIK and KFOR also recently signed the Compliance Enforcement Framework Document, which assigns responsibility for investigating criminal actions to UNMIK, administrative discipline to KPC, and compliance violations to KFOR. Thus far, KFOR has initiated 95 individual investigations, expelled 4, and suspended 9 KPC members.

One regional challenge is critical to Kosovo. The continued retention of power by the Milosevic regime in Belgrade obstructs progress in Kosovo as it does elsewhere in the region. The Milosevic factor confuses engagement with Kosovar Serbs and prevents any serious discussion of long-term options with the Kosovar Albanians. The sooner the Milosevic regime is replaced by democratic alternatives, the sooner the region can begin to heal. The recent crackdown on independent media and students shows that the regime is fearful, brittle, and in a downward spiral. While no one can predict when a change in Belgrade will occur, we continue to oppose those individuals and actions which reinforce Milosevic, and we support those which promote democratic alternatives.

#### PROJECTIONS FOR YEAR TWO

Our focus for the next several months will be on establishing democracy in Kosovo, not on defining its final status. The first step is to overcome the practical challenges I previously described. The second step is to establish the provisional institutions for democratic self-government under the international supervision of UNMIK. Democracy should be well-established in Kosovo before we can resolve the issue of final status. Over the past few months, with the Rambouillet draft constitution as a point of departure, we have begun building consensus with key allies on the form that the provisional self-government will take, and its relationship to UNMIK and KFOR. These discussions will also include consultations with Kosovars.

UNSCR 1244 establishes the foundation for this undefined interim period. We believe the resolution requires no modification and it may only be withdrawn upon the unanimous consent of the U.N. Security Council.

#### BURDENSARING

We have been clear and consistent that Europe must shoulder the lion's share of the resource burden in Kosovo. Our NATO Allies, partners and other countries do contribute the large majority of KFOR's forces. Under normal conditions, the U.S. fields about 5,500 of the 45,000 troops in Kosovo, plus 800 support troops in Macedonia. Thus, the U.S. contribution stays close to 14% of the total KFOR deployment. In the general category of revitalization and reconstruction for Kosovo, the total contribution for CY2000 from all donors is about \$1.1 billion. At \$168 million, the U.S. contribution for 2000 for Kosovo's revitalization and reconstruction is about 14.6%. We understand and agree with the Senate's concerns about adequate burdensaring in Kosovo, and are vigilant in ensuring that our European allies honor their commitments. At the same time, the United States needs to fulfill its obligations. With the European's providing the lion's share, the U.S. contribution is affordable.

Mr. Chairman, for months now several ideas have been proposed in the Congress that limit U.S. participation in Kosovo or link our participation to levels of resource support provided by Europe. The message from the Congress on burdensharing has been received loud and clear on both sides of the Atlantic. We continue to believe that limiting the flexibility of this Administration and the next is unnecessary and unwise. Arbitrary percentages to our participation risks reciprocal actions in the future, limits our policy options, and degrades our leadership in key security institutions.

#### U.S. INTEREST IN KOSOVO

The engagement of the United States and our allies in Kosovo has been a success. We stopped the killing, restored regional stability, and are beginning to reinvigorate the society and bring democracy to Kosovo. Our continuing engagement in Kosovo relates directly to our national security interests. First, our security is served by leadership and participation in European security institutions like NATO and OSCE. We cannot expect these institutions to support our interests if we do not participate in important European security issues.

Second, we know from history that a stable Europe is vital to American security, and that Europe is not stable if its southeastern corner is in turmoil. In the past four years, the U.S. and our allies have successfully contained, then subdued, conflicts in Croatia, Bosnia, and Kosovo as the former Yugoslavia broke apart. But the area's stability remains at risk from the Milosevic regime and the fragility of states recovering from conflict. The international security presence is critical to not only creating a secure environment in Kosovo, but for sustaining the peace and establishing the conditions for long-term stability in the region that will allow robust political, economic, and reconstruction programs backed by sufficient resources to make a difference. The costs have not been excessive given the outcome. We must remain engaged with our allies.

Senator SMITH. Mr. Ambassador, from the beginning of our involvement in Kosovo I have supported the administration both in the decision to engage and in defending it recently on a move in the Senate to withdraw.

But I have also said from the beginning that I do not believe our objective is realistic. The objective of the international community is autonomy within Yugoslavia for Kosovo. The problem I have is that nobody on the ground seems to want that. The Serbs want Kosovo on their terms, and the Albanians want independence of the Serbs. Can you allay my ongoing skepticism of the achievability of our stated goal?

Ambassador PARDEW. Mr. Chairman, the difficulty in discussing long-term status of Kosovo is compounded by the Milosevic problem in Belgrade. It is impossible to have a meaningful discussion with Kosovars over the long-term status with Milosevic in power in Belgrade, and so close to the tragic events that have occurred in Kosovo.

Senator SMITH. Does it substantially abate if Milosevic is gone? Do you think the Albanians will want to be—

Ambassador PARDEW. Not immediately, I do not, but we continue to believe that some appropriate relationship with Serbia yet to be defined is better than independence.

We have not supported independence, but we do insist that the final status of Kosovo must be acceptable to the people of Kosovo. Right now, we have set that issue aside while we work to achieve democratic institutions, a market economy, and to bring Western democratic values to the area. It is just impossible at this point in time, sir, to have a serious discussion with them on the status question.

Senator SMITH. But the consequence of sticking to this hybrid end game is, we are there for an indeterminate amount of time, na-

tion-building on our terms and not their terms. Am I wrong in that fear?

Ambassador PARDEW. We certainly cannot put a timeframe on our presence there. Again, we believe that the area is important, regional stability is important, and we have to take the necessary measures to ensure regional stability. However, we learned from Bosnia not to set specific time lines on when we can leave.

I can only say our focus right now is on defining what substantial autonomy means in this interim period. We are doing everything we can to give them effective governance under the UNMIK structure for this interim period and set aside the long-term status.

Senator SMITH. What I think you have implied, in order for that ever to be achievable we have got to get rid of Mr. Milosevic. What is being done on that score?

Ambassador PARDEW. We are working with our allies in Europe in a range of measures to undermine the Milosevic regime and to promote those forces that support democracy. We are pursuing a number of initiatives. We are supporting independent media in the FRY. We are working with the Serb opposition. We are promoting the democracy in Bosnia and in Montenegro and in Kosovo and in the surrounding area. We have a very serious sanctions regime which we are tightening with our European allies right now.

So there are a whole range of very serious measures we are using, but ultimately, Mr. Chairman, whether Milosevic goes or stays is an issue for Serbs. The Serbian people have to decide when he goes. We hope that that will happen sooner rather than later.

Senator SMITH. So if he stays, that means we stay as well?

Ambassador PARDEW. It makes it much more difficult to leave.

Senator SMITH. It seems to me the international community ought to go get him and take him to The Hague, and things would get better a lot quicker.

Can you speak to Russia's involvement? Are they our partner there, or our opponent there? They are hosting a Serb war criminal during Mr. Putin's inauguration, giving him a nice week of good food and camaraderie. What role are they taking on the ground?

Ambassador PARDEW. This whole Serbian issue and the breakup of Yugoslavia has been a very difficult problem for the Russians. They have their own domestic political factors to consider, and quite frankly, their actions have sometimes been inconsistent. For example, Foreign Minister Ivanov apologized publicly for the visit to Moscow by the person under indictment by the War Crimes Tribunal.

In other cases the Russians have been extremely helpful. They were helpful in the negotiation of the end of the air campaign. We are working with them expectively in the contact group, so the relationship with Russia over Kosovo has varied from time to time.

Their forces, if I could go on, have been responsible members of the alliance in Kosovo and have, in fact, acted professionally. So in many ways Russia has been a plus, but there have been those instances in which they have made things a little more difficult for us, and they have made mistakes which they have openly admitted.

Senator SMITH. Senator Lugar.

Senator LUGAR. Thank you, Mr. Chairman. Ambassador Pardew, you have described, I think accurately and very thoughtfully, the status of our forces in Kosovo, and the job they have to do, and that is a very difficult one. Chairman Smith has surveyed the larger picture and your role as advisor to the President and Secretary for democracy in the Balkans. You have taken a larger view even as you try to help bring democracy to 2 million people in Kosovo.

I would just underline the thought that the debate that we had the other day on the Byrd-Warner amendment was especially important because it drew the Senate's attention for the first time to the responsibilities of the United States in Europe. We all understand that role in a way, and Chairman Smith's underlining of the D-day anniversary is significant. You have talked about this as well.

We are in Europe because we want to be there and because Europeans want us to be there. The German Foreign Minister and the French Foreign Minister have come through here, have met with us and have emphasized that our presence in Europe has made all the difference in terms of peace in Europe for the past 60-years—all because the United States is there, and we are there in a very large way as a leader of NATO.

Now, the thing that was upsetting about the debate the other day was that, because of the irritation of many Members of the Senate who reflect the public as a whole, we might cut and run under very dubious circumstances. They feel this way out of irritation or weariness, over a lack of foresight in Kosovo, a lack of comprehensive plans now, or the lack of an end game plan.

For each of us who have been involved in these discussions, whether it be the White House or the State Department, there was not a consensus in the Senate or the House as to what had occurred. The votes were always very problematic, and on occasion, as you recall, even after we had been involved in bombing for several weeks, there was a tie vote in the House on whether we should be bombing at all.

So, in a way democracy works, and we finally confronted in this very close vote the fact that we have a responsibility, and it is a very tough one, but it is an ongoing responsibility.

This was a close call, and the administration understands that, and, in fairness, Secretary Cohen and Secretary Albright and perhaps yourself and others were very busy, as you needed to be, to explain how drastic circumstances might be.

Now, having said that, I am concerned that there does not appear to be in our administration, quite apart from NATO or the United Nations, an overall strategy. There are pieces of this, and sometimes persons like yourself are able to be an interlocutor and relate them.

For instance, the Southeast European Assistance Plan is extremely important. It is important for those in that area, for the United States, for NATO, Bulgaria, Romania and other countries because the problems in Serbia have isolated them in terms of trade and development even as they wish to become a part of NATO and wish to become affiliated with us. There has been almost no debate here and very little word about our participation, although it is a European situation primarily.

Likewise how are Albania and Macedonia to be supported given Serbia in the middle of all this, quite apart from the Kosovo situation or from Montenegro? From time to time we edge up to what we should be doing in Montenegro.

Not all of it is covert, but it sometimes takes on that flavor. After all, Kosovo is a part of Serbia and, therefore, it is unseemly to get into too much discussion about the whole place which might be stabilized this summer, and we may have a big NATO problem again for which we're not very well prepared.

And I don't see, as the chairman has pointed out, an end game at all with regard to Kosovo. Now, you have to answer these questions diplomatically because our European friends are very sensitive on the issue of independence and autonomy, and therefore public testimony by you or anybody else is likely to be difficult.

But the fact is that, as I rephrase the steps of how we got involved to begin with, we were involved at Rambouillet.

We felt a responsibility to make that conference credible. Whoever made the estimate that the bombing raids would change the opinion of Milosevic may or may not have been correct. Whether we were prepared for that war is beside the point, because it is over, but the fact is there are lots of questions about Rambouillet, our negotiating position, and how we came into such a war to begin with, and all the ramifications that follow it.

Now, I think at some point either your administration or the next one has to put in context what is going to happen, and we have to take leadership in the United States and in NATO to make it happen.

As it stands, it seems to me we are mostly reactive and defensive. Some say that 15 percent of the people there doing peacekeeping seems like a fair share, but we are skeptical whether the Europeans are doing their share. It is a very small area anyway and very tough for any of these people to make a difference in southeastern Europe, its economy, and lack of overall strategy.

What can you inform us about any overall strategic plan, or a way in which the administration might explain or take leadership in bringing some plan so that you then come to the Congress and say this is the way it is. It may be expensive, but these are things we have got to do, and they involve all these countries, and they involve money and investment and the rest.

This is preferable to a piecemeal approach to Kosovo appearing, in ways suggesting that we might do something more or we might not, or defending the amount that we are doing. I think ultimately you would have to admit this is an interim stop-gap affair or a finger in the dike, and hope that some good things might happen, like Milosevic leaving, or other countries stepping to the fore.

Can you give us any grand idea about all of this?

Ambassador PARDEW. I do not know how grand it will be Senator, but I will give it my best shot.

First of all, I think we appear sometimes to be reactive, because we are in some ways responding to events we do not control. I mean, we simply cannot predict what Milosevic is going to do tactically. This all started in the early nineties as Yugoslavia came apart, and we were faced with confrontations between these new countries. Bosnia was a particular difficult example.

We tried long ago to deter Milosevic from taking action in Kosovo but we were not successful, and we do not know for sure what he might do next. But you are exactly right in that it is very difficult to deal with regional issues because of Serbia's current leadership, its location and the size of its population.

I would say that our strategy is governed by our interest in regional stability. We wish to take a regional approach to problems, not just a piece by piece approach.

Part of the regional strategy is the Stability Pact and what we are trying to do to integrate countries of the region into the European economic system and the European political institutions. We seek to bring these countries into NATO, OSCE, EU, and other regional institutions, and to have them work together toward common economic structures and goals. The Stability Pact is a large part of that effort.

Another element of our strategy is the replacement of the regime in Serbia, because such a change is so critical to the region, and our goal of building democracies in these countries. We have made great headway in Croatia. We have not had as much success in Bosnia as we would have liked, but things have gotten better there. We are working very hard in Kosovo to improve the situation. Overall, I would characterize our strategy as based on regional stability and regional cooperation. Then you go into the individual countries and what we are doing there.

Senator LUGAR. Thank you.

Senator SMITH. Thank you, Mr. Ambassador. I think you can infer from both of our comments and questions that our ability to keep support in the U.S. Senate for the current end game is not indefinite, and the sooner we get on to realizing that we picked a side on the side of the Kosovar Albanians the better off we will be, because that will lead us to a goal that is achievable, and that is their independence, and if the Europeans do not want that, I believe they will find that they are the ones enforcing something other than that.

We thank you, sir.

Ambassador PARDEW. Thank you.

Senator SMITH. We invite now our next panel, Ambassador Abramowitz, Dr. Williams, and Mr. Bugajski.

Ambassador Abramowitz, we will start with you, sir. Thanks for being here.

**STATEMENT OF HON. MORTON I. ABRAMOWITZ, BOARD OF TRUSTEES, INTERNATIONAL CRISIS GROUP, AND FORMER ASSISTANT SECRETARY OF STATE FOR INTELLIGENCE AND RESEARCH, WASHINGTON, DC**

Ambassador ABRAMOWITZ. Thank you, Mr. Chairman. I very much appreciate the chance to discuss Kosovo with you. Let me just say that there have been very powerful voices on this committee over the past decade saying some very important things, and it is an honor for me to be with some of them here today. Thank you very much.

Kosovo is a subject of great political and moral importance. For all the ills of Western policy in the Balkans the past year, the useless rhetoric—past decade, I should say—the useless rhetoric, the

evasions of reality, the half-way measures, in the end Kosovo represented an extraordinary allied motivation effort and accomplishment.

Kosovo, of course, is not over. It remains a poor, disorganized society with a long-term security problem. It is essential for the people of Kosovo, peace in the Balkans, and to the cohesion and the values of the alliance that our efforts to create a stable and reasonable democratic Kosovo be successful. That will require continuing personnel, military and civilian resources of sizable magnitude, determination, and some political imagination.

There is no easy exit strategy, that wonderful phrase which is often used to lead democratic countries to less decisive action or no action at all, and ultimately produces greater cost and greater suffering. How long Western forces have to stay, and the magnitude of the resources needed, will be heavily dependant by what we and our allies do in Kosovo in a wider regional setting.

I thought it might be useful to raise at least five important questions about our efforts in Kosovo, and I will try to be brief. The first and most obvious is where are we, and what has been accomplished?

Mr. Chairman, you have already answered that very well. Your description at the beginning of the session I think was dead on, and I am not going to repeat essentially what you had said. I would like to just close that part with a little paragraph which I have written which says, it seems inevitable that after a war the resources and attention of concerned nations to post-war reconstruction fall far behind what is needed, indeed, in some cases imperiling the results of the war.

The U.N. administration has been burdened with a deficiency of all sorts of resources, as well as a mandate to keep Kosovo as part of the Federal Republic of Yugoslavia which flies in the face of reality. However valiant their effort, it is clear that UNMIK has neither the resources, time, nor ability to reshape Kosovo society, but UNMIK, with the help of KFOR, can establish a reasonably secure political environment, encourage responsible political parties, promote movement or democratic practices, and institute an elective process.

My second question is, do Serbs still have a place in Kosovo? In Kosovo our ideals collide with popular fears and profound antagonisms. It is not a situation that can be changed overnight. Serbs have been leaving Kosovo for the past 20 years, as Albanian predominance in the province increased. The outcome of the war sped further departures. Probably half of pre-war Kosovo's 200,000 Serbs, not all of whom were long-term residents, fled partially because of Albanian violence or provocation, but in part because they also feared to live under Albanian rule, or lost their jobs when Serbian administration ceased.

Despite their inhospitable reception in Serbia, and the presence of KFOR in Kosovo, it is uncertain whether many Kosovo Serbs want to return to Kosovo without jobs to go to, which have largely been taken over by Albanians, and without the restoration of Serbian authority. The latter is not likely for a long time to come, if ever. To encourage Serbs remaining in Kosovo to stay and those in Serbia to return is no easy task, and from the perspective of many

Albanians in Kosovo the fewer Serbs in Kosovo the better, and the less likely in the future that Serbia would attempt to take back the area.

The issue of Serb returns is a tricky one, in part because Belgrade is deeply involved in the Serb presence in Kosovo. Many Serbs also came late to Kosovo, as part of Belgrade's apparatus. In part, this issue of returns is also intimately related to the establishment of a serious Kosovo entity, one with a real court system, a better rule of law, and adequate policing, in short, a functioning society where there is security and predictability.

That does not yet exist in Kosovo, and encouraging Serbs to return at this point is questionable, since they will almost certainly end up in enclaves controlled by Belgrade, but while a stable environment is necessary, it is probably not sufficient. Getting Serbs to return will also require continuing Western pressure, lots of material support and military and police protection for some uncertain time to come.

This means: No. 1, that Serbs must somehow be assured security, democratic rights, power-sharing in their communities, and political participation outside their communities, however difficult that will be in Albanian areas.

No. 2, that Serbs in Kosovo will have to accept that they will have to live in a single Kosovo not ruled by Belgrade. Right now, that does not seem to be the case for a large number of them.

No. 3, that Albanian violence must be controlled, and Albanian leaders need to understand that they will ultimately have to accept the return of those Serbs wishing to return to Kosovo and make that work as well as possible if they are to sustain the international community support for majority rule in Kosovo.

Given the difficulties and uncertainties involved, one practical strategy does not answer the problem, but one practical strategy might be to focus initial returns on the much smaller number of displaced Roma gypsies, who invariably get the short end of the stick. If their returns can be successfully managed, it could offer some confidence to move ahead with a program to return Serbs to Kosovo.

My third question, one that you have alluded to and Senator Lugar has alluded to, is the uncertainty of the future status of Kosovo inhibiting the political and economic development of Kosovo. The answer to this is almost certainly yes, although it is hard to quantify.

Economic and political decisions are made because the only international mandate is U.N. Security Council Resolution 1244, which says that Kosovo's part of the Federal Republic of Yugoslavia [FRY], and that is used in many quarters to contribute to delay in creating meaningful institutions which are run by the people of Kosovo. There seems to be a continuing struggle between UNMIK and Pristina and the United Nations in New York over the implementation of a mandate and the structure and timing of self rule.

Russia and China are against any change in the international status of Kosovo. The allies continue to fear that a too rapid movement toward Kosovo self-rule and any enunciation of Kosovo independence as a goal will imperil the viability of Macedonia and stir up a major international dispute.

They all apparently believe that the issue of Kosovo's status could be better dealt with once Milosevic leaves the scene. That is, there is a greater possibility of keeping Kosovo and Serbia together in some way if Serbia has a more democratic government, or conversely, that a more democratic government in Serbia is more likely to accept the succession of Kosovo, or at least a republic status for Kosovo in the FRY.

One problem with this approach is that no one is smart enough to figure out when Milosevic will lose power. However significant the weaknesses of his regime, his departure could be delayed a long time. We have seen that with Castro, we have seen that with Saddam Hussein. It could be delayed a long time, creating tension and instability in Kosovo should power and responsibility continue to be denied the Albanians.

Moreover, it is not at all clear that a post-Milosevic Government will have the desire or the political backing to accept a change in Kosovo's status. One could reasonably argue that it is better for the international community and the Serb opposition to change Kosovo's status while Milosevic is in charge.

Another problem is our use of so-called Federal Republic of Yugoslavia, the FRY. I think we all know why the term was used in 1244 and not Serbia. The sad fact is, the FRY is the family enterprise of Mr. Milosevic that serves to give his rule some legal patina. Every republic has gotten out, and the last remaining one, Montenegro, also wants out, much to our discomfiture.

Resurrection of the FRY is a highly dubious enterprise even in a post-Milosevic period. It is, however, at this time not possible politically in the international community, whether it is desirable or not, easier now rather than later, to change the status of court in Kosovo by the international community, and that, I believe, is producing a drift in Kosovo and in allied determination.

The people in Kosovo still do not know what local elections which are to be held in the autumn mean, and there seems to be, at least among some allies, a sense that Kosovo is really part of Serbia. It is important for the United States to make its views crystal clear to the people of Kosovo and to the world at large that while the status of Kosovo still has to be determined, Serbian rule will not return to Kosovo and independence is a possible goal once certain conditions about the nature of independent Kosovo are met, including a demonstrated commitment to minority rights, and an adherence to internationally recognized borders.

Credible elections will also be needed to establish the legitimacy of Kosovo Governments, and the growing responsibility of those voted into office. In short, we either start to set the rules for a transition to what may be Kosovo independence, or we allow ourselves to be hostage to events in Kosovo and the region.

My fourth question: How do Serbia and Kosovo live with each other in the long run? If Western forces are to ever be withdrawn from Kosovo, clearly Serbia and Kosovo must be able to work out some sort of stable relationship. Whether this will be possible, and when, I am not smart enough to predict.

The history of the two communities has obviously been a violent one, but even if that objective is difficult to attain, it is important not to lose sight of it. I think we can say at least a few things

about the longer term. First, the relationship cannot improve while Milosevic remains in power. He is still trying to preserve the potentiality for Serb rule in Kosovo, and to undermine UNMIK authority. We cannot do business with him, and a different type of Serbia will be needed.

Second, even if a Serbian Abe Lincoln took charge and offered malice toward none, not one Albanian would support any serious political tie to Belgrade. Nevertheless, the Albanian leaders of Kosovo must realize that, while independence is their goal, they will have to coexist with next door ultimately a much stronger Serbia. They must examine the government that succeeds Milosevic in that light, and how they might proceed constructively with its leaders. They must also recognize that a continuing Western military presence in Kosovo could be challenged by the domestic considerations and domestic politics in allied nations.

Third, and this is, I think, in the end ultimately the most important thing, much will depend on Europe and what it does in Kosovo, in Serbia when it is free of Milosevic, and in the broad Balkan region. The prospects for stability and ultimate reconciliation in the Balkans depend in great part both on economic growth in all the countries, but also on their respective relationships with Europe.

It will be only possible to remove Western troops when both Kosovo and Serbia are bound to European institutions in some serious fashion. Whether Europe can rise to the occasion and produce a long term integrative process remains to be seen. Europe has plenty of things on its mind. But I believe that the EU increasingly recognizes that connection, and Mr. Solana and Mr. Patten have added enormous energy and urgency to the EU effort.

Finally, what is the role of the United States in shaping the future of Kosovo? The United States was the heart of the alliance war effort, but long term, however, it is the EU, as I noted above, which has a central role in ultimately stabilizing the former Yugoslavia, but it can take a long while to get to the long term, and the United States remains essential for security and for political purposes.

The United States supplies only 15 percent of KFOR, but the continued presence of a significant American force is needed to provide the assurance to the Kosovo Albanians that Serb forces will not simply be able one day to walk in and resume control. The presence of American forces conveys a similar type message to any Serbian Government. Certainly, until more progress is made in creating new, self-sustaining political institutions in Kosovo, and we see the impact of a post-Milosevic Government in Belgrade, serious American forces will be required.

While the bulk of the military presence will have to come from European countries, I think it would be a mistake to simply consider the division of forces a burden-sharing problem. The nature and role of American forces are also important, whether U.S. military efforts are narrowly confined or significantly robust, and determined to get the job done.

I note that Kosovo Serbs have complained a few days ago that British forces do a better job of providing protection to Serbs than

American ones. That may be unfair. I do not know. But I think the way our forces are being used in Kosovo is worth serious review.

There is, moreover, an important political purpose served by the continuing presence of U.S. forces in Kosovo, namely, a stronger voice in determining allied strategy in the Balkans, where we have a major investment in interests and values to protect.

The United States, to its credit, is an important catalytic government, particularly in the Balkans. It needs to remain involved in working to avoid backsliding so that we do not fall into repeating our past experience in Kosovo, and that we do what is necessary to ensure that the alliance maintains a sufficiently strong posture in Kosovo and indeed the whole of the former Yugoslavia, so that we will be successful, rather than doing just enough to fail or create uncertainty and further instability, and in this regard I must express some concern as to our involvement in the nonmilitary aspects of the Kosovo problem.

An Albanian friend has commented that the United States has won the war and seems to have disappeared from Kosovo. In helping make things happen in Kosovo, in the vital tasks, particularly building a civil society, the U.S. Government seems to me to be largely absent. I am sure you will get a catalogue, and we have already heard a catalogue of all the U.S. Government is doing in Kosovo if you ask the question, but I believe it is another subject worth seriously looking at.

Let me close by saying that in western Europe in the 1940's our exit strategy in peace and war was to be successful. If you need an exit strategy for Kosovo, I suggest that is still a fitting one.

[The prepared statement of Ambassador Abramowitz follows:]

PREPARED STATEMENT OF HON. MORTON I. ABRAMOWITZ

Mr. Chairman, Members of the Committee:

I appreciate the invitation to discuss Kosovo with you. It is a subject of great political and moral importance. For all the ills of Western policy in the Balkans the past decade—the useless rhetoric, the evasions of reality, the half-way measures—in the end Kosovo represented an extraordinary allied motivation, effort, and accomplishment. The saga is, of course, not over; Kosovo remains a poor disorganized society with a long-term security problem. It is essential to the people of Kosovo, to peace in the Balkans, and to the cohesion and values of the alliance that our efforts to create a stable and reasonable democratic Kosovo be successful. That will require continuing personnel—military and civilian—resources of sizable magnitude, determination, and some political imagination. There is no easy exit strategy, that wonderful Washington phrase which often is used to lead democratic countries to less decisive action or no action at all and ultimately produces greater cost and suffering. How long Western forces have to stay and the magnitude of the resources needed, will be influenced by what we and our allies do in Kosovo and its wider regional setting.

I thought it might be most useful to raise at least five important questions surrounding our efforts in Kosovo that need to be aired, and to give my answers. I will try to be direct and brief.

1. *The most obvious question is where are we: what has and has not been achieved in not quite a year of U.N. rule?*

Views diverge, often radically—some see the glass half full, some see it mostly empty. In the media pessimism usually predominates, with the overwhelming emphasis on continuing violence against Serbs. Much depends on when you entered the Kosovo problem. One needs to be reminded of Kosovo's tortured post-1989 history: the repression, the dislocation of people, the ethnic animosities, and the destruction of property in evaluating developments under U.N. rule. Here is how I see it, and I rely on my own observations and particularly the work in Kosovo of the International Crisis Group, of which I am a board member:

- The vast bulk of Kosovo's people are now better off, livelier, and more hopeful than before the war. That is, of course, because the Serbian ruling apparatus with its hallmark of fear and repression is gone. Incidents of violence against Serbs and other minorities continue. The present security climate is heavily dependent on a significant Western military and police presence.
- Whatever the suspicions and accusations—true or false—hurled at the KLA and some of its leaders, the organization has been significantly demilitarized. Whether it can turn itself into a popular and cohesive political force not tainted by intimidation, corruption, violence, or fractiousness remains to be seen.
- Albanians got through a hard winter and moved quickly, mostly on their own, to reconstruct homes, establish small and medium sized private business, and resume farm production.
- Basic public services have begun to function after a slow UNMIK start—garbage collection, traffic, etc., are all improving and ninety percent of the children are back in school.
- A process has begun to hold local elections in the fall and to give some political power to the people of Kosovo;

However, there are major areas where little has been done or even can be done in the short-term:

- The communities are more ethnically separated than ever. Kosovo's remaining Serbs live in enclaves under permanent KFOR guard and are mostly supplied by Belgrade. Other minorities remain at risk.
- Kosovo is still divided. Albanians have been entirely driven from territories north of the city of Mitrovica—this area functions de facto as part of Serbia. Indeed, Belgrade's hand is still felt throughout Kosovo.
- Major infrastructure has not been repaired or reconstructed, most notably utilities.
- Very little Kosovo administration has been established. There is U.N. rule but not a real government and Albanian administration is noted mostly by its absence. Kosovo lacks the rule of law and a serious judiciary. Most publicized has been the inability of the international community to provide an adequate police presence; less than half those originally planned have arrived.

It seems inevitable that after a war the resources and attention of concerned nations to post war reconstruction fall far behind what is needed, indeed in some cases imperiling the results of the war. The U.N. administration has been burdened with a deficiency of all sorts of resources as well as by a mandate to keep Kosovo as part of the Federal Republic of Yugoslavia (FRY), which flies in the face of reality. However valiant their efforts, it is clear that UNMIK has neither the resources, time, nor ability to reshape Kosovo society. But UNMIK can establish a reasonably secure political environment, encourage responsible political parties, promote movement toward democratic practices, and institute an elective process.

## 2. *Do Serbs still have a place in Kosovo?*

In Kosovo our ideals collide with popular fears and profound antagonisms. It is not a situation that can be changed overnight.

Serbs have been leaving Kosovo for the past twenty years as Albanian predominance in the province increased. The outcome of the war sped further departures. Probably half of pre-war Kosovo's two hundred thousand Serbs (not all long term residents) fled, partly because of Albanian violence or provocation but in part also because they feared to live under Albanian rule or had lost their jobs when Serbian administration ceased.

Despite their inhospitable reception in Serbia and the presence of KFOR in Kosovo, it is questionable whether many Kosovo Serbs want to return to Kosovo without jobs to go to (which have largely been taken over by Albanians) and without the restoration of Serbian authority. The latter is not likely for a long time to come, if ever. To encourage Serbs remaining in Kosovo to stay and those in Serbia to return is no easy task. From the perspective of many Albanians the fewer Serbs in Kosovo the better, and the less likely in the future that Serbia would attempt to take back the area.

This issue of Serb returns is a tricky one in part because Belgrade is deeply involved in the Serb presence in Kosovo. Many Serbs also came late to Kosovo as part of Belgrade's apparatus. In part this issue of returns is also intimately related to the establishment of a serious Kosovo entity: one with a real court system, a better rule of law, and adequate policing—in short a functioning society where there is security and predictability. That does not yet exist in Kosovo and encouraging Serbs to return at this point is questionable since they will almost certainly end up in en-

claves controlled by Belgrade. But while a stable environment is necessary it is probably not sufficient. Getting Serbs to return will also require continuing Western pressure, lots of material support, and military and police protection for some time to come. This means:

- that Serbs must somehow be assured security, democratic rights, power sharing in their communities, and political participation outside their communities, however difficult that will be in Albanian areas;
- that Serbs in Kosovo will have to accept that they will have to live in a single Kosovo not ruled by Belgrade. Right now that does not seem to be the case for at least a large number of them; and
- that Albanian violence must be controlled and Albanian leaders need to understand that they will ultimately have to accept the return of Serbs to Kosovo and make that work as well as possible if they are to sustain the international community's support for majority rule in Kosovo.

Given the difficulties and uncertainties involved, one strategy might be to focus returns turns initially on the much smaller number displaced of Roma, who invariably get the least attention. If their returns can be successfully managed it could offer some confidence to move ahead with in a program to return Serbs to Kosovo.

3. *Is the uncertainty of the future status of Kosovo inhibiting the political and economic development of the country?*

The answer to this is almost certainly yes, although it is hard to quantify. Economic and political decisions are delayed because the only international mandate is U.N. Security Council Resolution 1244, which says that Kosovo is part of the FRY and that is used in many quarters to contribute to the delay in creating meaningful institutions run by the people of Kosovo. There seems to be a continuing struggle between UNMIK in Pristina and the U.N. in New York over the implementation of the mandate and the structure and timing of self-rule.

Russia and China are dead set against any change in the international status of Kosovo. The allies are divided but most continue to fear that too rapid movement toward Kosovo self-rule and any enunciation of Kosovo independence as a goal will imperil the viability of Macedonia (although any declaration of Montenegro independence from the FRY would throw even greater doubt on allied perspectives of the Kosovo issue) and stir up an international dispute. They all apparently believe that the issue of Kosovo's status could be better dealt with once Milosevic leaves the scene, that is, there is a greater prospect of keeping Kosovo and Serbia together in some way if Serbia has a more democratic government, or conversely, that a more democratic Serbian government is more likely to accept the secession of Kosovo or at least a republic status for Kosovo in the FRY.

One problem with this approach is that no one is smart enough to figure out when Milosevic will lose power. However significant the weaknesses of his regime, his departure could be delayed a long time, creating tension and instability in Kosovo should power and responsibility continue to be denied the Albanians. Moreover, it is not at all clear that a post-Milosevic government will have the desire or the political backing to accept a change in Kosovo's status. One could reasonably argue that is better for the international community and the Serbian opposition to change Kosovo's status while Milosevic is in charge.

Another problem is our use of the so-called Federal Republic of Yugoslavia—the FRY. Everyone knows why that term was used in 1244 and not Serbia. The sad fact is that the FRY is a family enterprise of Mr. Milosevic that serves to give his rule some legal patina. Every republic has gotten out, and the last remaining one—Montenegro—also wants out, much to allied discomfiture. The U.S. does not recognize the FRY, although we appear to have stopped saying that. Resurrection of the FRY is a highly dubious enterprise even in a post-Milosevic period.

It is, however, at this time not possible politically—desirable or not, easier now rather than later—to change the status accorded Kosovo by the international community. And that, I believe, is producing a drift in Kosovo and in Allied determination. The people of Kosovo still does not know what local elections—which are to be held in the autumn—mean; and there seems to be, at least among some allies, a sense that Kosovo is really just a part of Serbia. It is important for the U.S. to make its views crystal clear to the people of Kosovo and to the world at large: that while the status of Kosovo still has to be determined, Serbian rule will not return to Kosovo and independence is a permissible goal once certain conditions about the nature of an independent Kosovo state are met, including a demonstrated commitment to minority rights and the adherence to internationally recognized borders. Credible elections will also be needed to establish the legitimacy of Kosovo governments and the growing responsibility of those voted into office. In short, we either

start to set the rules for a transition to what may be Kosovo independence or we allow ourselves to be hostage to events in Kosovo and the region.

*4. How do Serbia and Kosovo live with each other in the long run?*

If Western forces are ever to be withdrawn from Kosovo, clearly Serbia and Kosovo must be able to work out some sort of stable relationship. Whether this will be possible and when is, of course, hard to predict. The history of the two communities has been a violent one. Even if attainment of that objective is difficult, it is important not to lose sight of it.

We can say a few things about the longer term. First, the relationship can not improve while Milosevic remains in power. He is still trying to preserve the potentiality for Serb rule in Kosovo and to undermine UNMIK authority. Business can not be done with him. A different type of Serbia will be needed.

Second, even if a Serbian Abe Lincoln took charge and offered malice toward none, not one Albanian would support any serious political tie to Belgrade. Nevertheless, the Albanian leaders of Kosovo must realize, that while independence is their goal, they will still have to coexist with a next-door, much stronger Serbia. They must examine the government that succeeds Milosevic in that light and how they might proceed constructively with its leaders. They also must recognize that a continuing Western military presence in Kosovo could be challenged by domestic considerations in allied nations.

Third, much will depend on Europe and what it does in Kosovo, in Serbia when it is free of Milosevic, and in the broad Balkan region. The prospects for stability and ultimate reconciliation depend in great part both on economic growth in all the countries in the area but also on their respective relationships with Europe. It will only be possible to remove Western troops when both Kosovo and Serbia are bound to European institutions in some serious fashion. Whether Europe can rise to the occasion and produce a long-term integrative process remains to be seen. Europe has many other things on its mind. But I believe the EU increasingly realizes that connection and Mr. Solana and Mr. Patten have added energy and urgency to EU efforts.

*5. Finally, what is the role of the U.S. in shaping the future of Kosovo?*

The U.S. was the heart of the Alliance war effort. For the long term, however, it is the EU, as I noted above, which has the central role in ultimately stabilizing the former Yugoslavia. But it can take quite a while to get to the long-term and the U.S. remains essential for security and political purposes. The U.S. supplies only 15-20 percent of KFOR, but the continued presence of a significant American force is needed to provide the assurance to the Kosovo Albanians that Serbian forces will not simply be able one day to walk in and resume control. The presence of American forces conveys a similar type message to any Serbian government.

Certainly until more progress is made in creating new self-sustaining political institutions in Kosovo and we see the impact of a post-Milosevic government in Belgrade, serious American forces will be required. While the bulk of the Western military presence will have to come from European countries, it would be a mistake to simply consider this division a burden sharing problem.

The nature and role of our forces are also important—whether U.S. military efforts are narrowly confined or significantly robust and determined to get the job done. I note that Kosovo Serbs have complained a few days ago that British forces do a better job of providing protection to Serbs than American ones. I think the way our forces are being used in Kosovo is worth serious review.

There is, moreover, an important political purpose served by the continuing presence of U.S. forces in Kosovo, namely a stronger voice in determining Alliance strategy in the Balkans, where we have a major investment and interests and values to protect. The U.S., to its credit, is an important catalytic element, particularly in the Balkans; it needs to remain involved in working to avoid backsliding so that we do not fall into repeating our past experience with Kosovo, and that we do what is necessary to insure that the Alliance maintains a sufficiently strong posture in Kosovo, and indeed the whole of the former Yugoslavia, so that we will be successful, rather than doing just enough to falter and create uncertainty and further instability.

And in this regard I must express some concern as to our involvement in the non-military aspects of the Kosovo problem. An Albanian friend has commented that the U.S. won the war and seems to have disappeared from Kosovo. In helping make things happen in Kosovo, in the vital task of building a civil society the U.S. government seems to be largely absent. I am sure you will get a catalogue of all the U.S. government is doing in Kosovo if you ask the question, but, I believe, it is another subject worth seriously looking at in detail.

Let me close by saying that in Western Europe in the 1940's our exit strategy in war and peace was to be successful. If you need an exit strategy for Kosovo I suggest that is also the most fitting one.

Senator SMITH. Thank you, Mr. Ambassador.  
Dr. Williams.

**STATEMENT OF DR. PAUL R. WILLIAMS, ASSISTANT PROFESSOR OF LAW AND INTERNATIONAL RELATIONS, AMERICAN UNIVERSITY, WASHINGTON, DC**

Dr. WILLIAMS. Thank you, Mr. Chairman. It is an honor to appear before the members of the Senate Foreign Relations Committee to discuss American efforts to build peace in Kosovo and throughout the former Yugoslavia.

I am particularly grateful to appear before this body, as many of its members have a long and active role in seeking to ensure a coherent American policy that promotes America's moral interest in human rights and human dignity in the former Yugoslavia while also protecting America's strategic interest in a stable Europe, a democratic Balkan region, and the preservation of American military capability and readiness.

Before I begin my testimony, I should mention by way of background that I served as an advisor to the Kosovo Albanian delegation during the Rambouillet/Paris negotiations and to the Bosnian delegation during the Dayton negotiations, and previously served as a lawyer with the Department of State's Office of Legal Adviser for European Affairs.

Let me now turn to a summary of the substance of my written testimony, which I would like to submit for the record. I have entitled it, "Winning the Peace in Kosovo, Time to Formulate a Strategy."

To win the peace in Kosovo the United States must articulate a clear and attainable objective and develop and pursue a coherent strategy. To date, the United States has not articulated a meaningful objective and has pursued only a tactical approach to the crisis in Kosovo and to the broader crisis in the former Yugoslavia. If this vacuum of strategic policy continues, the United States will be unable to extricate its military forces from either Bosnia or Kosovo in the foreseeable future, and will find itself confronted with perpetual conflict and crises, as it has for the past decade in this region.

Although some American officials have proclaimed an objective of integrating the Balkan region into the economic and democratic structure of Europe, no official has articulated a clear and realistically attainable objective for Kosovo beyond securing the peace. Rather, they have pursued a policy of intentional ambiguity on important matters such as the final status of Kosovo.

Consistent with this policy, the American Government has pursued only a tactical approach of addressing the consequences of the conflict, such as promoting the return of refugees, reconstructing homes, drafting legal codes, repairing the electrical grid, and getting children back to school. While necessary first aid, these actions are not sufficient to heal the wounds of the conflict, or to prevent further conflict.

Importantly, the American Government has deployed over 5,000 military personnel to support this Band-Aid approach in Kosovo. At no time, however, not even during the debate over the Byrd-Warner amendment, has the U.S. Government publicly articulated the overall strategy which the deployment of American troops is designed to support.

This purely tactical approach represents a failure to learn the lessons of the Bosnia conflict, where the absence of a strategic policy has cost the United States billions of dollars and tens of thousands of military man-hours. The results of this effort have been that only a fraction of the refugees have returned to their homes, while Serb nationalists still exercise significant, if not determinative, political influence in the Republic of Srpska which they use to prevent the implementation of the Dayton agreement.

One reason why the U.S. Government has been unable to move beyond the tactical approach is that since the origination of the conflict American policy has revolved around accommodating the interests of Slobodan Milosevic, and now that he has been indicted for crimes against humanity by the Yugoslav War Crimes Tribunal, he can no longer be relied upon as our partner in peace.

As a result, rather than now crafting an aggressive strategy to confront Milosevic and deny him the fruits of ethnic aggression, American diplomats have developed a passive shadow strategy of waiting for a democratic transformation in Serbia to remove Mr. Milosevic.

In formulating a clear and obtainable objective for U.S. policy, it is necessary to assess the costs of losing the peace, assess the causes of the conflict, and understand the requirements for further peace-building. The consequence of losing the peace in Kosovo will be a politically radical Kosovo population, devoid of Serbian or other minorities, which is, de facto if not de jure, partitioned along the Mitrovica fault line, leaving the Kosovo Albanian controlled territory to seek unification with Albania and/or the Albanian areas of Macedonia.

Senator BIDEN. Excuse me, Mr. Chairman. What do you mean by losing? Does your little scenario mean that there are no NATO forces any longer in Kosovo?

Dr. WILLIAMS. It means failing to win the peace, withdrawal of NATO forces, and the failure to democratize properly within Kosovo.

Senator BIDEN. You think that this would result in the Kosovars in control of Kosovo? Good luck.

Dr. WILLIAMS. Well, on a good day.

Senator BIDEN. They would last about a day.

Dr. WILLIAMS. I did not want to be too pessimistic, but I will get to that more pessimistic part in a few moments.

The Kosovo crisis is largely the result of the failure to win the peace in Bosnia, the failure to politically confront Milosevic before the use of force becomes necessary, and the failure to ensure equal protection of rights and the security of Albanian and Serbian ethnic groups.

Now, to create the circumstances necessary for winning the peace in Kosovo, the United States must immediately undertake a process for determining the final status in Kosovo. The approach of de-

laying the resolution of Kosovo's final status in hopes of a near-term democratic transition in Serbia is flawed, as either Mr. Milosevic will be replaced by a strong nationalistic force that would pursue a similar or even more aggressive policy toward Kosovo.

And when over time a more democratic force will come to power, it will be unlikely to cope with the responsibilities and burdens of addressing the Kosovo crisis as well as the multitude of other tasks that will confront them as they try to politically and economically reconstruct Serbia. In fact, Mr. Milosevic and not the democratic opposition should be held politically accountable for Serbia's inevitable loss of Kosovo.

The second important element is to exercise American leadership to coordinate and to constrain the actions of our allies, in particular the French, who seem to have embarked upon a separate policy of engagement with Kosovo Serbian political forces based on the principal of maintaining peace through the accommodation of hard-line local Serbian interests, which we know are directed from Belgrade. It is also necessary for the United States to take the lead in containing the influence of Russia.

To win the peace in Kosovo, the American objective should be to create an economically and politically self-sufficient multi-ethnic Kosovo capable of defending itself against possible further acts of Serbian State-sponsored ethnic aggression.

In return, this entity must protect the rights of minority populations resident on its territory and act responsibly toward its neighbors. The strategy for accomplishing this objective should be for the United States, supported by its allies, to manage a process of intermediate sovereignty and earned independence for the people of Kosovo.

This process would entail arrangements whereby the people of Kosovo for a period of 3 to 5 years would be entitled to exercise specified sovereign rights while under the continuing mandate of Resolution 1244, and undertake certain essential political commitments. After this period, Kosovo would be entitled, subject to an internationally conducted referendum within Kosovo, to seek recognition from the international community.

During the interim period, the people of Kosovo would exercise, in cooperation with UNMIK, complete legislative, executive, and judicial control over their internal affairs. The people of Kosovo would also be entitled to begin to conduct their own international affairs, and to appoint international representatives.

In exchange for the exercise of these sovereign rights, Kosovo would be required to implement specific guarantees that it would protect the rights of all minority populations within its territory, respect the territorial integrity of neighboring states such as Macedonia and Albania, and accept its borders as confirmed by the 1974 Yugoslav constitution. Compliance with these obligations should be measured and assessed by an independent international entity.

At the end of this interim period, the criteria for recognition of Kosovo would be based upon an assessment of the fulfillment of these commitments. If recognized by the international community, Kosovo would remain bound by these commitments.

Now, as the most recent crisis in Kosovo is but a continuation of the Yugoslav crisis begun in 1991, it is also necessary to establish objectives and strategies for winning the peace throughout the territory of the former Yugoslavia, which I go into in more detail in my written testimony. To win back the peace in Bosnia it is necessary to acknowledge the nature of the Dayton Accords as a flawed peace agreement and either renegotiate or evolve these accords in a manner which deconstructs the resulting institutions and attributes of Milosevic's efforts to partition Bosnia.

To prevent the conflict in Montenegro, it is necessary to demonstrate tangible benefits to democracy on a political path separate from that of Serbia. Montenegro must be provided with security guarantees, and Serbia must be confronted with clear warnings of economic and political sanctions in the event it sponsors a coup or other covert action in Montenegro. Moreover, Montenegro must be engaged in the Kosovo peace-building process.

To win the conflict in Serbia, it is necessary to promote a democratic transition beyond the current institutionalized political opposition. This will require a series of transitions. The Yugoslav tribunal's indictment of the top leadership should be maximally utilized to delegitimize and discredit the current nationalist regime, and America should lead its allies in isolating Milosevic and his accomplices.

America should make clear that Serbia will be barred from international assistance until Milosevic is not only removed from power, but also surrendered to The Hague.

In conclusion, the lack of a strategic policy for bringing a lasting peace to Yugoslavia has resulted in hundreds of thousands of deaths, the displacement of over a million refugees, the degradation of United States and NATO military forces, diplomatic strains within the American-European alliance, and a diversion of resources and attention from other areas of strategic importance.

Unless the United States wishes to create a permanent peace-keeping force in the region, it must develop an aggressive strategy for each zone of conflict in the former Yugoslavia. For Kosovo, that policy should be one of intermediate sovereignty and earned independence.

I thank the members of the committee for this opportunity to testify.

[The prepared statement of Dr. Williams follows:]

PREPARED STATEMENT OF DR. PAUL R. WILLIAMS

WINNING THE PEACE IN KOSOVO: TIME TO FORMULATE A STRATEGY

It is an honor to appear before members of the Senate Foreign Relations Committee to discuss American efforts to build peace in Kosovo and throughout the former Yugoslavia. I am particularly grateful to appear before this body as many of its members have taken an active role in seeking to ensure a coherent American policy which promotes America's moral interest in human rights and human dignity, while also protecting America's strategic interest in a stable Europe, a democratic Balkan region, and the preservation of American military capability and readiness.

Before I begin my testimony I should mention by way of background that I served as an advisor to the Kosovo Albanian delegation in Rambouillet and Paris, and as an advisor to the Bosnian government delegation to the Dayton negotiations. I have also advised the government of Macedonia on matters relating to the conflict. Earlier in my career, during the initial development of America's response to the con-

flict in the former Yugoslavia, I served with the Department of State as a lawyer for the Office of European and Canadian Affairs.

Let me now turn to the substance of my testimony, which I have submitted for the record.

To win the peace in Kosovo the United States must articulate a clear and attainable objective and develop and pursue a coherent strategy. To date, the U.S. Government has not articulated a meaningful objective, and has pursued only a tactical approach to the crisis in Kosovo, and to the broader crisis in the former Yugoslavia. If this vacuum of strategic policy continues, the United States will be unable to extricate its military forces from either Bosnia or Kosovo in the foreseeable future and will find itself confronted with perpetual conflict and crises in the region.

To win the peace in Kosovo the American objective should be to create an economically and politically self-sufficient multi-ethnic Kosovo capable of defending itself against possible further acts of Serbian state sponsored ethnic aggression. In return this entity must protect the rights of minority populations resident on its territory and act responsibly toward its neighbors. The strategy for accomplishing this objective should be for the U.S., supported by its allies, to manage a process of intermediate sovereignty and earned independence for the people of Kosovo.

As the most recent crisis in Kosovo is but a continuation of the Yugoslav crisis begun in 1991, it is also necessary to establish objectives and strategies for winning the peace throughout the territory of the former Yugoslavia.

#### THE CURRENT TACTICAL APPROACH TO WINNING THE PEACE

##### *Addressing the Consequences of the Conflict, While Failing to Address the Causes*

Although some American officials have proclaimed an objective of integrating the Balkan region into the economic and democratic structure of Europe, no official has articulated a clear and realistically attainable objective for Kosovo or for the region of the former Yugoslavia, beyond "securing the peace."<sup>1</sup>

Moreover, while American officials have declared their intent to promote vague principles of democracy, security, human rights, economic development, and have discussed a second Marshall Plan or a reapplication of the "states in transition" approach to the northern tier of Central and Eastern Europe, they have not articulated concrete objectives tailored to the specific circumstances of the former Yugoslavia.<sup>2</sup>

Rather, the American Government has pursued a tactical approach of addressing the consequences and not the causes of the conflict, which include promoting the return of refugees, reconstructing homes, drafting legal codes, repairing the electrical grid and getting children back to school.<sup>3</sup> More generally, the approach has included efforts to build "civil society," arrange elections, provide security and revitalize the economy.<sup>4</sup> The success of this policy has been defined in terms of a reduced homicide rate, pledges for international, funding, and an increasing number of international personnel deployed to the region.<sup>5</sup>

The American Government has also deployed over 5,000 military personnel to support its tactical efforts in Kosovo. At no time, however, has the U.S. Government articulated the overall strategy which these tactical efforts, or which the deployment of American troops is designed to support, or has it demonstrated how the tactical efforts and the actions of the military forces are interrelated as part of a larger plan.

While necessary to repair and redress the consequences of the Kosovo conflict, the tactical efforts currently pursued by the U.S. Government, absent a strategic approach, are insufficient to build the foundation for a lasting peace in Kosovo or the former Yugoslavia. Even if the U.S. successfully restores electricity, reconstitutes the police force, redrafts the school curriculum and trains an impartial judiciary, the U.S. still will not have resolved the underlying causes of the conflict, which emanate from Belgrade and have become deeply rooted in the Kosovo political context. To win the peace it is necessary to address the fact that the primary cause of the conflict and the continued instability in the region is the use of ethnic aggression and political oppression by Milosevic's Serbian nationalist regime as a means of perpetuating its political power.

##### *Failing to Learn the Lessons of Bosnia*

In fact, if pursued in a policy vacuum, even these limited tactical objectives are unlikely to be met. In the case of Bosnia, the absence of a strategic approach has meant that despite billions of dollars in international assistance and tens of thousands of military man-hours few Bosniac refugees have been able to return to their homes in Serb controlled Republika Srpska; there is only the most minimal freedom of movement across the inter-entity boundary line; Serb nationalists still exercise significant if not determinative political influence in the Republika Srpska; the

Bosniac-Croat Federation and the Bosnian central government are politically gridlocked along ethnic lines; the economy continues to teeter on the brink of collapse; and the Bosniac political community has become polarized.<sup>6</sup>

More importantly, the rush to pursue tactical objectives on their own is likely to undermine the prospects for a meaningful peace, as has been the case in Bosnia. For instance, in an effort to demonstrate movement toward the tactical objectives of the Dayton Accords the U.S. Government essentially directed the OSCE to hold elections even though the circumstances all but precluded the possibility of free and fair elections. After 104% of the population voted, the OSCE, again under pressure from the U.S. Government, declared these elections to have been substantially free and fair.<sup>7</sup> As a result, hard-line Serbian representatives took up power in the Republika Srpska institutions and the Serbian section of the Bosnian parliament, and Momcilo Krajisnik was elected as the Serb representative to the Bosnian Presidency. From this vantage point, and with support in the Bosnian parliament and the Republika Srpska, Mr. Krajisnik continued to pursue the policy of a *de facto* partition of Bosnia and ethnic segregation which he had orchestrated during the campaign of ethnic aggression. After completing his term, Mr. Krajisnik was indicted by the Yugoslav Tribunal for crimes of genocide which he had committed prior to being elected to the Bosnian Presidency.

The continued absence of a strategic policy for Bosnia has created conditions where even just this last May an Italian military contingent assigned to provide security to a convoy of Bosniac women returning to visit graves in Bratunac stood by while Serb protesters stoned the Bosniac women in their care. Moreover, growing weary of the inability of international efforts to secure their return home, increasing numbers of refugees and internally displaced persons are engaging in spontaneous returns. Even then, the international community is only capable of providing reconstruction assistance to approximately 10 percent of these returnees.<sup>8</sup>

#### *Affirmatively Declining to Formulate or Declare a Strategy*

As a consequence of the absence of a strategic approach to the Kosovo crisis, and in light of concerns about the proper use of U.S. military forces and the extent of European financial and military commitments, Senators Byrd and Warner recently unsuccessfully sought to insert a provision into the Military Construction Appropriations Act, 2001. This provision would have terminated funding for the continued deployment of U.S. ground combat troops in Kosovo after July 1, 2001, unless the President sought and received congressional authorization to continue such deployment.<sup>9</sup> A similar measure was adopted by the House.

Notably, during the debate over the Byrd-Warner provision the Executive Branch objected to the withdrawal of American troops on the grounds that a number of negative consequences would occur, including straining our relations with our European allies, undermining the effectiveness of NATO and usurping the constitutional authority of the Executive Branch. At no time, however, did the Executive branch offer an affirmative public explanation as to what purpose the troops were serving in Kosovo, beyond that of "providing security." Notably, the Executive branch failed to articulate the specific policy which required that the troops be placed in harms way, or to establish a standard by which the success of the mission could be measured and American troops withdrawn. In fact, according to a recent International Crisis Group report, the primary mission of American forces in Kosovo is "force protection,"<sup>10</sup> which is to say that the American military forces in Kosovo are there to protect the American military forces in Kosovo. Such a state of affairs could only occur in a policy vacuum.

#### *Failing to Aggressively Delegitimize Slobodan Milosevic*

One reason why the U.S. Government is unable to move beyond a tactical approach is that since the origination of the conflict, and particularly during the Dayton negotiations and the run-up to the Rambouillet/Paris negotiations, American policy revolved around accommodating the interests of Slobodan Milosevic. Now that Mr. Milosevic has been indicted for crimes against humanity by the Yugoslav Tribunal, he can no longer be relied upon as America's partner in peace and the American Government has found it difficult to formulate an alternative strategy.<sup>11</sup>

Thus, rather than crafting a strategy to confront Milosevic and deny him the fruits of ethnic aggression, American diplomats have developed a passive shadow strategy of waiting for a democratic transformation in Serbia to remove Milosevic.<sup>12</sup> It should be recalled, however, that much of the current institutionalized "democratic opposition" is based on Milosevic's failure to achieve his nationalist agenda or on the negative consequences experienced by Serbia, but not necessarily on opposition to his ideas of ethnic supremacy or notions of a greater Serbia.

CRAFTING AN APPROACH TO WINNING THE PEACE: SETTING AN OBJECTIVE AND  
FORMULATING A STRATEGY

In formulating a clear and attainable objective for U.S. policy there are three important steps to undertake. The first is to assess the costs of losing the peace in Kosovo, the second is to assess the larger geopolitical context of the conflict, and the third is to assess the causes of the conflict and the requirements of further peacebuilding.

*The Costs of Losing the Peace in Kosovo*

A lost bid to win the peace in Kosovo will:

- Undermine the pluralistic and moderate political forces, which understand the necessity of maintaining an ethnically diverse Kosovo and ensuring the protection of minority rights;

- Strengthen less moderate elements of the majority population, which are more inclined to act with hostility toward minority groups in a manner designed to promote their emigration and displacement;

- Negate international efforts to provide meaningful physical security and a sense of rightful participation in the political or economic future of a unified Kosovo;

- Enhance the international legitimacy and likelihood of achieving Slobodan Milosevic's plan for a partition of Kosovo;

- Legitimize the Kosovo Albanian interest in creating a larger territorial entity, which might include portions of Macedonia, Serbia and Montenegro;

- Contribute to further conflict in the former Yugoslavia just as the mismanaged peace in Bosnia significantly contributed to Milosevic's calculation to undertake ethnic warfare in Kosovo.

In sum, the consequence of losing the peace in Kosovo will be a politically radical Kosovo population, devoid of Serbian or other minorities, which is *de facto* if not *de jure* partitioned along the Mitrovica fault line, leaving the Kosovo Albanian controlled territory to seek unification with Albania and/or the Albanian areas of Macedonia.

*Understanding the Broader Geopolitical Context of the Kosovo Crisis*

The crisis in Kosovo occurs within a broader geopolitical context of the former Yugoslavia and the Balkan region.

When formulating an objective for American policy in Kosovo, it is necessary to learn the lessons of our failed effort confront ethnic aggression in Bosnia, and how our continuing refusal to reassess our Bosnian policy and renegotiate or further evolve the substance of the Dayton Accords, inhibits our ability to develop a coherent Kosovo policy. Moreover, it is important to acknowledge that our primary interlocutor, Slobodan Milosevic, is not a partner in peace, but a man indicted for crimes against humanity, that the current Serbian regime has a distinct interest in its own survival and is willing to invoke ethnic nationalism, and rely on totalitarian acts by the military, secret police and paramilitaries to manipulate political outcomes.

The peace in Kosovo is thus linked to the reversal of political and territorial gains achieved in Bosnia through ethnic aggression, the efforts of the Serbian people to topple Milosevic's nationalist regime, as well as to the efforts of Montenegro to chart a democratic path separate from that of the Milosevic regime. The Kosovo peace is also linked to political and economic stability in Albania and Macedonia and those countries interpretations of American and European intentions.

*Assessing the Causes of the Conflict and the Requirements of Further Peacebuilding*

As we assess the causes of the conflict and the requirements for the creation of political circumstances conducive to peacebuilding, we find that they are the same issues which existed when the U.S. Government accepted the Holbrooke/Milosevic Deal of October 1999 providing for the unarmed Kosovo Verification Mission, and which pre-occupied American efforts during the Rambouillet/Paris negotiations and the drafting of UNSC Resolution 1244.

- (1) *The need to meaningfully protect the physical security, human rights and property interests of all ethnic groups in Kosovo*

Throughout Kosovo's incorporation in the former Yugoslavia, the equal and fair treatment of ethnic groups has been a major point of friction, whether it was the treatment of the Serbian and other ethnic groups from 1974 to 1989, or the treatment of Kosovo Albanians from 1989 until the summer of 1999. To remove this issue as a source of conflict will be difficult and will require both an incentive for the regionally and locally dominant ethnic groups to respect each others rights and ensure

their physical security. These efforts must be matched by aggressive KFOR actions designed to ensure security for all groups.

*(2) The need to meaningfully restructure the economy and promote economic development*

In Bosnia the international community has created an aid dependent economic structure, and political institutions which are structurally incapable of exercising cogent control over the economy or raising economic revenue through fair taxes and customs. To avoid a similar situation in Kosovo it is necessary to first return to the Kosovo government the state owned property illegitimately transferred to Serbia after 1989 and privatized to Milosevic's supporters or to international entities—primarily located in Greece and Italy. It is also necessary to create an incentive for long term investment by international concerns, and for long term planning by Kosovo's indigenous governing institutions. Importantly, the state operation or privatization of this industrial property could significantly enhance a Kosovo government's financial resources separate from aid donations. Finally, it is necessary to prevent the partition of Kosovo along the current defacto line of segregation running through the industrial town of Mitrovica. KFOR's removal of the Serbian Ministry of Interior Forces serving as "Bridge Watchers" would be a constructive first step in this process.

*(3) The need to ascertain and articulate a final status for Kosovo which promotes regional security*

Articulating a clear and workable process for settling on a final status for Kosovo is essential to preventing further conflict and to promoting the political and economic progress discussed immediately above. Without a clear timetable for resolution of the final status issue, and without a clear objective toward which the people of Kosovo can strive, there will be little incentive to protect minority rights, and plan for long term economic growth.

Unfortunately, the U.S. Government has adopted only a short term policy which calls for substantial autonomy under the interim regulation of the United Nations,<sup>13</sup> and avoids discussions concerning determination of a final status. In fact, when asked about plans for resolving the question of the final status of Kosovo, now former Department of State Press Spokesman James Rubin summarized U.S. policy as,

[UNSCR 1244] doesn't envisage independence. What the resolution does is say that this issue is to be determined pursuant to the same kind of process—and I think it refers to the Rambouillet Accords—in which the international community, the views of the people of Kosovo, will be taken into account in some diplomatic process. That's how we, the United States, see the future unfolding; that, at the appropriate time, a conference or a meeting or discussion will be held in which all the relevant views can be considered and decisions can be considered. So that is our view.<sup>14</sup>

Delaying an initiation of a process for the resolution of the final status of Kosovo plants the seeds of further, conflict, as the Contact Group did during the Dayton negotiations when it failed to address the status of Kosovo while it held maximum leverage over Milosevic.

The approach of delaying the resolution of Kosovo's final status in the hopes of a near term democratic transition in Serbia is flawed as either Milosevic will be replaced by strong nationalist forces that would pursue a similar or even more aggressive policy toward Kosovo. And, when over time more genuinely democratic forces came to power, they would be unlikely to cope with the responsibilities and burdens of addressing the Kosovo crisis as well as the multitude of other tasks that will confront them as they try to politically and economically reconstruct Serbia. In fact, Milosevic and not the democratic opposition, should be held politically accountable for Serbia's inevitable loss of Kosovo.

Interestingly, American officials have indicated that they believe the Kosovars' desire for independence will wane as they experience "genuine self-government" under the interim U.N. administration.<sup>15</sup> Such a development is unlikely given that even the most moderate Kosovo Albanian political forces are calling for immediate independence.<sup>16</sup> By acknowledging the Kosovo Albanians' well founded desire for independence and structuring a process for establishing a final status, the U.S. Government would both reassure the Kosovo Albanian majority that they will not be pressured by the international community to return to Serbian rule, while also permitting the international community to demand responsible and accountable behavior on the part of the Kosovo Albanian political leadership. The creation of such a process would also signal the Kosovo Serbs that they will have to choose between their

Serbian and Kosovar identities, thus facilitating individual decisions on whether to reside in Kosovo.

*(4) The need to create and maintain political cohesion and solidarity among the Kosovo Albanian political forces, and to create a Serbian political force separate from Milosevic's control and manipulation*

The regime of near-apartheid imposed upon the Kosovo Albanian population from 1989 predictably fragmented civil society. Moreover, the failure of the peaceful resistance to yield tangible results led to the militarization and in some instances the radicalization of certain segments of society. This diversity of public views has become reflected in the institutions of political representation.

To move forward in building peace in Kosovo it is necessary to cultivate a process whereby through political dialogue these divergent views and interests can be brought together to form common consent on important political matters. During the Rambouillet/Paris negotiations, the members of the Kosovo delegation demonstrated the ability not only to make politically tough decisions, but also to operate by consensus.

As in Bosnia, where recent international efforts to influence local elections have polarized the Bosniac political forces, the U.S. and its European allies run the risk of polarizing the Kosovo political forces and creating a situation where one can readily blame the victims for the failure to win the peace.

Similarly, by failing to confront the henchmen of the Serbian nationalist regime, the international community may stunt the development of a responsible Serbian political class by allowing Milosevic's Ministry of Interior forces to dictate political events, particularly in the strategic town of Mitrovica.

*(5) The need to create a democratic governing regime based on majority rule and minority rights*

The former Yugoslav political system, which failed, was based on a series of ethnic representations and prerogatives. No other system like this existed in Europe. During the Dayton negotiations, and again during the Rambouillet/Paris negotiations the Contact Group, led by the U.S., sought to recreate such a system for the people of Bosnia and the people of Kosovo. While the Bosnians now suffer the consequences of institutionalized ethnic identity and political gridlock, the people of Kosovo have been temporarily spared this fate. To create a healthy and functional political system for Kosovo it will be necessary to create a system similar to those throughout Western and Central Europe based on the principle of majority rule and minority rights.

*(6) The need to constructively engage and transform the militarized elements of the Kosovo Albanian population*

While the U.S. Government accurately asserts that the KLA has been demilitarized,<sup>17</sup> certain more radical elements have not been constructively engaged or transformed. Rather they have been directed into the police, Kosovo Protection Corps and the political process. While this action disperses them throughout civil society, it does not transform their beliefs or actions, but in fact provides them a wider base from which to seek to accomplish their objectives. Importantly, most of the members of the KLA or associated organizations are not radical—yet there appears to be no clear program of enhanced engagement for these more moderate elements demonstrate the political benefits of their more moderate approach. Rather, the policy-makers are relying on KFOR to maintain security in the region, while they simply demand that the moderate elements exercise control over the more radical elements.<sup>18</sup>

U.S. efforts thus should not be focused on the KLA as an institution, but rather on members of the KLA who have become radicalize by the near-apartheid regime of the 1990s and the atrocities committed in 1998 and 1999. Moreover, U.S. policy should remove the public attraction to these radicals by moving to actively address the question of Kosovo's ability to carry out its own self-defense upon the withdrawal of NATO forces. To accomplish this objective America should lead efforts to create a Kosovo Defense Corps. The creation of such a Corps would also serve as a key element of an exit strategy for American military forces.

*(7) The need for American leadership to coordinate and constrain the actions of our allies, and to moderate the influence of Russia*

While the United States has sought to promote cooperation among our allies through various multilateral mechanisms,<sup>19</sup> our European allies have been at the forefront of efforts to remove or weaken the sanctions against the Belgrade regime, while allies such as Argentina, Australia and Mexico have undermined American efforts to isolate Milosevic by permitting their Ambassadors to meet with Milosevic

personally to establish full diplomatic relations. Moreover, numerous Chinese, Greek, Nigerian, and Russian officials have met with Milosevic and other indicted war criminals in Serbia. These allies and partners in our peace effort bolster the interests of such states as Cuba, Iraq, Libya and Syria (all of which maintain full diplomatic relations with Serbia) in undermining U.S. policy in the Balkan region.

Most troubling is the fact that our French allies seem to have embarked on a separate policy of engagement with Kosovo Serbian political forces which is based on the principle of maintaining peace through the accommodation of hard-line local Serbian interests—which are dictated by Milosevic's nationalist regime in Belgrade.

Under these circumstances it is imperative that the U.S. assert its leadership role in the international efforts to bring lasting peace to the territory of the former Yugoslavia as absent such leadership our European allies are incapable of maintaining a united or coherent front in the face of either Milosevic or a resurgent Russia.

In light of the risks of losing the peace, the geopolitical context of the conflict, and the above assessment of the causes of the conflict and circumstances necessary for peacebuilding, the American policy objective should be to create an economically and politically self-sufficient Kosovo entity capable of defending itself against possible further acts of Serbian state sponsored ethnic aggression, and which protects the rights of minority populations resident on its territory and acts responsibly toward its neighbors. To accomplish this objective the U.S., supported by its allies, must manage a process of intermediate sovereignty and earned independence for the people of Kosovo.

#### IMPLEMENTING INTERMEDIATE SOVEREIGNTY AND EARNED INDEPENDENCE

The status of intermediate sovereignty and the process of earned independence would entail arrangements whereby the people of Kosovo would for a period of three to five years be entitled to exercise specified sovereign rights, while under the continuing mandate of resolution 1244, and undertake certain essential political commitments. After this period, Kosovo would be entitled, subject to an internationally conducted referendum within Kosovo, to seek recognition from the international community.

During the interim period, the people of Kosovo would exercise, in cooperation with UNMIK, complete legislative, executive and judicial control over their internal affairs relating to economic development, internal security, education, taxation, extraction and processing of natural resources, transportation, health care, media and news broadcasting, cultural development, and the protection of minority rights. The people of Kosovo would also be entitled to begin to conduct their own international affairs and appoint international representatives.

In exchange for the exercise of these sovereign rights, Kosovo would be required to implement specific guarantees that it would protect the rights of all minority populations within its territory, respect the territorial integrity of neighboring states such as Macedonia and Albania, renounce any intention of political or territorial association with Albania, and accept its borders as confirmed by the 1974 Yugoslav Constitution. Compliance with these obligations should be measured and assessed by an independent international entity. While UNMIK should be consulted as to its assessment of Kosovo's compliance its efforts must remain focused on the tactical objectives set out in resolution 1244.

At the end of this interim period the criteria for recognition of Kosovo would include the traditional legal criteria of territory, population, government and capacity to conduct international relations, as well as the additional political criteria of whether it had protected the rights of minority populations within its territory, respected the territorial integrity of Macedonia and Albania, rejected any political or territorial association with Albania, and maintained the status of its borders. Once recognized by the international community, Kosovo would remain bound by these commitments.

This approach to winning the peace in Kosovo is based on principles of international law, which provide that all self-identified groups with a coherent identity and connection to a defined territory are entitled to collectively determine their political destiny in a democratic fashion, and to be free from systematic persecution. In cases where self-identified groups were effectively denied their right to democratic self-government, and are consequently subjected to gross violations of their human rights, as has been the case with Kosovo, they are entitled to seek their own international status in order to ensure the protection of those rights.

The case for intermediate sovereignty is further supported by: (1) the legal and factual similarity between Kosovo and the other Republics of the former Yugoslavia that were deemed by the international community to be entitled to international recognition; (2) the legal precedent of earned recognition established by the inter-

national community in recognizing Slovenia, Croatia, Bosnia-Herzegovina and Macedonia; (3) the fact that Yugoslavia has dissolved, and the international community has rejected Serbia/Montenegro's claim to continue its international legal personality; (4) the historic fact that Kosovo, while legitimately part of Yugoslavia, has never been legitimately incorporated into Serbia; (5) the fact that the people of Kosovo have been subjected to ethnic aggression; and (6) recent precedent set by the Northern Ireland Peace Agreement and others.

SECURING THE PEACE IN KOSOVO BY WINNING THE PEACE THROUGHOUT THE FORMER YUGOSLAVIA

To win the peace in Kosovo it is necessary to recognize that the recent crisis in Kosovo is but a continuation of the Yugoslav crisis which began in 1991. As such, it is necessary to link the peace efforts in Kosovo to those in the other former Yugoslav Republics, and in particular to establish objectives and strategies for winning the peace throughout the territory of the former Yugoslavia.

To secure the peace in Croatia, it is necessary to continue to work with the new government and the Yugoslav Tribunal to ensure the indictment and transfer to the Hague of all high level officials responsible for war crimes against Serb and Bosniac populations. It is further necessary to provide the new Croatian government with the political support, and when necessary political pressure, to sever the political and financial links between Croatia and Bosnian Croat political forces which continue to harbor an interest in a partitioned Bosnia.

To win back the peace in Bosnia it is necessary to acknowledge the nature of the Dayton accords as a flawed peace resulting from America's failure to seriously confront Slobodan Milosevic or to truncate and roll back political gains, achieved through ethnic aggression. This effort must involve a three phase process. First, the U.S. Government must discontinue its policy of moral equivalence and equal blame among the parties, which undermines its efforts to constructively engage Bosniac and certain Croat forces in the peacebuilding process. Second, the U.S. Government must acknowledge the Dayton agreement was never meant to be static, but rather that it was designed and intended to evolve with changing political circumstances. And third, the U.S. Government must seek to evolve the Dayton agreement in a manner which deconstructs the resulting institutions and attributes of Milosevic's efforts to partition Bosnia along ethnic lines, including the gradual erasure of the inter-entity boundary line, the removal of the institutionalized ethnic veto, and the dissolution of most of the Republika Srpska political institutions—which are regularly used to organize actions which undermine or inhibit the reintegration of Bosnia.

To prevent conflict in Montenegro it is necessary to demonstrate tangible benefits to democracy and a political path separate from that of Serbia.<sup>20</sup> Montenegro must be provided security guarantees and Serbia must be confronted with clear warnings of economic and political sanctions in the event it sponsors a coup or other covert action in Montenegro.<sup>21</sup> Moreover, Montenegro must be engaged in the Kosovo peacebuilding process.

To secure the peace in Macedonia it is necessary to ensure continued economic growth and the resolution of outstanding political disputes with Greece. Most important is the need to further integrate the Macedonian Albanian population into Macedonia's political and economic infrastructure.

To win the conflict in Serbia and silence the engine of aggression in the former Yugoslavia it is necessary to promote a democratic transition beyond the current institutionalized political opposition. This will require a series of transitions, with the first likely including members of the current opposition, but with subsequent governments including more genuinely moderate elements that accurately reflect the views of the oppressed and silenced mainstream population committed to a regionally responsible Serbia—such as the ones currently driving the Otpor student movement. The Yugoslav Tribunal's indictment of the top leadership should be maximally utilized to delegitimize and discredit the current nationalist regime, and America should lead its allies in isolating Milosevic and his accomplices.

CONCLUSION

The lack of a strategic policy for bringing a lasting peace to Yugoslavia has resulted in hundreds of thousands of deaths, the displacement of over a million refugees, the degradation of U.S. and NATO military forces, diplomatic strains within the American-European alliance, and a diversion of resources and attention from other areas of strategic importance.

Unless the U.S. wishes to create a permanent peacekeeping presence in the region it must develop an aggressive strategy for each zone of conflict in the former Yugoslavia.

For Kosovo, the United States should pursue a policy of intermediate sovereignty and earned independence as this provides the best possible means for ensuring the long-term security of the Kosovo Albanian population, and for creating a meaningful incentive for the Kosovo Albanian political forces to ensure the protection of Serbian rights and security. Such an approach will also permit the U.S. to undertake a phased withdrawal of its troops over a reasonable period of time as the security of Kosovo increases and as the rights of minorities are increasingly safeguarded.

## ENDNOTES

<sup>1</sup>Madeleine Albright, *Our Stake in Kosovo*, *The New York Times*, (March 28, 2000).

<sup>2</sup>Anthony E. Wayne, Statement before the House International Relations Committee, (August 4, 1999); Larry Napper, Statement before the House International Relations Committee, (August 4, 1999).

<sup>3</sup>James W. Pardew Jr., Statement before the House International Relations Committee, (April 11, 2000); William J. Clinton, Remarks by the President to the Students, Organization Leaders and Community Leaders of the Ferizaj (Urosevac) Area, Kosovo, (November 23, 1999); James W. Pardew Jr., Statement before the House International Relations Committee, (August 4, 1999).

<sup>4</sup>Madeleine K. Albright, Remarks at European Institute Awards Dinner, (January 26, 2000). The most concise statement of a U.S. policy with respect to Kosovo is, "The United States and our European allies are committed to winning the peace in Kosovo by: addressing humanitarian needs and preparing for winter; easing ethnic tensions and protecting minority rights; and strengthening democracy and supporting civil society." *The White House, Fact Sheet: Winning the Peace in Kosovo: A Progress Report*, (November 23, 1999).

<sup>5</sup>Madeleine Albright, *Our Stake in Kosovo*, *The New York Times*, (March 28, 2000); James P. Rubin, Daily Press Briefing, U.S. Department of State, (March 22, 2000).

<sup>6</sup>For a more detailed account of the failure of Dayton implementation, see *Is Dayton Failing?: Bosnia Four Years After the Peace Agreement*, Report of the International Crisis Group, (October 28, 1999).

<sup>7</sup>For a more detailed account of the circumstances surrounding the Bosnian elections, see *Elections in Bosnia and Herzegovina*, Report of the International Crisis Group, (September 9, 1996); *Why the Bosnian Elections Must be Postponed*, Report of the International Crisis Group, (August 14, 1996).

<sup>8</sup>*Bosnia's Refugee Logjam Breaks: Is the International Community Ready?*, Report of the International Crisis Group (May 30, 2000).

<sup>9</sup>The proposed amendment further directed the President to develop a plan for turning over peacekeeping efforts to the Europeans by July 1, 2001.

<sup>10</sup>*Kosovo's Linchpin: Overcoming Division in Mitrovica*, Report of the International Crisis Group, (May, 31, 2000).

<sup>11</sup>As concisely articulated by Ambassador Richard Holbrooke, U.S. policy has been, "You can't make peace without President Milosevic." Jurek Martin, Holbrooke Sees "Tough Slog" to Peace in Bosnia, *Financial Times* (London), (November 2, 1995).

<sup>12</sup>Anthony E. Wayne, Statement before the House International Relations Committee, (August 4, 1999).

<sup>13</sup>James W. Pardew Jr., Statement before the House International Relations Committee, (April 11, 2000).

<sup>14</sup>James P. Rubin, Daily Press Briefing, U.S. Department of State, (April 21, 2000).

<sup>15</sup>Madeleine K. Albright, Remarks and Q&A Session with the Council on Foreign Relations, (June 28, 1999).

<sup>16</sup>See, James P. Rubin, Daily Press Briefing, U.S. Department of State, (April 21, 2000).

<sup>17</sup>James W. Pardew Jr., Statement before the House International Relations Committee, (April 11, 2000).

<sup>18</sup>James P. Rubin, Daily Press Briefing, U.S. Department of State, (March 16, 2000).

<sup>19</sup>Anthony E. Wayne, Statement before the House International Relations Committee, (August 4, 1999).

<sup>20</sup>To date, the U.S. Government has provided benefits only in the form of financial and technical assistance in the amount of \$25 million, with limited observer status in some of the regional political cooperation mechanisms. See James W. Pardew Jr., Statement before the House International Relations Committee, (August 4, 1999).

<sup>21</sup>To date, the U.S. Government has refused to provide any express security guarantees for Montenegro. Rather it has engaged in vague statements concerning American interests in Montenegro—similar to those which preceded the ethnic aggression in Kosovo in 1998. See, James P. Rubin, Daily Press Briefing, U.S. Department of State, (March 22, 2000).

Senator SMITH. That is excellent testimony as well.  
Mr. Bugajski.

**STATEMENT OF MR. JANUSZ BUGAJSKI, DIRECTOR, EASTERN EUROPE PROJECT, CENTER FOR STRATEGIC AND INTERNATIONAL STUDIES, WASHINGTON, DC**

Mr. BUGAJSKI. Thank you, Mr. Chairman. Thank you for inviting me today to speak on Kosovo, past, present, and future. It is an honor to be here. I would simply summarize my written statement, which is deliberately concise to begin with, and so I am going to be very brief.

Let me just say that since the liberation and occupation of Kosovo by NATO forces in June 1999, a year ago, both constructive and negative developments have been evident on the territory as a result of both internal factors and external factors.

Let me just point out some of the positives that we mentioned already, but I think it is worth underscoring. On the security side, Kosovo has witnessed the expulsion of repressive Serb security forces, and the successful return of over 1 million Kosovar Albanian refugees. NATO, despite some of the security concerns vis-a-vis the minority groups, is effectively safeguarding the territory from Yugoslav or Serbian military reintervention.

Second, on the reconstruction side, some basic reconstruction work has been accomplished, especially in providing shelter, food, medical aid, and other services to the destitute. Some initiatives have begun in encouraging development of small businesses and in identifying key infrastructural projects over the coming years. Efforts are also underway to rebuild the educational system, the health care system, the energy network, and public administration.

This is all to the good. However, what I would like to focus on are the shortcomings, and I think there are four major shortcomings with the U.N. mandate and with our operation there. First, I would call it political paralysis. There is currently no legitimate Kosovar Albanian authority, and this contributes to paralyzing and polarizing the development of political institutions. The creation of a Kosovar Advisory Council under the supervision of U.N. Special Representative Bernard Kouchner has not filled the political vacuum.

Second, criminality and corruption threaten the security of residents. They perpetuate the climate of revenge against minority Serbs and undermine the emergence of a democratic system. In addition, Milosevic's special security forces and paramilitaries sometimes in plain clothes continue to operate in Kosovo, deliberately provoking violence to discredit international institutions, to undermine the longevity of the NATO mission, and to discount any realistic possibility of Kosovar self-government.

Third, international failures. I would say Kosovo has witnessed a number of institutional shortcomings by international agencies. For example, lack of serious reconstruction resources, insufficient number of international police officers, turf battles between international organizations, and the creation of deliberative councils without any ultimate authority or decisionmaking power.

There have also been persistent delays in training and deploying an indigenous police force and establishing a credible and professional judiciary system that could enforce law and order on the territory.

Fourth, and I think the most important failing, and it has been mentioned already, but again is worth underscoring, is the lack of final legal status for Kosovo as an independent state. Western leaders still believe that postponing the decision on Kosovo's status will allow for democratic changes to take place inside Serbia and enable some new relationship to emerge between Serbia and Kosovo.

In the interim, and regardless of whether such a rosy scenario actually materializes, NATO may be faced with escalating anger amongst the Albanian community if the United Nations insists on preserving Kosovo within Serbia. As we know, the vast majority of Albanians support statehood, irrespective of any possible leadership changes, or regime changes in Belgrade.

For the indefinite future, Kosovo it looks will remain an international ward without any inspiring vision for its future status, but such a scenario has raised, I believe, serious questions about the self-determination of Kosovo's population and the instabilities that could be generated by any planned reintegration into Serbia.

Indeed, I would say a valid argument can be made that in order to avoid future destabilization or permanent dependency on outside agencies self-determination and independence for Kosovo should be the primary objective of international leaders.

Such a step could have several positive ramifications. First, it would restore Kosovar confidence in the international community and help preclude potential radicalization of Albanian politics as long-term ambiguity on the status question can undermine the democrats and favor the demagogues.

Most policymakers unfortunately still adhere to the conventional wisdom that an independent Kosovo would destabilize the Balkans. In reality, it seems to me it is the forcible maintenance of Yugoslavia in which we are now ready accomplices that continues to generate instability.

Second, protection. Acceptance of future independence can undercut the threat of a new Serbian takeover by delegitimizing Belgrade's incessant provocations on the territory. Additionally, criteria and timetables for a democratic independent state will give both the internationalists and the locals a concrete goal to which political, institutional, and economic reconstruction can be directed.

And third, Kosovo's statehood can also help resolve the wider Albanian question in the Balkans. I believe instead of provoking calls for a greater Albania which we keep hearing, such a step could actually pacify the more radical Albanian demands, allow Europe to increase its positive influences by dealing with Kosovo as a country in its own right, and delegitimize any potential threat to Macedonian or Montenegrin territory.

Over the coming year I believe the international community needs to focus attention on two overriding questions in Kosovo, political legitimacy and international dependency. First, political legitimacy. In line with the resolution of its status question, Kosovo will need a new indigenous constitution that can help concentrate political energy, give credence to legality, and provide a more solid basis for democratic development.

All major political players in Kosovo evidently support such an approach, as it would create the foundations of statehood. The organs of government, including the constitutional assembly, would

then acquire the confidence of the public and the commitment of all major political leaders.

Second, international dependence. A dependency relationship has emerged between the Kosovars and international institutions. That may become more difficult to overcome the longer the current stalemate exists. Moreover, I believe such a relationship could seriously threaten the development of indigenous institutions and democratic procedures.

To counter such a phenomenon, a comprehensive election process for both local and national elections is essential through a campaign of voter registration, political party development, and civic education, and here I think the United States can play a major role. This could help establish structure, legitimacy, and authority for elected Kosovar leaders. Local and central Kosovar authorities must then obtain the authority and resources to govern, and not simply to consult with international agencies.

Above all, I believe there needs to be clarity as to the powers of the proposed local and central government, its relationship with the interim U.N. authorities, and its independence from the Serbian and/or Yugoslav regime.

Thank you very much. That concludes my summary.

[The prepared statement of Mr. Bugajski follows.]

PREPARED STATEMENT OF JANUSZ BUGAJSKI

KOSOVA: ONE YEAR LATER

Since the liberation and occupation of Kosova by NATO forces in June 1999, both constructive and destructive developments have been evident on the territory as a result of internal and external factors. On the positive side:

- *Security:* Kosova has witnessed the expulsion of repressive Serb security forces and the successful return of over a million Kosova Albanian refugees and displaced persons to their homes. Under the United Nations Mission in Kosova (UNMIK), NATO established a Kosova Force (K-FOR) consisting of approximately 50,000 troops that is effectively safeguarding the territory from Yugoslav or Serbian military intervention.
- *Reconstruction:* Some basic reconstruction work has been accomplished, especially in providing shelter, food, and medical aid to the bulk of the destitute. Several initiatives have begun in encouraging the development of small businesses and in identifying key infrastructural projects over the coming years. Efforts are also underway to rebuild the educational system, the energy network, and the public administration.

However, four major shortcomings of the Kosova operation have also been evident.

- *Political Paralysis:* There is currently no legitimate Kosovar Albanian authority and this contributes to paralyzing the development of political institutions and the emergence of a civic society. In some respects, such a situation suits U.N. officials who argue that the Kosovars are simply unable to govern themselves and need to be shepherded by international players into some future Yugoslav framework. The creation of a Kosova advisory council under the supervision of the U.N. Special Representative Bernard Kouchner has not filled the political vacuum.
- *Criminality:* The problem of criminalization and the lack of the rule of law has become widespread in Kosova. Corruption and crime threaten the security of residents, perpetuate a climate of revenge against minority Serbs, and undermine the emergence of a democratic system. Such a phenomenon also serves those who argue that the Kosovars are not prepared for self-government or statehood. In addition, Serbian special forces and paramilitaries continued to operate in Kosova, deliberately provoking violence to discredit international institutions, to undermine the longevity of the NATO mission, and to discount any realistic possibility of Kosovar self-government.

- *International Failings:* Kosova has witnessed a number of institutional shortcomings by international agencies. This has been visible in a lack of serious reconstruction resources, an insufficient number of international police officers, turf battles between international organizations, the undercutting of embryonic Albanian local authorities, and the creation of deliberative councils without any ultimate authority or decision-making powers. There have also been persistent delays in the training and deployment of an indigenous police force and the establishment of a credible and professional judiciary system that could enforce law and order on the territory.
- *Status Question:* The most important failing is the lack of final legal status for Kosova as an independent state. Western leaders believe that postponing the decision on Kosova's status will allow for democratic changes to take place inside Serbia and enable a new relationship to emerge between Serbia and Kosova once Yugoslav President Milosevic is ousted. However, in the interim and regardless of whether such a rosy scenario actually materializes, NATO may be faced with escalating anger among the Albanian community if the U.N. insists on preserving Kosova within Serbia. The vast majority of Albanians support statehood for Kosova irrespective of any possible leadership changes in Belgrade.

For the indefinite future Kosova will remain an international ward, without any inspiring vision for its future status. The U.N. mandate in Kosova is ultimately designed to return the region to Belgrade's jurisdiction. A large-scale international presence will continue until conditions have been met for a peaceful reintegration of the territory. But such a scenario has raised serious questions about the self-determination of Kosova's population and the instabilities that could be generated by any planned reintegration into Serbia. A valid argument can be made that in order to avoid future destabilization or permanent dependence on outside agencies, self-determination and independence for Kosova should be the primary objective of international leaders. Such a step could have several positive ramifications.

- *Stabilization:* It would restore Kosovar confidence in the "international community" and help preclude a potential radicalization of Albanian politics as long-term ambiguity on the status question can undermine the region's democrats and favor its demagogues. The "non-status" stalemate or the proposed return of Kosova to Serbian or Yugoslav control may exacerbate the problems already faced by international actors in guaranteeing security and building credible local institutions. Most policy makers still adhere to the conventional wisdom that an independent Kosova will destabilize the Balkans. Comparable arguments were employed a decade ago in opposition to Slovenian and Croatian statehood. In reality, it is the forcible maintenance of Yugoslavia that continues to generate instability.
- *Protection:* Acceptance of future independence can undercut the threat of a new Serbian takeover by deligitimizing Belgrade's incessant provocations on the territory. Additionally, criteria and timetables for a democratic independent state will give both the internationals and the locals a concrete goal toward which political, institutional, and economic reconstruction can be directed.
- *Regional Security:* On the international arena, it is worth considering some positive implications of a Kosovar state, initially under the auspices of an officially declared international "protectorate." For example, any potential threat from Belgrade toward Albania will be terminated; Montenegro could feel more secure from a Serbian attack; while Macedonia's shorter border with Serbia will limit the destabilizing effects of Belgrade's nonrecognition of Macedonia's frontiers. Above all, a substantial NATO presence while a national Kosova defense force is trained and empowered will convince military forces in the surrounding region to desist from any provocative actions.
- *Albanian Question:* Kosova's statehood can also help resolve the wider "Albanian question" in the south Balkans. Instead of provoking calls for a "Greater Albania" such a step could actually pacify the more radical Albanian demands and allow Europe to increase its positive influences by dealing with Kosova as a country in its own right. A timetable can therefore be pursued by internationals working in tandem with indigenous parties in the construction of Kosova's political, legal, and security institutions. The interim international "ward" could thereby evolve toward autonomy and sovereignty, regardless of whether Serbia remains under the control of its kleptocratic nationalist-socialist elite or descends into protracted violence and civil war.

Over the coming year, the “international community” needs to focus attention on two overriding questions in Kosova: political legitimacy and international dependency.

- *Political Legitimacy:* In line with the resolution of its “status” question, Kosova will need a new indigenous constitution that can help concentrate political energy, give credence to legality, and provide a more solid basis for democratic development. All major political players in Kosova evidently support such an approach as it would create the foundations of statehood. The organs of government, including a constitutional assembly, would then acquire the confidence of the public and the commitment of all major political players. In this context, extremist parties advocating ultra-nationalist, anti-minority, and authoritarian solutions would be exposed and marginalized so that they do not undermine the body politic of the new state.

The OSCE can oversee the creation of a new Kosovar administration in a much more resolute manner than was evident in Bosnia-Herzegovina. Indeed, during the next two to three years Kosova can establish all the elements and qualifications for statehood. The Prishtina government will of course have to renounce any territorial aspirations and sign treaties with its three Slavic neighbors, and commit itself to democratic pluralism, the rule of law, a market economy, and European integration.

- *International Dependence:* A dependency relationship has emerged between Kosovars and international institutions that may become difficult to overcome the longer the current “stalemate” continues. Moreover, such a relationship could seriously threaten the development of indigenous institutions and democratic procedures. To counter such a phenomenon, a comprehensive election process for the local and national ballot is essential through a campaign of voter registration, political party development, and civic education. This could help establish structure, legitimacy, and authority for elected Kosovar leaders. Local and central Kosovar authorities must obtain the authority and resources to govern and not simply to consult with international agencies. Above all, there needs to be clarity as to the powers of the proposed central government, its relationship with the interim U.N. authorities, and its independence from the Serbian and Yugoslav regime.

Senator SMITH. Thank you all.

I wonder if any of you would care to respond to, I think both of us, what both of us were saying, that if we actually just come forward and say we are now for independence, and that is the stated goal and the condition of the United States continued presence there, what dynamic does that set in place?

Ambassador ABRAMOWITZ. I will give you my perspective. I think while one must have definite objectives, that one cannot also depart from political reality. I believe it is very important, as I said in the testimony, to make it clear that—and this the United States can do without necessarily creating a division in the alliance. Make it clear that Serbian rule will never return to Kosovo. It does not now have to create, I believe, a problem within the alliance and within the international community by trying to change U.N. Resolution 1244.

But I think the most important thing to do over the next year is basically what Mr. Bugajski just said, to start to work to create Albanian institutions, and to give Albanians charge to begin that process. That is not an easy process, because the leadership is absent in many ways, but that, to me, is the beginning of the process of establishing the movement toward what I think will be eventual independence without creating an enormous brouhaha in the international community.

So that is my view on it, is that we have to have that, I think, as an ultimate objective, but we have to move there with deference to what the circumstances are in the international community, and

particularly within the alliance. That may seem a little faint-hearted, but that is what I feel at this time.

Senator SMITH. That is a very valuable insight.

Dr. WILLIAMS. Addressing that question, there would be three consequences of articulating a policy of conditional independence. The first would be that it would create an incentive, or at least a possibility of incentivizing the Kosovo Albanian population to behave in a more moderate and less radical fashion.

Generally a significant percentage of the population are by nature moderate. However, the conflict and near apartheid of the last 10 years has resulted in a radicalization of that population. Denying them their aspirations for independence has to date played into the hands of the more radical elements.

The second is that it would help us to create a political reality with our European allies. We deferred to our European allies in 1991. We had the conflict in Croatia and in Bosnia. We stepped in, tried to fix the problem. We deferred to our European allies at the initiation of the Kosovo conflict. Again, the American Government had to step in, fix the problem through the use of force.

We are now deferring to our European allies on winning the peace in Kosovo. It is not going to work. The Americans have to take a leadership role, and independence, or conditional independence or some other forward-thinking policy would have the effect, I think, of galvanizing the Europeans. They would object. There would be difficulties, but we could bring them along with us.

Third, and probably most importantly, it would lay the blame for the loss of Kosovo, which will occur 3 years, 5 years, 10 years from now. Sooner or later Kosovo will be lost to the people and the Republic of Serbia. It would lay this blame at the foot of Milosevic.

It could then be used by the democratic opposition, which are very pluralistic and diverse, in a good way and in a bad way, but it would also remove it from the tasks that any genuine opposition will have to deal with once they come into power in a post Milosevic regime. If a truly democratic opposition takes power and then gives the Kosovars the right to vote for independence, they will lose Kosovo, and you will see a transition back to more nationalist Serbian politics.

Senator SMITH. Mr. Bugajski.

Mr. BUGAJSKI. Yes. Just to reiterate what Paul has said, I would say that it would send a very clear signal to Belgrade and to the Serbian people that basically focus on your domestic issues, Kosovo is out of bounds. This is now an international issue. We are moving toward independence, whatever the steps.

Paradoxically, though, I think if it is important to the Serbs—in other words, Kosovo is the heartland, so to speak—then it would further delegitimize the Milosevic regime, because it would be clear Milosevic had lost the territory. If it is not important to Serbs, and according to recent public opinion polls it does not even figure amongst the six top issues that concern ordinary Serbs, then it really does not matter to them, in other words, we may have exaggerated the importance of Kosovo to the Serbs.

So either way, I think we will win vis-a-vis Belgrade.

Senator SMITH. So if we set up this process, establish the democratic institutions, and define the goal as conditional independence,

if you could all speak briefly to the collateral consequence to Macedonia and Bosnia, what does it mean to them?

Ambassador ABRAMOWITZ. I think one should not be too categorical. There is a lot we do not know. There is a lot of things that can happen. For example, I think—take the case of Greece. I think if—and this is no reason for not doing it, but if Kosovo moved toward independence I think Greece would have a fit.

Senator SMITH. Greece would what?

Ambassador ABRAMOWITZ. Have a fit. What Greece would do in that case, I do not know, and the situation in Macedonia is uncertain. There are a lot of Albanians who recognize they do not want conflict. They want to try to make Macedonia work. There are a lot of people in Macedonia who have had longer term means.

My own view is that we can proceed at some point toward independence and still maintain the viability of Macedonia, but I think it will require an awful lot of effort and an awful lot of attention to what is happening in Macedonia internally, and I do not say that with great confidence, and I do not think anybody can speak with great confidence on this subject. It is a legitimate concern to be worried about, but I believe—my own belief is, it can be managed.

But it has to be very significantly thought through, the things you have to do to make sure that nothing untoward happens in terms of the stability of Macedonia.

Senator SMITH. Do you have a brief comment, Dr. Williams?

Dr. WILLIAMS. I think there would be important consequences both for Bosnia and Macedonia. In Bosnia it would demonstrate the West's willingness to roll back the gains of ethnic aggression. We need to resurrect the peace in Bosnia. One way of doing that is to evolve the Dayton Accords. Working on conditional independence for Kosovo would set a precedence for managing and somehow constructing a new process in Bosnia.

In Macedonia, as Ambassador Abramowitz has pointed out, it is highly unstable. There are three options. Either we manage eventual independence of Kosovo, we keep our troops in Kosovo indefinitely, or we withdraw our troops and there is a process of de facto independence, which we will not be able to regulate and which will be met with aggression by Serbian forces. It brings us back to 1998 all over again.

Senator SMITH. Mr. Bugajski.

Mr. BUGAJSKI. I personally think a little bit what Paul was saying, that Macedonia does remain a great unknown in terms of its internal development and ethnic developments. However, I do believe that the nonindependence option for Kosovo, either long-term international dependency or reintegration into Yugoslavia, does actually encourage radical elements, particularly those factions that favor a Greater Albania, and I think they could become more important and active and even gain some popular support if they see the international community is not favoring independence for Kosovo, and they could spread, let us say, their message, their activities to part of Macedonia.

At this point I do not believe most Albanians in Macedonia would want to join either Kosovo or Albania. A lot, of course, depends on the development of internal political relations within Macedonia,

and this is the key, of course, in the south Balkans we should be focusing on.

Senator SMITH. We are very pleased to be joined—much earlier, but the first time we have acknowledged—by the ranking member of the full committee and of this subcommittee, Senator Biden.

Senator BIDEN. I apologize, gentlemen. There is a defense bill on the floor and a lot of amendments, and I have been called in and out to come do my amendment and then not, so I apologize for the delay.

I found the testimony interesting and informative and, as usual, Mr. Ambassador, I found your testimony to be first-rate. Not that the others were not, but you quite frankly have captured the nuances of the problem better than anybody.

I find it kind of fascinating, the little scenario, sir, you just went through about if, in fact, we made it clear that there was no independence in the future and there was going to be some continued association with Serbia, that could potentially radicalize the population and Macedonia could cause a problem.

Well, if all of that happens, one of the things I am confident of from meeting with Mr. Thaci on several occasions, and being there on half-a-dozen occasions and talking, I think, to every player in the process over the last 8 years, including everyone in Kosovo the last 2 years, if any of that happens, I just want to go on record doing something no one should ever do, making a prediction, and the prediction is, we are out, the Europeans are out, Slobodan Milosevic owns it all.

The idea that Thaci and any successor, KLA, could possibly withstand any movement by Serbia is nonexistent—nonexistent—and the possibility in the face of a withdrawal under the circumstance I mentioned of NATO forces, of NATO going back in is nonexistent, and your formulas are, in my humble opinion, formulas for absolute disaster.

I think the only thing to focus on here is, how do you keep this thing going as long as you can without things blowing up, and hoping the dynamic circumstance emerges that provides opportunities we do not even know exist now to take advantage of moving toward stability, and I have a few questions along those lines, if I may.

The idea that we defer to allies, the implication being that had we not we would have had a better outcome, I do not know where you have been the last 5 years. If we had not deferred to our allies in some of the things, there was no possibility this place would have given any—any—support for sending any Americans anywhere in the Balkans if the allies said, we are not in.

I find these exercises in what we should have done fascinating. I mean, we just beat back by, what, seven votes a proposal to set an end date to get out and conditions for our allies that reflect, in case you have not noticed, that close to half this place ain't sure about us even being there when no one is being killed, and the absolute condition of being there is that the allies do more.

So we are going to stand down our allies, right. We are going to stand them down. Now we are going to get tough with them and tell them we are going to do it our way, that is the implication, because we have yielded to them.

I would like not to have to yield to them, but I would like to find 49-plus votes here on the floor if we did not on some of these things, which takes me to this question in point.

I think, Ambassador Abramowitz, if I understood the statement correctly it is absolutely right. The way to do this—and I would like you to respond—is to make it clear that there will not be a return to any circumstance within Kosovo where Belgrade dictates outcomes in any way in Kosovo, and we have opened the question as to whether or not there will be an incredibly loose federation, independence, or a process toward independence.

I just got finished meeting with a number of Greek officials. I promise you, Mr. Ambassador—you are more diplomatic than I am—the prospect of us declaring that we are for an independent Kosovo means goodbye Charlie. You know what is going to happen. They will cease and desist from their support. You will see the French follow them, and you will see a vote on the floor of the U.S. Senate, because they will not be coming forward with their commitments, for American troops to be out of there by June. I will bet my career on it. By next June, troops will be out.

So it seems to me that one of the things we have got to figure out is, what are the things we should not be doing, rather than what are the things we should be doing. One of the things I want to raise is that we are about to vote on an amendment by a Senator who I have great respect for, and who has been the person who has most ardently disagreed with my views on the Balkans for the past 8 years, and that is Senator Kay Bailey Hutchison.

She has an amendment, and she has been consistent for 8 years, and so it is not like this is anything new—and some think this is a good idea. She has a sense of the Senate resolution calling for a Balkan stabilization conference that contemplates a rewriting of the borders. She cites the Treaty of Vienna, or the Treaty of Berlin from 1878, and she cites London, 1913, et cetera, in all of which we wrote borders.

I will painfully point out that they are all disasters on the floor, but they are the models that we are to use, and we would invite all parties—I assume that includes Slobodan Milosevic—to this conference.

Now, my general question is, should we be at this moment making any substantial changes in our posture in Kosovo? Should we be calling a major conference to get all the parties together? Should we be declaring that we are on the road to independence?

I was very intrigued—and I agree with some of what Dr. Williams said. I wish there were a way in which we could say, here is the deal. We are going to further establish clearly Kosovar institutions and support them in return for commitments that you will engage in a rule of law that is even remotely approaching a rule of law, including acknowledging a multiethnic society in your future, and we will see about independence. We will see where this takes us.

But talk to me about whether or not we should be having any big conference of any type now.

Ambassador ABRAMOWITZ. Well, Senator, you as always raise very important considerations, practical as well as conceptual. I do not know of any conference in the Balkans that has made a con-

tribution, an international conference, and certainly not the Congress of Berlin, and that is one of the sources of the continuing problems.

So the notion that we would get together a group of nations with different views, particularly about where Serbia under Slobodan Milosevic fits in, seems to me a formula for further chaos, further disorder in the Balkans, and it is amazing, I think, that this is being proposed in a serious way to resolve really difficult problems.

Now, I do think, however, that—I guess I perhaps have been in the State Department too long, and tend to see some of the complexities more than I should. I do believe, however, that we cannot just drift. We cannot just accept the fact that it is very politically difficult, which it is. The Russians, the Chinese, a lot of the allies, that they have different views.

Senator SMITH. Ambassador, we cannot just drift. We cannot keep seven votes here for who knows how long.

Ambassador ABRAMOWITZ. I am trying to answer the question of what do we do in the short term, and we can be swept along, so to speak and hope that something turns up. That usually turns out to be American policy. Let us wait until something good turns up and then we do not have to face critical difficulties with our allies, or the Russians, or the Chinese.

I sort of believe that the best thing is to start a process in which the people of Kosovo know that they are moving ahead and that the facts that will be represented by functioning Kosovo institutions establishes a basic underpinning.

Senator BIDEN. Can you give me a specific example of an institution you have in mind?

Ambassador ABRAMOWITZ. The obvious institution is an assembly, a legislative assembly, because the place does not have a constitution. We are now developing a constitution. I do not know what degree of consultation with the Albanians is, but clearly, if you are going to develop an entity it has got to have some rules. It does not have any rules now.

You have a half-hearted United Nations administration which provides a certain amount of law and order but clearly does nothing to build an entity, so you have to start building an entity, it seems to me, or you are going to get ultimately developments in Kosovo that are going to create an awful lot of trouble and make it even worse on the Hill.

So I do not believe it is a prudent policy, whatever the international complexities are, and they are great, and the domestic complexities, to sit still and hope for the best. My answer is a very limited one under the circumstances, that the United States, for its own, should make it clear that while it is not precluding Kosovo independence, it is saying what will not happen any more, that we will not stand by and we will not accept Serbian rule for Kosovo.

That to me is an important beginning, and I think it does not create a major crisis in the alliance.

Senator BIDEN. I am of that view, Mr. Ambassador, and I will cease because Senator Lugar has not had a chance to speak and I will ask you to refrain from answering the rest of my question until Senator Lugar is done. However, the last two times I was there, I asked all the parties I could meet, including former and

present KLA people, about us just imposing a constitution, just writing a constitution, just simply having the United Nations go in there as a mandate and lay out a constitution and set up those institutions now.

Everyone I spoke to said they would welcome the idea of this being done by a committee, or this being done by consultation, Albanian as well as Serb, because they cannot figure out how to get from here to there.

Ambassador ABRAMOWITZ. Well, you are referring to an existing problem, that the Albanians are divided. There is a lot of fractionating organizations there, fractionated politics, and some people will say, post constitution. I am an American. I have little problems about the constitution—

Senator BIDEN. When I say impose a constitution, I mean we did not, quote, impose a constitution in Germany, and we did not impose one in Japan, but we did—but that is another story.

I would yield the floor. Thank you.

Senator SMITH. Senator Lugar.

Senator LUGAR. Well, thank you very much, Mr. Chairman. I appreciate each of the papers enormously. I thought they were brilliant, and make a real contribution and have stimulated our conversation.

Picking up where Senator Biden left off, it seems to me there is a case to be made for the United Nations, NATO, the United States, or somebody to formulate a constitutional system. We discussed today—and this is not a pejorative term—that Kosovo is a ward of international security forces which for the moment, depends on NATO or the U.N. mandate and is likely to be the case for a long time.

In other words, this is a very special case which, for a good reason, the rest of the world and us got involved with 2 million people, a million of whom were dispersed, and we discussed that. A million came back. How in the world can people who are shifted around in 1 year, lose their lives and families and fortunes, are redistributed back and expected to have a deliberative assembly and then work all this out. It seems to me to stretch the imagination, but the failure to do so does not stretch imagination. It is chaos.

In any event, I think, and am stimulated by your testimony today, that I can conceive the international ward, where we provide a constitution, and people begin to think and deliberate on democracy.

Now, meanwhile, as you suggest Ambassador Abramowitz, it is clear, that since we have surrounded this in protective coating, the Serbs are not going to get into it. We have the armed forces, and we would beat them, and we could stay there and demonstrate that. That would be true if there were Albanians coming in, Greeks coming in, whoever wants to come in. This is going to be a sacrosanct place for 2 million people involved in learning how to build democratic institutions.

Your suggestion, and Dr. Williams' suggestion, is that eventually there has to be integration not only of Kosovo but of a lot of places in southeastern Europe into European institutions, perhaps joining the European Union, maybe joining NATO in some form, but at

least becoming involved and integrated, but that may take some time, too.

As a matter of fact, even well-developed situations may have to be discussed 10 years from now including European Union membership. That was always the problem in discussing NATO expansion. Ideally, some said, let the economics flow, and the institutions, and then you pick up the military, but that just did not happen.

It seems to me if the United States is to be involved, we are going to have debates on the floor of the Congress, the rest would be a demonstrated American interest in this that is more substantial.

Now, a part of this may be that we would say the Europeans are not moving fast enough, but we believe that we Americans want to establish much more of a relationship with an expanding Romania, or Bulgaria, or with Greece, for that matter.

In other words, we accept the fact that they are in Europe, but the world is very small. You know, why not have much more extensive bilateral relationships with the United States? Why not allow or facilitate the United States to come in in a very big economic way?

So you do have stability here, but at the pace the Europeans are going at it, you will never make it. They will be quarrelling, warring, be back into it trying to separate the pairs again.

This might get the European juices going and they would say, this is an American invasion. We already think you are involved in hegemony and trying to do your own thing, and this simply proves it, and we might just say, you are right. You are absolutely right. That is what we are going to do, because you folks again and again come to us and say, we cannot handle it. That really is the basic reason for the American presence.

The Europeans say, we cannot handle it, so we say, we accept that, and you accept that, because we are coming. We are not about to devote tens of billions of dollars to fight wars spasmodically, then have big debates whether we come in or out, or what the end game is.

The end game for us is a prosperous southeastern Europe. Kosovo got us going. It may be a dubious enterprise. It may be a good one, but nevertheless we are not a cut-and-run group. We are not going to undermine NATO. We are not going to undermine integration. As a matter of fact, our policy is really to come in in a big way and to get it all straightened out.

Now, how does that strike you? In other words, as we had been talking today, we criticize the previous testimony as there being no strategy, and you have talked about tactics, and that is about, muddling through, hanging on, hoping for the best. Maybe the seven-vote margin Senator Biden mentioned disappears, and we all leave. Maybe Montenegro comes or goes, and no one really cares.

I am suggesting that if we do care, and I think we should, for strategic reasons and security reasons of our own, there has to be something for the American people and its elected representatives to support, something to hang onto to say, this is us, this is our strategy. This is good for America.

Now, why do we not try to do that, Dr. Williams? Do you have an idea about this?

Dr. WILLIAMS. Yes, Senator. I would agree with you and Senator Biden that the first step in a policy of intermediate sovereignty or earned independence is imposing a constitution.

Now, the important question is, which type of constitution? In Bosnia we imposed a constitution on the Bosnian Government similar to the constitution of the former Yugoslavia, the only one of its kind. It institutionalized ethnic division and created institutionalized political gridlock.

The alternative approach would be constitutions like everywhere else in western and central Europe and the U.S., majority rule with minority rights protections.

One of the concerns we have about that first step of intermediate sovereignty is that we are working with the European allies rather than leading our European allies to a policy, and they are pursuing a similar approach to Dayton, which is institutionalized ethnic vetoes, rotating presidencies, rotating supreme court justices. We cannot dismiss the Europeans, but we need to demonstrate to them the benefits of majority rule, minority right protections, and putting it in part of a larger package.

I think from afar one reason why some Senators are uncomfortable with our continued presence in the Balkans is the lack of a strategic policy. If we lead the European allies to a policy, starting with the constitution, and not only imposing a constitution but also imposing things that you could not impose on a sovereign state—thou shalt not have a political or territorial association with certain neighboring states—and then things which are part of international law, respecting the territorial integrity of neighbors.

Ambassador ABRAMOWITZ. Senator Lugar, I think you are asking some very fundamental questions, and the problem is that we are trying to solve a very difficult problem in a short period of time, and it cannot be done that way, and our domestic politics or domestic considerations prevent it from being done, or insisting that it be done in an impossibly short time.

I do not know how to correct that, because for me there is no way, at least, that American troops can be withdrawn from Kosovo for many years. Whatever we do in terms of enunciating a long term goal, that happens to be the case.

I also believe that these countries are not going to create stability by regional associations. That is a wonderful thing to encourage. I do not think it will happen that way. If you are going to create stability, you have got to bring them into a wider association of Serbs dealing with the Kosovars, and Kosovars dealing with the Macedonians. You have got to give them a wider goal.

That is why I always have said that if you were ever going to create stability in Yugoslavia, it is not going to be done by the— the Americans are necessary, but the long term has to be to draw them in seriously, and I believe the Europeans—I probably will regret ever saying this. I believe the Europeans increasingly recognize that.

Now, whether they can get their act together, whether their institutions have enough flexibility to do that, I do not know, but I believe that is one reason why we need troops there, so we can

bang on them and legitimately say, it is your responsibility to do certain things, and we are going to keep reminding you of this, and we are making a contribution, because I believe that if we do take out U.S. forces, or we go down to a platoon or company, or even a battalion, I believe that I think it would send terrible security signals, but I believe it would undermine any serious long term effort.

How you get the U.S. Congress to accept that this is a long term effort is beyond my capability, and I think one of the things Mr. Milosevic quite frankly is looking at is the Americans, if we get a new administration, are going to take a long term view of Kosovo.

Senator LUGAR. I think there has to be an economic dimension, not just a political one. In other words, that will not make it on humanitarian grounds alone for strategic stability. There has to be a context in which there are jobs, and arguments in which grass-roots America sees some value in southeastern Europe beyond what they see now.

Ambassador ABRAMOWITZ. I am sort of skeptical it can be done economically.

Senator BIDEN. I agree. I wish, if we are going to have a Republican President, that it would be you, and I mean that sincerely. Unfortunately, we have both been through that, and it did not work.

I probably just ruined his reputation by saying that. But all kidding aside, I think if a President, if someone came forward with a strong proposal saying what we were going to do, what the objective was, et cetera, we would have the ability to go more than seven votes.

I would point out to everyone that we went through Bosnia, declared a failure, continued to be declared a failure, and we beat back on three occasions an attempt to withdraw from Bosnia. Now no one is trying to withdraw from Bosnia.

Bosnia clearly has a long way to go, a long way to go. But my point is, I do not think it is as hard to sustain American commitment down the road as we are making it sound when I talk about the seven votes.

The general point I wanted to make is, it is close to impossible to sustain it if the end result is an open fissure within NATO that results in any one of the NATO parties withdrawing. That is the thing that will, I think, toll the bell here quickly.

We have more forces there, or as many forces there as last year. You do not hear that, and even though all of us who know the issue well can point to an incredible number of failures in Bosnia and what has not been done, we have the support now, I believe, to sustain a continued effort to try to make it work. That is the only general point I wanted to make.

And I did not want to mislead people by suggesting that I thought the support was so fragile that it would evaporate. It will evaporate only if we end up in a shooting match with our European allies that results in them withholding either troops or money or police or whatever. That will be the thing that I think will change 14 votes.

I am not sure I am making my point clear, but I hope I am, and I think a more robust effort is not inconsistent with getting American support.

Senator SMITH. If there is no objection we will include Senator Biden's opening statement in the record as if read.

[The prepared statement of Senator Biden follows:]

PREPARED STATEMENT OF SENATOR JOSEPH R. BIDEN, JR.

Thank you, Mr. Chairman, and thank you for calling this important hearing. My views on Kosovo are a matter of record:

- First, I believe that the Balkans—Kosovo included—are not a strategic sideshow as some have asserted. The region is vital to U.S. national security, since its destabilization would harm all of Europe.

- Second, for that reason, we did the right thing in Operation Allied Force. In fact, I introduced the resolution authorizing U.S. participation in a NATO air campaign, which passed the Senate. The House, as we know, failed to pass such an authorization.

In the middle of the war, I co-sponsored with Senator McCain a resolution, which was tabled, authorizing the President to use all necessary force to achieve victory.

- Third, Operation Allied Force was successful in that it succeeded in reversing the vile ethnic cleansing of Slobodan Milosevic. Ensuing problems in peace-enforcement cannot detract from our having achieved the air campaign's principal goal.

- Fourth, although a year after the end of the air campaign there remains a huge amount of political, economic, and societal reconstruction to be done, measurable progress has been achieved.

- Fifth, our European allies are for the first time in memory carrying their fair share of the burden in the peace-enforcing and reconstruction effort. This is a development of the first order of importance, particularly for NATO.

- And sixth, and last, we must stay the course in the Balkans, including Kosovo. This follows from my first postulate, that stability in Southeastern Europe is a vital U.S. national security interest.

We Americans are not noted for our patience, but we must learn that mammoth reconstruction tasks take time.

Mr. Chairman, I have a great many questions on the specifics of the current situation in Kosovo, and on U.S. and U.N. policies there.

We have assembled two panels of excellent, expert witnesses, whose testimonies I am eager to hear.

Once again, thank you for holding this hearing.

Senator SMITH. Senator Lugar, do you have anything else?

Senator LUGAR. No.

Senator SMITH. Do any of you gentlemen want to make a closing response to any of our comments or criticisms or questions?

Mr. BUGAJSKI. I just wanted to make a short statement in response to Senator Biden's comments. I do not think anybody is seriously suggesting the Albanians could defend Kosovo if NATO withdraws. I think the message is, NATO is in there for a long time, but the involvement will be more costly and more complex and potentially more damaging if we do not have a vision for the Albanians as to their future status, and if in the interim we do not seriously build the institutions which are not completely dependent on the international community. That is the way I put it.

We are there for a long time, but it is going to be even more complicated, more costly, if we do not engage in those two strategies.

Senator BIDEN. I agree with you, as long as that vision is brought along, or shared, or not completely at odds with the European vision, with the NATO vision. That was my only point.

Senator SMITH. Dr. Williams.

Dr. WILLIAMS. I would just conclude, in agreement, that we will likely have continued U.S. Government support for the troops on the ground in Kosovo. However, we must understand why they are there, and articulate their objectives.

Conditional independence and immediate sovereignty is an option, and it has been deliberately crafted in a way which is long term, which is phased, and I think with substantial U.S. leadership we can bring the Europeans—who understandably make policy through conferences, we can bring them into our vision of a stable Kosovo in a slow and incremental fashion.

Senator SMITH. Gentlemen, thank you. It has been very, very helpful and insightful, and we appreciate hearing about the nuances of a very complicated situation.

So with that, this committee hearing is adjourned.

[Whereupon, at 12:05 p.m., the subcommittee adjourned.]