Civil-Military Relations and Co-operation in Kosovo 1999 to 2001
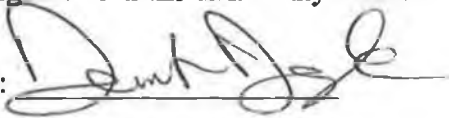
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Declaration

I hereby certify that this material, which I now submit for assessment on the programme of study leading to the award of Master of Arts is entirely my own work and has not been taken from the work of others save and to the extent that such work has been cited and acknowledged within the text of my work.

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Acknowledgements

Abstract

Title: Civil-Military Relations and Co-operation in Kosovo 1999 to 2001

Co-operation between civil society actors and military personnel is increasingly common in humanitarian missions since the early 1990s. However the interaction has led to varying degrees of friction between both groups, at times lessening the co-ordination and efficiency of the civil-military relationship. Existing theories of civil-military relations are largely based upon the relationship between the military and their civilian government, and have not been tested within the relationships experienced at the ground level during peace enforcement type missions. This study tests the theories of Samuel Huntington within the context of the North Atlantic Treaty Organisation (NATO) led mission in Kosovo (KFOR) between 1999 and 2001. This period of time encompasses the NATO bombing campaign, including their interaction with civilian agencies during the refugee crisis, and the subsequent deployment of KFOR into Kosovo. The study examines KFOR's interaction with various civilian entities including NGO's, police forces, civilian administration, political and paramilitary figures. The methodological framework of the study uses hypotheses generated from the work of Huntington, and then tests the hypotheses with reference to KFOR's actions and interactions with civilian entities. The thesis concludes that Huntington's theory, with some qualifications, can successfully account for interaction in such an environment.

Abbreviations

AFOR – Albania Force

ARRC – Allied Command Europe Rapid Reaction Corps

CEC – Central Election Committee

CIMIC – Civil-Military Co-operation

COE – Council of Europe

COMKFOR – KFOR Commander

DCEP – Directorate of Civil Emergency Planning

DMA – Department of Media Affairs

EADRCC – Euro-Atlantic Disaster Response Coordination Council

EAPC – Euro-Atlantic Partnership Council

ECAC – Electoral Complaints and Appeals sub-Commission

EMG – Emergency Management Group

EU – European Union

FRY – Federal Republic of Yugoslavia

HIC – Humanitarian Information Centre

IAC – Interim Administrative Council

ICRC – International Committe of the Red Cross/Red Crescent

IGO – Intergovernmental Organisation

JEOC – Joint Elections Operation Cell

KFOR – Kosovo Force

KLA – Kosovo Liberation Army

KPC – Kosovo Protection Corps

KPS – Kosovo Police Service

KTC – Kosove Transitional Council

KVM – Kosovo Verification Mission

LDK – Democratic League of Kosovo

LSMS – Legal System Monitoring Section

MNB – Multinational Brigade

MOU – Memorandum of Understanding

NAC – North Atlantic Council

NATO – North Atlantic Treaty Organisation

NGO – Non-governmental Organisation

NOTAMS – Notices to Airmen

OMIK – OSCE Mission in Kosovo

OPLAN – Operations Plan

OSCE – Organisation for Security and Co-operation in Europe

PDK – Democratic Party of Kosovo

PSYOP – Psychological Operations

PU - *Policia Ushtareke* (KLA Police)

SACEUR – Supreme Allied Commader Europe

SCR – Security Council Resolution

SRSG – Special Representative of the Secretary General

TAOO – Theatre Area of Operations

TCN – Troop Contributing Nation

TMC – Temporary Media Commissioner

TMK - *Trupat Mbojtëse të Kosovës* See KPC

UCK – *Ushtria Clirimtare Kosovës* See KLA

UN – United Nations

UNCIVPOL – United Nations Civilian Police

UNDP – United Nations Development Program

UNHCR – United Nations High Commission for Refugees

UNMIK – United Nations Mission in Kosovo

US – United States

WEU – Western European Union

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Introduction

The aim of this thesis is to explore the character of civil-military relations during a peacekeeping or peace support operation, and in doing so to discover whether there are underlying trends within military culture that significantly influence the outcome of civil-military co-operation. This approach is somewhat different to those commonly undertaken within the study of civil-military relations, as it treats the multi-national military force as a singular group. Generally those examining civil-military relations tend to focus on more coherent defence entities, insofar as the subject matter may be the national army, the chief of staff, or a security committee or council (for example see Perlmutter 1968:606-643, Weigley 1993:27-58, Lepingwell 1992:539-572). Scholars then in turn examine the interface with a civilian counterpart or institution, such as the department of defence, civilian government, greater political elite and so on.

What these studies have in common is that they involve unitary actors, or can be separated into unitary actors, such as the army, air force and navy within the armed forces. Multi-national forces in theatre, by comparison, are not strong unitary actors. The national contingent's first duty is towards the parent state, not the operational command under which the contingent has been placed. United Nations (UN) operations have been the scene of many incidents where one country's military has acted, or refused to act, in disregard of the multinational force commander's orders, or where the actions of national forces have clashed with the operations of the multinational force in question (for example United States [US] forces in Somalia in 1993, Belgian troops in Rwanda in 1994, see Shawcross 2000, as well as French KFOR [Kosovo Force] in Kosovo in 2000). Therefore the multinational force has much less consistency and unity of purpose than a national army, even if it may be structured along the same lines. The bodies that the multinational force interfaces with are also far less coherent than those within the state. A crisis zone will attract many different civilian organisations, be they national, interstate or charitable groups, in addition to the indigenous groups of the region. According to Richard H. Solomon and Colonel George F. Oliver III (in All, Miltenberger and Weiss 2000),

> Peacemaking and humanitarian relief operations are usually as complex and multifaceted as the problems they address. It's rare to find an operation that involves only military personnel, or relies wholly on intergovernmental

organizations (IGOs), or calls only for the expertise of nongovernmental organizations (NGOs). It's much more typical for members of two or all three of these communities to be in the field. And when they are together, it's important for the success of the operation that they work well together (p.ix, All, Miltenberger and Weiss 2000).

The obvious question to ask then is why one would examine a multi-national force as a coherent body when it is not much more than a loose collection of contributions from national armies? The simple answer lies in the difficulty of the alternatives. Conclusions drawn from the interaction of one nation's armed forces with that nation's government may not be necessarily extrapolated to the next. Therefore, trying to understand the functioning of a multi-national force through workings of each national contingent would soon leave the researcher bogged down in a multiplicity of differing national structures and cultures. Studying KFOR in this fashion, for example, would necessitate the study of civil-military relations and systems in 30 separate countries.

However, the military profession itself can be used as a starting point. Although there will be undeniable national differences, there is also common values and attitudes that will be present in almost all military forces, and therefore should provide lowest common denominators. The military is, after all, a highly rigid organisation bound to the use of violent force for political reasons. The creation of a standing officer corps and general staff, happening from the 1800's onward, made the military a distinct group in society whose profession was the science and application of war and whose intellects were bent on finding the most expeditious way of achieving military objectives. The most famous protagonist of this military intellectualism, Carl Von Clausewitz (1993 edition), whilst advocating the complete dominance of political objectives over military processes, did not recognise any dilution of the later. 'The conduct of war, in its great outlines, is therefore policy itself, which takes up the sword in place of the pen, but does not on that account cease to think according to its own laws.' (1993:737)

This increased specialisation of the military, while it served to make the profession far less comprehensible to the civilian, did not negatively influence its inherent competitiveness. Traditionally, both militaries and governments have sought parity with their neighbours in the area of defence, making regional minimum standards in training, concepts and resources even more likely. An advanced military alliance has a

further homogenising effect, even for those states that remain outside of such an entity (for example much of neutral Ireland's military equipment and training is North Atlantic Treaty Organisation [NATO] standard). In short, it is possible for us to find generalisations that can be applied to the military profession across different nations, and even more so when those nations are grouped within a particular region.

This thesis identifies such military characteristics and then attempts to assess the impact of these characteristics on civil-military relations at the ground level, as opposed to those at the executive level. Civil-military relations at the executive level can be expected to differ hugely from relations and co-operation at the ground level. Whereas national governments may desire results from their armed forces in security and defence endeavours, they may not pay close attention to how such results are obtained. In the Clauswitzian fashion, the military will be the blunt tool of the state and its politics. At the ground level however, civil-society actors may be more concerned with the way in which this blunt tool is being applied. They may feel that the military's actions may negatively impact the ability of civilian organisations in theatre to operate successfully, they may feel that the military is overbearing, and they may feel sidelined or disenfranchised by the presence of such an intimidating group. The study examines how military decisions in theatre practically impact upon the work of civilian organisations.

Civil-military relations theory will be applied to assist in the isolation of those aspects of military culture that influence co-operation. The dissertation will bring a conceptual approach, drawn from the existing civil-military relations literature, to a modern military operation where a multi-national force was deployed. By doing so it will demonstrate how military culture influences the military's co-operation with its civilian partners, and how this in turn impacts upon joint peacemaking and humanitarian efforts within theatre. The study achieves an understanding of civil-military relations that will have a great practical use in today's military operations, particularly those of the lower- and mid-range of the Petersberg tasks in which Irish military personnel are most likely to be involved. With a greater understanding of preferences of the military organisation we can better decide what tasks their expertise is suited to, and just as importantly, what scenarios in which their involvement would be best curtailed. The adaptability of the military is then better understood and can consequently be better utilised.

For western governments, specifically those of the European Union (EU), the most important military commitments are in the Balkans, if only because that area holds the key to future regional stability for a consolidated and expanded Union. Of the operations currently ongoing, NATO-led KFOR is by far the largest, with almost 50,000 troops present, of which one transport company has been contributed by Ireland. KFOR's significance goes beyond simple size and location, it also has an important policy contribution. The dimensions of the EU's Rapid Reaction Force are closely related to KFOR in size (the Rapid Reaction Force is to comprise of 60,000 soldiers) and the aim of current EU efforts to equip the force logistically spring from a desire to improve on KFOR's lengthy build up period.

As an example of civil-military co-operation, the experience in Kosovo is ideal. Military forces had to work in conjunction with civilian groups from the very first in diplomatic, humanitarian and security efforts. A close investigation of how these interactions contributed, or otherwise, to positive outcomes would certainly aid in the development of a civil-military interface. If soldiers and civilians do not understand how to work with one another the gains of inserting them quickly to a crisis zone will be lessened as tensions between each will hinder any potential synergy. The identification of recurrent trends of behaviour within civil-military co-operation, especially those reminiscent of experiences within other areas of civil-military relations (see for example techniques of manipulation identified by Janowitz 1959:493, Kirkland 2000:547-560 and Gourlay 2000:33-50), would help to resolve an increasingly important challenge to crisis-management. The seminal work of Samuel Huntington has been chosen to provide the framework of the research question, and his conservative realist concepts have shaped into two hypotheses. Do soldiers act independently of civilians in the field, and can their freedom be restricted by a multiplicity of civilian entities?

The first chapter of the thesis investigates the recent development of the civil-military relations literature and examines the contemporary standing of the field, as well as the theoretical perspectives that may be applied to ground level civil-military relations. It finishes by refining Huntington's theory into the working hypotheses for the study. Chapter Two details the methodological approach assumed in the research and lists the various sources used and defines any biases associated with each. Chapter Three examines the military's involvement with humanitarian and infrastructure tasks. The first half of this chapter looks at the combined civil-military efforts to deal with the

Kosovo refugee crisis and its spill over into Macedonia and Albania. The second half of the chapter looks at the arrival of KFOR into the stricken province and the military's interactions with civilian personnel and organisations in humanitarian and civil projects. Chapter Four looks at KFOR's co-operation with civilians in the areas of policing and justice, and examines how the military improvised and devised their own policing service while the civil police force was built up. The military's role in, and co-operation with, Kosovo's judicial system is also examined. Chapter Five assesses KFOR's treatment of the province's paramilitary and radical groups and looks at the impact of the military's reactions to sectarian and ethnically motivated violence. The conclusion of the thesis argument then follows.

No more is this the case. Since the 1990's military and civilian organisations have been seeking to bridge the professional gaps between them in order to be able to better work together on common objectives. In theatre the division of labour between military and non-military personnel is becoming more fluid as humanitarians and soldiers attempt to develop a more organic approach grounded in the respective capabilities of each. According to Carl Bildt, former High Representative for Bosnia-Herzegovina, 'Whatever we call these operations, peace enforcement or peacekeeping, they will require a civilian component and a civilian-military interface' (Phillips 1998:23). The North Atlantic Treaty Organisation, and more recently the European Union (EU), have each taken a direct interest in this area and are attempting to exploit the possible synergies in a layered civil-military operation (See for example Council of the EU 2002, NATO Parliamentary Assembly 2000, NATO/Euro-Atlantic Partnership Council [EAPC] 1998). However despite the interest in the matter, and the subsequent incorporation of civil-military co-operation (CIMIC) into actual doctrine, there is a strong difference of opinion in the proper balance of civilian and military input. For example one recent EU communication states that the focus of CIMIC is to support the military mission, which in turn will support the achievement of lasting solutions for the crisis (Council of the EU, 2002). The opposite has also been argued, stating that the military role in post-conflict situations should be transitional and limited as the overall aim is reaching self-sufficiency of local people (Beasley 1998). There is logic in each position and it may be that different crises will require the respective influence of civilian and military parties to be varied according to the circumstances. In addition to this, despite the obvious attractiveness of achieving synergy between soldiers and civilians, cultural and professional differences continue to raise significant barriers. Applying a theory that could untangle the reasons for friction between both soldiers and civilians in theatre would, therefore, make a significant contribution.

However, the existing literature on the civil military relations and co-operation in theatre is not widely developed, especially from a theoretical point of view. There are two reasons for this. Extensive co-operation between the military and civilian entities at the ground level is a relatively new phenomenon, and this is reflected in the relatively low amount of research available by comparison to other subject areas within the field. Secondly, as previously mentioned, traditional research in the field of civil-military relations has overwhelmingly tended to concentrate on military forces and their interface with various components of their encompassing society be it the political elite,

greater public or surrounding social and political institutions (for specific examples see Perlmutter 1968:606-643, Weigley 1993:27-58, Lepingwell 1992:539-572 and Segal and Segal 1983:151-170 for a broad discussion).

But while the soldier/state relationship is ultimately the pivotal point in democratic and/or civilian control over the armed forces, some argue that it is counterproductive to construe understandings of civil-military relations entirely through that framework. Bland (1999:8) argues that

> Generally, extant and new theories of civil-military relations fail in two ways: they are too narrowly conceived and miss critical aspects of the problem, and they are bound by the culture and national politics of their proponents. Existing theories and studies tend to concentrate on solving or preventing the coup d'etat, something that is a dangerous but, arguably, occasional problem of civil-military relations in most states.

If, according to Bland, theories of civil-military relations can be undermined by over-reliance on cultural and political aspects, how useful can they be for understanding co-operation in theatre? The soldiers and civilians on today's battlefield or theatre of operations are less likely to share a common nationality, let alone common norms or cultural outlook. They may not share allegiance to a common executive body and may have very different opinions on how to achieve the same objectives. Taking the overall stability of western civil-military relations into account, it seems likely that a crisis of civil-military relations may be more likely to happen outside of, or removed from, the full apparatus of state control and inside the confines and pressures of a multi-national deployment of military and civilian forces. Norms and interests between various parties may conflict, yet fewer structures will be available to resolve or rectify them.

20th Century development of civil-military relations

Given these factors the necessity of a theory designed for civil-military co-operation at ground level becomes apparent. Unfortunately the poverty of existing civil-military relations theory has been commented on by Burk (2002:7) and Bland (1999:7). Burk states that we have only limited theories that examine only one aspect of the matter, and

only in the loosest sense do we have overarching theories of civil-military relations. Bland (1999:7) goes so far as to say that the theoretical foundation that might help to answer how the military is controlled by civil authorities is weak or even entirely lacking. In addition to this, civil-military relations literature has a particularly broad interdisciplinary scope. Speaking from a sociological point of view, Moskos wrote that

> Sociologists of the armed forces have long relied on the work of other students of the military in such established and allied disciplines as political science and history. Lately there has been an overlap with the fields of peace studies and strategic or national security studies; beyond academia there is a larger group – variously, present and past members of the military and defenders and critics of military organization – who both give insights and serve as a corrective for professional sociologists of the military. Few substantive areas in sociology have such a diffuse constituency as does the study of armed forces and society. (1976:55)

Although this range of fields makes for a rich synergy it is not without its drawbacks. Reflecting some of Bland's concerns, Edinger (1963:392-405) pointed out that many of the studies produced by the 1960s 'have been conspicuously ethnocentric in character, and have tended to deal with issues limited in time and space' and he criticised them for having 'little unity of focus or method' (1963: 392). According to Edinger any work which dealt with the military, regardless of the field in which it originated, was being given a blanket classification of civil-military relations, including the 'bargain basement' work (1963:392).

Due to the interdisciplinary nature of civil-military relations research and the sparseness of theoretical works, it is therefore necessary to engage with a broad spectrum of literature. This approach has its advantages insofar as it yields a necessary understanding of the development of western civil-military relations over the last five decades, and also allows the author to avail of the key works in the field. The remaining difficulty is to pick a coherent path through the various works available, as it is difficult to bracket the research in a fashion that conveniently divides it without excluding certain schools of thought.

Moskos (1976:55-77) conveniently separated the dominant categories of civil-military relations.[1] The five heuristic categories of civil-military studies were the power elite soldier, the professional soldier, the common soldier, the citizen soldier, and the third world soldier. The specific works belonging within each category will be identified and discussed below, but for now a simple conceptual guide will be offered. The power elite soldier is the one most closely associated with the literature dealing with the military industrial complex, and posits that the military is a pressure group. The professional soldier and common soldier categories deal with two sides of the same coin, where the professional soldier deals with the career officer and the military culture of professional soldiers, while the common soldier deals with enlisted personnel. The citizen soldier by comparison represents a juxtaposition of the professional and common soldier. Moskos (1976:64) describes the ideal formulation of the citizen soldier as one who could take up arms for his country, retain civilian values yet bring ingenuity to the military structure, and easily resume civilian pursuits on completion of a tour of duty. The third world soldier is, as the title suggests, the study of armed forces of the less economically developed countries.

Since the point of this study is civil-military relations in theatre, we can see immediately that two of the categories are of less relevance. The power elite soldier would concentrate mostly on the military's intertwining with economic and political spheres. For example the work of Mills (1956) theorised that there was a small and unified ruling elite who controlled the means of resource allocation and power in American society. Included in this elite were 'warlords', or top military officers, whose interests were entwined with those of economic and political leaders. Mill's thesis, although in line with the concept of the military-industrial complex, was simplistic about the ambitions of the high-ranking military, and did not define any more enduring agenda for the military than for it to remain in a position of power relative to other elite groups. Such research would be little value to civil-military co-operation in theatre. Literature on the third world soldier tends to examine the relation of the military to direct political power and authority and the recurring problem of the *coup d'etat* (see for example N'Diaye 2002:619-640, Hunter 1997:453-475 and Jenkins and Kposowa 1990:861-875).

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[1] Sociologists often prefer to use the definition 'armed forces and society' instead of 'civil-military relations', however the author uses them here interchangeably and does not intend any significant difference in meaning to be inferred.

This field is of less benefit to this study as the subject matters are often militaries with a high degree of politicisation and appetite for direct power over the state, a scenario that simply won't arise from a clongomerate of separate national militaries within a foreign country.

By contrast literature within the professional, common and citizen soldier categories examines to a greater extent preferences, incentives and behaviours created by, or present within, military culture and the works that are discussed below are drawn collectively from each of these categories. Although these values are often directly related to the soldier's place within his or her respective society, they are easier to translate to a ground level scenario where civil and military efforts and organisations may be *ad hoc* and transitional. Within such a loosely regulated environment, where military personnel are on active duty and removed from their parent societies, personal attitudes and cultures are of more importance than the military's place within the national establishment.

Not only did Moskos (1976:70) categorise the literature, he also discerned three paradigms in the conceptual understanding of US armed forces (and by extension other militaries of the western world) and society from the 1950s to the 1970s. In the first phase, roughly before the 1950s, the military was viewed as a self-contained entity with sharp divergences from civilian values. Throughout most of the 1950s and 1960s the armed forces were seen as reflecting master trends toward societal bureaucratisation with increasing overlap with civilian structures. By the 1970s the distinctiveness and peculiarity of violent force was again rediscovered, but within the context of variable civil-military forms. The three paradigms have applicability beyond the US as the historical events and technological advances of each period are a major determinant to the evolution of civil-military relations not only in the US but also other western countries. Hereafter the author will refer to Moskos' paradigmatic phases as a rough guide, but will also include works that follow the logic of the paradigm in question yet fall outside of the timeline.

Much of the research that falls into Moskos' first paradigm deals with military socialisation during war, such as Marshall (1947), Stouffer (1949), Shils and Janowitz (1948), du Picq (1958), Feld (1959:15-22) and Little (1964). Du Picq (1958), based on his observations prior to World War 1, discovered that a strictly rational analysis of

military organisation and military formations tended to be misleading as it neglected intangible factors such as morale, an important factor of solidarity and cohesion. This view was reinforced by Marshall (1947) when he asserted the principle that morale, rooted in a feeling of unity, gave soldiers the courage to fight. Shils and Janowitz were to subsequently confirm this (1948:280-315) when they conducted research into why German soldiers had such a low rate of desertion and surrender during the war. They discovered that the main motivation of the soldier to resist was the 'primary personality demands' afforded by the socialisation of the army (1948:281) and its smaller units. Similarly Little (1964) identified a shift from the primary affective relations which held such cohesiveness for regular soldiers during the pre-1950's period, to a 'buddy' system. He found that buddy relations were the basic element of infantry social organisation in the Korean conflict, and predicted that it would be it would be an important component of cohesiveness in future limited conflicts.

However these works examine the soldier's internal relations with military organisation and subsequent effect upon the soldier's ability to fight, and as such are of less relevance to the study of civil-military co-operation. Continuing on from Moskos' logic of the military as a self-contained entity Huntington (1957) could be placed in this category as well. According to Huntington it was the rise of the professional officer corp that led to the modern problem of civil-military relations in Europe and North America. He writes that

> The emergence of the officer corps as an autonomous professional body cannot, of course, be given any precise dates. It was gradual and faltering. Two facts, however, stand out. Prior to 1800 there was no such thing as a professional officer corps. In 1900 such bodies existed in virtually all major countries. (1957:19)

The creation of the officer corps and general staffs allowed the military elite to retain the essential expertise required for a cadre of military efficiency that could be bestowed upon a mass conscript army in times of need, but in Huntington's opinion also made the military an autonomous social institution. This extends the concept of a self-contained entity not just to a short post war period, but to hundreds of years prior.

Huntington's work, however, has a broader applicability. He advanced the argument that once the military became a true profession with enduring peculiar characteristics, beginning with the officer corps and general staff, it would be forever at odds with its civilian overseers for a number of reasons. According to him the military were independent of, yet subordinate to the government, had a conservative realist outlook that put it at odds with liberal democracy, and could be categorised according to their professionalism and political power.

Detractors of Huntington's argument pointed to its failure to account for civil-military relations under socialist systems. Albright (1980:553-576) based his criticism of Huntington on the experience of civil-military relations in 16 communist countries. He dismissed the concept of tension borne out of military professionalism and instead pointed to the interchangeability of both military and political leaders during revolutionary periods (1980:558-559). However, as Huntington recognised the creation of a general staff as the fundamental component of military professionalism, Albright's guerrilla armies are perhaps not the best comparison. Although not discussing Huntington as such, two works on communist armies also revealed patterns that Huntington rejected. Kolkowicz (1982) came to the conclusion that the communist military did have distinct institutional and professional values, interests and objectives to advance within the system, and that the military and party were highly interdependent. Jones (1985) found that in the Red Army, a high degree of professionalism and political power was in evidence with an anti-military ideology, a combination that Huntington had dismissed. Most recently Herspring (1999:557-577) argued that Huntington's paragdigm has a fatal flaw when it comes to understanding civil-military relations in communist polities. Based upon an analysis of the Soviet and East German experiences Herspring argues that the antagonistic relationship Huntington posited between civilian and military authorities changed over time. Herspring found that Huntington's paradigm, accurate for the 1920's, became inaccurate as socialists, military and civilian, grew up accepting the structures that they found themselves in (1999:568).

Moskos' second paradigm of civil-military relations coincided with the advent of the Cold War, and some of the relevant characteristics of this period that appeared in the literature may be summarised as follows. The realities of nuclear war dictated, for those countries concerned, that a military confrontation might lead to the annihilation of the

entire society. Therefore military and political spheres were forced to develop a continuing dialogue to afford a constant joint appraisal of the security situation. This collaboration was increased by new technology as the military received civilian personnel during the implementation of technological innovations.

The emergence of this ongoing dialogue was identified and debated by Fox (1955:402-418, 1961:354-366), May (1955:161-180), Howard (1960:35-46), Lyons (1961:55-63) and Janowitz (1957:18), who questioned how best to achieve co-ordination between civilian and military agendas. Howard (1960:35-46), based on a study of civil-military relations in Great Britain and the United States between 1945 and 1958, suggested that in wartime that it was desirable for 'maximum power to be concentrated in the hands of one or two men', and reverting to a more diluted model in peacetime. Fox believed in the necessity of a new breed of civilian individuals who would be able to understand both military and political considerations, rather than reducing military participation at high-level decision-making (1955:418). May already saw such a nexus of political-military considerations in the new National Security Council, the product of 'long and painful history', and re-iterated its importance as an institution for political-military consultation and debate (1955:180). The effects of this enforced collaboration were noted by Lyons (1961:55-63) when he studied the influx of contemporary values into both the military and civilian sides of decision-makers. He suggested that a 'civilianization' of the military and a 'militarization' of civilians was in progress and that this was due to a new relationship between both that was based upon a more complex division of labour than had existed before (1961:63).

However, Janowitz (1957:18) felt that the way to ensure proper balance of relations and parity of esteem in civil-military relations was to appeal to the military's professionalism, or the least civilian aspects of their training. In an apparently limiting argument to Lyon's concept of dual 'militarization' and 'civilianization', Janowitz did not accept that the convergence of military and civilian spheres was all encompassing. He identified subtle trends by which the military resisted a civilian influx, such as training military officers for technical roles rather than simply hiring already qualified civilians (1957:18). He later developed this argument by stating that military authority had responded to technological changes by transforming from an organisation based on authority to one employing more and more techniques of manipulation (Janowitz, 1959:493).

Civil-military relations in limited conflicts

Although Moskos (1976:70) does not give a precise date, he states that by the 1970s the distinctiveness and peculiarity of violent force was again rediscovered, but within the context of variable civil-military forms. Thus the third paradigm overlaps on the second as it also began within the Cold War, but was not caused by it. The emergence of limited war, hostilities such as Vietnam and UN operations, that did not risk societal annihilation, rediscovered the distinct character of violence inherent within military force and reasserted the essential gulf between the civilian and the military spheres. However because of the more complex nature of peacekeeping operations, the respective influences of civilian and military parties in the maintenance of security could vary, with negotiation and political expertise being equal tools to the threat and use of force. Despite Moskos' reference to the 1970's, literature that fits within this paradigm appears earlier. Instead of massive conventional war Janowitz (1964, p.417-440) conceptualised the idea of 'constabulary' forces, where the military establishment was continuously prepared to act, committed to the minimum use of force, and sought viable international relations rather than victory. This was a departure from the second paradigm, where civil and military spheres had initiated an intensive dialogue in order to avoid military engagement. Use of military forces to achieve strategic ends was again deemed appropriate, but in a much more limited way. Seeking to verify Janowitz's concept of constabulary forces Moskos (1975:388-401) examined the relations within the UN peacekeeping mission in Cyprus (UNFICYP). He discovered that the traditional military professionalism 'contributed to, rather than handicapped, an adaptation to the constabulary model' (1975:399).

Broadening out the constabulary concept further Janowitz and Little (1974) argued that it was not only inevitable, but also desirable that the military develop a degree of political know-how to allow them to deal more competently with the administrative and diplomatic tasks involved in limited warfare. According to Janowitz (1974:473-508) the application of military force was now being applied with concurrent efforts at persuasion. Fighting and negotiation, where negotiation involved the political, diplomatic and economic, were constituents of a new level of complexity and fragility in international relations. To bridge the gap Janowitz (1983) suggested a civic education. Professional soldiers would be taught that their needs were not different from those of wider society, they would understand the essential goals of the norms and

rules that underpinned the regulations of their service, and deepen their knowledge of the obligations of their country within the broader world order. Wesbrook (1983) argued that such political education would be far more effective than simple indoctrination, as indoctrination was unlikely to contribute to the formation of long-term bonds of commitment to the other members of the state and its ideology.

Although many of the factors identified within the second paradigm continued to be relevant, such as the overall Cold War threat and the increasing influx of technology, delineation between the second and third paradigms can be discerned. In support of Moskos' evaluation that violent force was rediscovered, Segal and Segal (1983:161) wrote that 'common technologies, leading to common organizational forms, could not eliminate the fundamental difference between the military and civilian spheres'. This fundamental difference lay in the application of lethal force. According to Gard (1973:3) it still supplied the nation with 'a trained armed force, skilled in applying military resources in support of national policy'. Powell (1971) went further and argued that the difference between the military and the civil power was that the purpose of military power was to kill, although this view might be contested for its absolute approach. Whereas the third paradigm did see increased and variable co-operation between military and civilians, this was within a multi-layered context rather than the seemingly merging effects of 'civilianization' and 'militarization' posited in the second paradigm.

With the end of the Cold War security operations became far more complex. Whereas interstate wars had significantly reduced, they had been replaced by a myriad of low intensity regional conflicts (Ganguly and Taras 1998). The international community reacted initiall with a clumsy and uncoordinated approach. Gow (1994) argued that international action was not effective in the Balkans because of poor timing, inconsistency, lack of co-ordination and agreement, and an ever-present weakness regarding compliance and use of force. It appeared that the variable civil-military efforts identified by the third paradigm would have to be radically broadened within the post Cold War context. Booth (1994) identified a number of duties beyond military intervention which should be incorporated into peacemaking efforts, including the support of self defence, promotion of negotiations, the fulfilment of humanitarian obligations, and the recognition of the limits of military force.

Revising the original paradigmatic approach, Moskos, Williams and Segal (2000) identified a fourth new paradigm for the post-Cold War or 'Postmodern' era based upon the radical changes in military objectives, input of non-military personnel into security, and dominant security concerns.

> The Postmodern military is characterized by five major organizational changes. One is increasing interpenetrability of civilian and military spheres, both structurally and culturally. The second is the diminution of differences within the armed services based on branch of service, rank and combat versus support roles. The third is the change in the military purpose from fighting wars to missions that would not be considered military in the traditional sense. The fourth change is that the military forces are used more in international missions authorized (or at least legitimated) by entities beyond the nation state. A final change is the internationalisation of military forces themselves. Here we have in mind the emergence of the Eurocorps and the multinational and binational divisions in NATO countries. (2000:2)

The shift between the third and fourth paradigms regarding ground level missions can be pinpointed to the early 1990s when UN military missions in Somalia, the former Yugoslavia and Rwanda, each carried humanitarian objectives in their mandates (Laurence 1999). Military and civilian spheres were again being forced together towards a single organic effort, however this time at an operational level. Even direct civilian support to the military for field operations was examined (Condrill 1993).

In an examination of one of most recent military operations within the Postmodern paradigm, the Kosovo crisis, Pugh (2000:229-242) asked whether the influx of humanitarianism into military culture was creating a new dialogue of civil-military relations. He concluded that the institutionalisation of humanitarianism in military doctrine, mandates, discourse and structures 'may be placing military establishments in a hegemonic position that determines the framework of future-civil military relations' (2000:238). However, Pugh also stated that a 'counter-hegemonic' process may also be at work, whereby the greater the involvement of military forces in human rights and relief work, the more 'civilianised' military establishments will become (2000:238).

Not only does Pugh's conclusion jar with much of the previous research within the field, which has consistently described greater co-operation but within a more complex division of labour, it also does not consider the fact that western armies are less civilianised today than ever before. The divergence of the military from civilian society due to the widespread transition from conscript forces to professional armies over the last number of decades has been widely commented on by Häckel (1970), Janowitz (1973), Harries-Jenkins (1973:16) and Segal (1983). Most recently Van der Meulen and Manigart (1997:315-332) pointed out the inconsistency of conscript forces for tasks of the constabulary type.

> With the collapse of communist regimes in Eastern Europe and of the Soviet Union itself, the Western armies' missions changed. They are no longer used to deter a known adversary, but to maintain or enforce peace in out-of-area regions where their interests are in jeopardy and/or where human rights are being abused. In the context of new engagement scenarios, political and military logic calls for the quick reaction capability of "constabulary forces" (another classic forecast of military sociology). These kinds of forces are smaller, but their soldiers need longer training (1997:316).

Pugh's argument of greater civilianisation of the military through an influx of humanitarianism may also be dependent on the context of the humanitarian activities. Kirkland's (2000:547-560) study of civic action by the US army in the central highlands of Vietnam in the late 1960's displayed a military subsuming humanitarian actions into a greater war effort by using aid as a bargaining chip. 'The American programs were based on good intentions, but they sought primarily to manipulate a vulnerable people to achieve short-term objectives' (2000:557).

Overall however, conceptual schools of thought for the Postmodern paradigm have lagged behind. Much of the literature that has been produced has focused on the operational elements of the relationship between military and civilian actors working in concert and has concentrated on improving co-ordination rather than resolving more fundamental differences. For example Roberts (1996) advocated that the military should be prepared to assist humanitarian operations, but he accepted the dangers of involving the military in insecure foreign regions, and noted the necessity for good co-ordination. In the same vein Williams (1998) argued that while a cultural gap will

always exist between the military and the civilians, increased co-operation is possible through better planning, enhanced joint training, clearer mandates, improved management of field operations and active attempts by the military, civil and humanitarian communities to achieve greater mutual understanding. These texts (see additionally Seiple 1996, Minear, van Baarda and Sommers 1999, Aall, Miltenberger and Weiss 2000, Bonn and Baker 2000) have often produced a 'how to' set of conclusions aimed at improving co-operation between soldiers and civilians. These conclusions are reactive in their scope and rather than defining necessary cultural changes they describe how western military establishments have grappled with new problems. Whereas these conclusions are immensely valuable in their own regard they have not often touched upon the questions inherent to the paradigm. Have civil-military relations been fundamentally altered by the demands of a new security environment, and if so what is the nature of the change? Previous paradigms identified the issues at hand, but also recommended changes in the direction of the overall evolution of the military's fundamental character. The Postmodern paradigm however, does not yet appear to have moved far beyond the identification of the issues within civil-military co-operation. What is now required are conceptual approaches that identify barriers to military forces achieving the changes required by the Postmodern paradigm.

A theoretical framework for civil-military relations in contemporary operations

A recurring theme has been whether the military are becoming more or less 'civilianised', a question posed by Lyons (1961:63) and more recently by Pugh (2000:238). However, the concepts of civilianisation and militarisation appear to be too simplistic and poorly defined and have been used to denote an apparent influx of values from one sphere to the other. This terminology reduces the study of civil military-relations to a zero-sum game approach, where each group is bound to one spectrum of values where civilianisation and militarisation represent polar opposites. The ongoing lesson appears to be that closer co-operation between military and civilians does not bridge the essential gulf created by the military's violent role, despite the various new relationships that are forged. What appears to be more accurate is that the military assumes certain values from its parent society, incorporates them, and remains the group of ultimate violence. A more useful conceptual approach to civil-military relations, therefore, would recommend what values are required based upon the

strategic and security environment in which the military will be expected to operate within.

Notwithstanding, following from the arguments of those within the professional, citizen and common soldier branches of the literature, the conceptual approach would also recognise that the military is not a *tabula rasa* that will accept all and any values that the civilian society might wish it to incorporate. For example, despite a stronger than ever emphasis on multilateral civil-military co-operation at the ground level, recent studies do not display a corresponding appreciation for such low key operations among US officers. One study demonstrated how more than 90% of West Point graduates believed the military's primary function 'was the conduct of combat operations' (Franke 1997:52). Cadets' attitudes towards non-combat missions also grew more negative the longer they had been at Westpoint (Franke 1997:52). Another study noted how there was a strong feeling among respondents at US war colleges that 'once a goal is set, military judgement should prevail in selecting the best way to accomplish it' (Stiehm, 2001: 290-291). In addition to this the same study noted that military complaints about restraints on the use of force seemed to ignore the fact that civilian officials had to take into account factors which lay outside of the purely military context (Stiehm, 2001: 291).

In seeking to contribute to the development of the current paradigm, the author wishes to test one of the established conceptual approaches drawn from the professional, citizen and common soldier literature. By doing so, the author hopes to realise two objectives. Firstly, to test an established theory within a modern context and discover whether it retains validity. Secondly, by doing so, to discover whether this theory can be applied as, or modified to provide the basis of, a new conceptual approach to ground level civil-military relations within the context of the current paradigm.

In choosing an appropriate approach it is clear that none of the existing theories of civil-military relations were designed to be applied to the interaction between soldiers and civilians at the ground level. Therefore it is not surprising that many of the existing works do not lend themselves easily to a transfer. Theories or perspectives aimed at national security policy making (Fox 1955:402-418, May 1955:161-180, Avant 1994) are concentrated on executive decision-making, or access to executive decision-making structures, and for this reason may be unsuitable for the ground level experience. In one

example Avant (1994) discovered that the role of institutions was an important factor in the development of military doctrine. She found that civilian leaders in Britain, who had institutional incentives to act as a unit, had an easier time agreeing on both policy goals and oversight options to ensure that the army followed these goals. Under these conditions the British Army reacted more flexibly to changes in civilian leader's objectives. Conversely, in the US where civilian leaders had incentives to act separately, they found it harder to agree on policy goals and often chose more complex oversight mechanisms, to which the US Army did not always respond easily. Applying the institutional approach to a modern military deployment may have some merit when considering the various structures that are employed to bridge the gap between civil and military spheres, for example the civil structure of the UN on one side and the military force on the other. However such approaches may be unsuitable for the rapid evolution and change which can happen in a crisis-management environment, where political reasons may be as important as efficiency in dictating the structure of administrative bodies.

Other approaches have emphasised the social aspects of differing personnel systems. According to Gourlay (2000:36) training and force composition can make some militaries more conducive to civil-military collaboration than others, and she noted the significance of the military's general familiarity with civil-military interaction and its use of reservists or civilian units. Janowitz (1973) pointed out that with the advent of an all-volunteer system and the end of conscription, the military would develop more clear-cut boundaries and dangers of social isolation and political particularism. An all-volunteer force in his opinion increased the potential for internal rigidity and created a sharper boundary between the military and the civilian sector. Harries-Jenkins (1973:16) was of an identical viewpoint, stating that the decline of the mass army and the adoption of a volunteer army would leave a military force in a position of considerable social isolation, if it was raised by traditional methods to carry out traditional tasks. However, on a political level Häckel (1970:22-23) dismissed any notion that a voluntary army was any safer for a democracy than a conscript one, there being no historical evidence to suggest that one system had more democratic reliability than another. In addition to this the transition from conscript to volunteer forces also seemed to imply a shifting of the burden of war to those who needed the money, and raised questions about the commitment of soldiers to their duties. However Segal's research (1983) suggested that those who joined the military had a particular gravitation

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to the career in addition to their economic desires. The difficulty of these approaches is that they may be too dependent on national cultures or systems to allow for generalisation. The many different contingents that may be present within a multi-national deployment will be representative of a number of differing personnel systems, whereas a study of modern deployment requires an approach that could represent factors common to many military forces.

Theories dealing with attitudinal or behavioural characteristics are by their nature transferable across fields, such as those by Moskos (1975:388-401, 1976), Franke (1997:33-57) and Stiehm (2001:290-291). Moskos' (1975:388-401 and 1976) research on the compatibility of constabularism and traditional military professionalism is a particularly good example. He attempted to ascertain whether the traditional military professionalism lent itself to such a pacific stance as required under a peacekeeping mission in Cyprus (UNFICYP), a mission with all of the characteristics of an extreme accentuation of constabularism. He concluded that both were compatible and subsequently dismissed the notions of an 'inflexible military mind', or that the 'glory of war' was an essential ingredient of military honour (1976:137). Instead he called for a more grounded understanding of the norms of military professionalism (1976:137).

However, this dissertation does not employ this approach for two reasons. Firstly it was felt that such attitudinal studies might have a tendency to be dependent on the social culture of the subjects unless properly balanced. Secondly such studies would work best within the context of well-defined conceptual approach, which Moskos had in the notion of constabularism. As previously stated the challenge of the current paradigm is the lack of such conceptual approaches, and therefore an attitudinal or behavioural approach may be better to validate a defined concept rather than form the basis of one.

One such conceptual approach was formulated by Huntington (1957), whose work concentrated on defining the characteristics peculiar to the professional soldier, in this case the officer corps. There are a number of drawbacks to using this work due to its age and the significant amount of criticism regarding its ideological thrust (See Albright 1980:553-576 and Herspring 1999:557-577, also Kolkowicz's 1982 and Jones 1985). However, these criticisms are not sufficient reason to avoid applying Huntington's work to a new setting. Much of the criticism regarding Huntington's work is related to its failure to account for civil-military relations in communist states. Since the focus of

this research is civil-military relations during deployment the political characteristics of the troop-contributing nation are of less significance. Furthermore, despite the relative age of the work, it is still highly regarded amongst scholars in the field, including its recent detractors (see Herspring 1999:557-577). However, whereas the ideology of Huntington's work may not be an impediment, it is a further incentive to apply Huntington's approach to a contemporary setting. A failure to transfer to a scenario typical of the current paradigm may show a work that is less relevant, and one that has increasingly less potential to be generalised.

Huntington's theoretical context

According to Burk (2002:8-10) recent work within civil-military relations still reflects the influence of the theory proposed by Huntington almost fifty years ago, while Cottey *et al* (2002:32) state that Huntington made 'Perhaps the most influential contribution' to the area of democracy and armed forces. Burk describes Huntington's work as being underwritten by liberal theory, where the first priority of the democratic state is to protect the rights and liberties of individual citizens. Burk refers to Hobbes's original account of liberal theory, where security could only be provided through a social contract that constituted the state as a sovereign power whose laws were obeyed in exchange for the protection of the lives of its citizens. A key concern for liberal theorists is how to ensure that the power of the sovereign is not abused by overturning the rights and liberties of the citizens. For civil-military relations the crux lies in two contradictory agendas. The military cannot be allowed to become a free agent as it will pursue the 'objects of its own passions' and pose an internal threat to sovereign power, while the state cannot entirely control the military as the passions of the civilian majority may lead to military strength being sapped (Burk 2002:10). Huntington attempted to resolve this conflict by advocating objective civilian control, where civilians would dictate military policy, but allow the military to carry it out as they saw fit (1957:83-85). According to Huntington, 'Objective civilian control achieves its end by militarizing the military, making them the tool of the state' (1957:83). More generally Huntington recognised a conflict between the liberal democratic state and the inherently conservative realist military (1957:94-97).

However Burk writes that there are reasons to doubt that Huntington's theory, developed in response to the new circumstances of the Cold War, is well applied to the contemporary situation (2002:9). He states that there is a sense that its value is limited, despite being recognised as an exemplary account of the subject, and that new frameworks are required to guide further research (Burk 2002:12). The major flaw in Huntington's thesis, according to Burk, was that it presumes that there is a clearly delineated military sphere defined by war fighting that is independent of the social and political sphere (2002:13). In addition to this Huntington argued as if democratic civil-military relations are confined to relations among soldiers and civilians within a sovereign nation state, a reasonable assumption in the mid-twentieth century and before, but less tenable now (2002:14). However, these criticisms may also be applied to the wider body of civil-military relations literature as well. Cottey *et al* argue that

> The debate on democracy and civil-military relations in central and eastern Europe - and more generally - has been distorted, narrowed, and sometimes confused by a conceptual focus on "democratic control" of armed forces, which assumes that the primary problems are the threat of praetorian military intervention in domestic politics and the resultant need to enforce civilian executive control of the military. (2002:31)

Therefore, while there is a consensus that the use of Huntington as an 'overarching' theory of civil-military relations is waning, it is also accepted that the primary focus of civil-military relations literature has lingered for too long on the issue of democratic control. While criticisms of Huntington's approach to civil-military relations between the soldier and the state must be recognised, it is also recognised by Bland (1999:7-27), Burk (2002:7-29) and Cottey *et al* (2002:31-56) that the focus of the various theories, by Huntington and others, have dwelled almost exclusively upon a single issue, that of the soldier and the state. Burk even points out that with the multiplicity of new issues to be examined in contemporary civil-military relations, it is hard to imagine that an overarching theory could even be formulated (2002:22).

Therefore, while it is beyond argument that Huntington conceived his original approach during an era when security considerations were vastly different to those of the contemporary period, it does not mean that many of his identified concepts may not be successfully tested within specific and contemporary issues. Support for his approach

continues to be found. With reference to the development of civil-military relations in Kenya, N'Diaye (2002:619-640) states that the adverse effects of Kenya's civilian control strategies, where the civilian government bribed or manipulated the ethnic composition of the officer corps,

> ...support Huntington's and Welch's theoretical postulation that only the professionalization and political insulation of the military are more likely to ensure its subordination to civilian control (2002:634).

Since this thesis is not attempting to contradict recent opinion that Huntington's approach is both dated and no longer suitable as an overarching theory, but instead limits itself to the single experience of a contemporary military operation, it is therefore permissible to test Huntington's utility in the specific area of civil-military co-operation.

Huntington made a number of broad statements regarding the distribution of power and expertise between military and non-military groups. In addition to this he also commented extensively upon the character and outlook of the armed forces, discussing at length the 'military mind' and its conservative realist disposition. This mixture of professional and attitudinal characteristics offers the scope for testing within a recent military deployment.

Using Huntington to understand civil-military dynamics at the ground level

Regarding the choice of recent military deployment, there are two criteria to fulfil. Firstly to engage with one of the most recent operations, thereby making the research as timely and as relevant as possible. Secondly, due to the increased interest in the concept of CIMIC within Western Europe and the US, there is a desire to examine a deployment that involved the forces of these regions in order to produce research that would subsequently contribute to the debate. An operation within the Balkans was therefore deemed ideal, and of the possible missions taking place, (SFOR within Bosnia, KFOR within Kosovo, and Essential Harvest and Amber Fox within Macedonia) Kosovo was considered the most appropriate. The characteristics of the Kosovo operation, including its recent deployment, the presence of large civilian and military groups, and the high level of co-operation between each, made the most appropriate example for this study.

Although the author is aware of the extensive literature on the conflict in Kosovo, the author wished to incorporate only those articles with a specific comment or insight into civil-military co-operation within the province (such as Pugh 2000:229-242, Minear, van Baarda, and Sommers 1999). Works detailing the political and ethnic nature of the conflict were outside the scope of this study and have therefore not been included.

A number of concepts drawn from Huntington's work may be applied to civil-military co-operation in Kosovo. In line with the objectives of the thesis, to test theoretical approaches to civil-military co-operation within a contemporary context, these concepts have also been selected due to their potential application to other military deployments of a similar character. Of the statements within Huntington's work (specifically within the chapter entitled *Power, Professionalism, and Ideology: Civil-Military Relations in Theory,* 1957:80-97) regarding the division of authority and expertise within civil-military relations, these were chosen for their independence from political and cultural factors, and also for their broad terms of reference which go beyond the traditional soldier and state nexus. On the other hand, the author believed that Huntington's concepts of subjective and objective civilian control were too dependent on institutional and organisational factors closely associated with a developed state (1957:80-85). The author also eschewed discussion on the political compatibility of the military with particular regimes and societies (1957:85-97).

Firstly the concept of parallel authority will be explored, as this has connotations for the level of co-operation that can be expected between civilians and soldiers. Huntington stated that the level of authority refers to the position that the group occupies in the hierarchy of the governmental authority. The military has greatest power if they have military sovereignty, less if they do not possess authority over other institutions and *vice versa*, and the least when they may be subordinate to another institution.

> The level of authority refers to the position which the group occupies in the hierarchy of governmental authority. Vertical control is exercised over the military to the extent that they are reduced to subordinate levels of authority. The level of authority of the officer corps is maximised if it is placed at the peak of the hierarchy and the other institutions of government are subordinate to it: if, in other words, it or its leaders exercise military sovereignty. A level of somewhat less authority exists if the military do not possess authority of other

institutions, and no other institutions possess authority over them. In this case two parallel structures of authority exist; one military and one civil. This situation is military independence. Thirdly, the officer corps may be subordinate to only one other institution possessing effective final authority. In other words, the officer corps has direct access to the sovereign. (1957:**88**)

Within Kosovo, the military and civilian bodies come clearly under the second category, where neither has control over the other, although according to United Nations Security Council Resolution 1244 (UNSCR 1244, or Resolution 1244, point 6, 1999), the onus is upon both to consult and liase.[2]

Huntington states that in this case two parallel structures of authority exist, one military and one civil, and this leads to military independence. Following Huntington's logic it may be hypothesised that *KFOR's activities were effectively conducted independently of civilian influence.*

To test this hypothesis the author will examine interactions between both the civilian and military spheres and will specifically look for instances where the military acted independently of the requests and wishes of their civilian counterparts. Areas where the military changed its procedures due to civilian requests, accepted civilian guidance on particular matters or diverted resources to assist with civilian goals are all significant to the validation of this hypothesis. If the hypothesis is correct, then the military will be revealed as a difficult if not unconcerned partner. Naturally the context of events must also be factored in, but the objective of testing this hypothesis is to ascertain how pliant the military are to civilian groups in theatre, as the flexibility of partners is an important factor in positive co-operation.

To examine the scope of indirect civilian control, a concept that would be vital to civil-military co-operation where the military must work with civilians not in direct authority over it, Huntington's notion of horizontal control will also be examined. Huntington stated that the scope of authority refers to the variety and type of values with respect to which the group is formally authorised to exercise power. Horizontal civilian control is exercised against the military to the extent that they are confined within a limited scope

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[2] See Appendix A

by the parallel activities of civilian agencies or groups roughly at the same level of authority.

> Horizontal civilian control is exercised against the military to the extent that they are confined within a limited scope by the parallel activities of civilian agencies or groups roughly at the same level of authority in the government. (1957:88).

Following on from this, with the large number of civilian authorities within Kosovo KFOR's roles should have been limited to the military and militarily related aspects, whilst the civilian groups should be responsible for other sectors, where civilian specialists were present. Therefore it could be hypothesised that *KFOR was not involved in activities that exceeded its professional competency when a competent civilian group was simultaneously present.*

To test this hypothesis an analysis will be carried out of KFOR's non-military activities to ascertain whether they were involved in actions that were clearly within the mandate and expertise of a civilian group that was present. This perspective is particularly relevant to civil-military co-operation due to the increasing number and variety of civilian actors within theatre. Again, other factors must be taken into account, including resources and relative influence of the civilian group in question. In testing the hypothesis the author will look for expansionist tendencies, where the military assumed additional tasks, resources or duties beyond its professional competence. If the hypothesis is valid, it will suggest that the influence of varied civilian groups can be extended beyond their particular contribution to a crisis situation and into *ad hoc* forms of civilian control over military forces.

Beyond testing these hypotheses the author is also going refer to Huntington's idea of the professional military ethic, or 'military mind' (1957:59-79), not in terms of absolute values that can be disproved, but as a possible guide to military preferences in a given situation. Huntington gives ample discussion to the concept of the military ethic but summarises with the following:

> The military ethic emphasizes the permanence, irrationality, weakness, and evil in human nature. It stresses the supremacy of society over the individual and the

importance of order, hierarchy and division of function. It stresses the continuity and value of history. It accepts the nation state as the highest form of political organization and recognizes the continuing likelihood of wars among nation states. It emphasizes the importance of power in international relations and warns of the dangers to state security. It holds that the security of the state depends upon the creation and maintenance of strong military forces. It urges the limitation of state action to the direct interests of the state, the restriction of extensive commitments, and the undesirability of bellicose or adventurous policies. It holds that war is the instrument of politics, that the military are the servants of the statesman, and that civilian control is essential to military professionalism. It exalts obedience as the highest virtue of military men. The military ethic is thus pessimistic, collectivist, historically inclined, power-oriented, nationalistic, militaristic, pacifist and instrumentalist in its view of the military profession. It is, in brief, realistic and conservative. (1957:79)

Throughout the evaluation of the interaction between the military and civilian organisations in Kosovo, the author will refer back to Huntington's concept of the military ethic, highlighting those aspects which appear to be in conformity with this summary, as well as those which are not. If Huntington's evaluation appears valid, then certain attitudinal characteristics may be ascribed to the military, and in turn certain expectations and preferences may be expected of them. This will be of significance to the development of sustainable practices of civil-military co-operation in theatre. Furthermore, if the overall application of Huntington's theory to civil-military co-operation in theatre is successful in full or in part, it may provide the basis upon which to build a new conceptual approach to the frictions of civil-military relations in the Postmodern paradigm.

Chapter Two

Methodology

Regarding the practical aspects of the research, a two-year period from March 1999 to March 2001 has been chosen for analysis, which includes the bombing campaign as the extensive co-operation between the military and humanitarian groups was more intense then than at any other time of the deployment. A number of subjective reasons influenced the decision to choose a two-year period as opposed to a longer or shorter length of time. Both the military and civilian build-up took time in Kosovo, with some contingents arriving as late as spring 2000. During this build up the province was at its most volatile and it was concluded that over-stretch and lack of resources might be a stronger factor than any inherent friction between the military and civilians. After one year it was expected that a routine of sorts would have emerged between civilians and military personnel, with a division of labour and tasks agreed upon between both groups. However, by two years it was considered that resources and division of labour would be less significant, while cultural and practical differences might be more pronounced. It was concluded that going beyond two years would not make a worthwhile contribution in relation to the amount of material to be covered.

In weighing up the possible options of data gathering it was decided to employ a study based upon archival research as opposed to an interview-based approach. According to Dooley (2001) archival data offer several advantages including their convenience and low cost to locate, their extensiveness, and their high reliability and validity based on the routine nature of the data collection. The interview-based approach was rejected because of time and resource constraints despite the numerous advantages to that method. The positive qualities identified by Arksey and Knight (1999) included the reconstruction of events using sources omitted from documentary historical sources, ability to explore understandings and meanings in depth and the opportunity to clarify accounts. However it was felt that to fully realise the potential of an interview-based approach a large number of respondents would have to be engaged. Contingents in theatre could be made up of many different units, thus distributing potential respondents over a wide geographical area. The rotation of personnel also increased the number of respondents required if a comprehensive treatment of events was to be provided, whilst

the significant time lapse between the interview and deployment, up to two years, might lessen the accuracy of some of the respondents' accounts. By comparison, the archival sources used were centrally located and were often compiled within a day of the event being recorded. In addition to this the archives also represented a province-wide summary, whereas interviewees may have been limited to certain geographical areas. It would have been necessary to speak to personnel from each of the four brigade areas, simultaneously ensuring that these respondents were also in Kosovo during the same time, to receive a similar overview.

Due to the high reliance on official sources in this research it is accepted that much of the cited material would not have been compiled unobtrusively or impartially. However it is not apparent that an interview-based approach engaging with members from the various organisations involved would have been any less obtrusive or impartial. To counteract bias the research sought to employ data triangulation as described by Arksey and Knight (1999), and endeavoured to employ a variety of sources that differed in terms of perspective, engagement, time and space. Sources included accounts from official and independent actors as well as first hand accounts and retrospective analysis.

Paragraph 5 of UNSCR 1244 determined that the international presence in Kosovo would consist of 'international civil and security presences'. The North Atlantic Treaty Organisation-led security presence was known as KFOR, while the civil presence, collectively known as the United Nations Mission in Kosovo (UNMIK), was sub-divided into four main areas of responsibility headed up by a particular organisation. Police and civilian administration for the interim phase were directly under UNMIK, Institution building was carried out by the Organisation for Security and Co-operation in Europe (OSCE), with economic reconstruction the responsibility of the European Union (EU). Prior to deployment in Kosovo, two of these organisations were also involved in the developments that led to the bombing campaign and subsequent refugee crisis. The OSCE handled the Kosovo Verification Mission (KVM) immediately before the NATO campaign, whereupon their personnel then moved to assist with aid efforts. NATO also assisted in humanitarian efforts while carrying out 'Allied Force', the bombing of the Federal Republic of Yugoslavia (FRY).

Regarding military sources, most of the information on NATO's involvement in Kosovo, during both the Allied Force and KFOR missions, was found within the NATO

website.[3] Within the website, the major sites of interest cover Operation Allied Force[4], and the KFOR mission.[5] Available on these pages are archives of press briefings, statements, speeches, transcripts and other information that NATO or KFOR wished to disseminate to the media and the general public. As is usual with similar public relations products the majority of these sources attempt to portray NATO or KFOR forces in a positive and constructive light, although as far as it could be ascertained the vast majority of factual information presented within these products was consistent with other sources. Information given within these products covered a wide spectrum of developments within theatre, including military activities, reports of security incidents including background information and casualties if applicable, changes in military or security strategy or focus, and media opportunities.

However, without having access to the relevant operations plans (known as OPLANS) for each mission it is not possible to ascertain the exact nature and thrust of NATO's public relations efforts. OPLANS are restricted documents as they outline the key military objectives incumbent upon the mission, and are therefore highly sensitive. However, there was an opportunity to view one OPLAN while examining the archives of the OSCE (see below), and its content will be discussed here as a possible generic example of media management by the military. The document, entitled 'SACEUR OPLAN 10412 "JOINT GUARANTOR"', dealt with extraction procedures for KVM monitors within Kosovo.[6]

Under 'Concept of Operations' it was stated that NATO was to conduct Psychological Operations (PSYOPs) to influence attitudes and behaviour of targeted audience within the Theatre Area of Operations (TAOO) to assist in the achievement of NATO objectives. A number of PSYOP objectives and supporting themes were identified, which overall involved the promotion of NATO while simultaneously discrediting detractors. The Public Information mission of the OPLAN was to give the media timely, accurate and complete information consistent with security and troop safety.

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[3] http://www.nato.int
[4] http://www.nato.int/kosovo/all-frce.htm
[5] http://www.nato.int/kfor/welcome.html
[6] CIO.GAL/5/99, 26 January 1999 [Restricted], 1220.15.21 CJPS-CJPLA/98, S[upreme] A[llied] C[ommander] Eur[ope] OPLAN 10412 "JOINT GUARANTOR", Possible extraction of OSCE KVM verifiers in Kosovo' [Restricted]

Within this mission key objectives and target audiences were identified, as were 'master messages' that reinforced NATO's desired image.[7]

In summary, NATO's information campaign for Joint Guarantor was intended to be factually accurate, yet simultaneously manipulative. Messages and concepts directed at the media and public were designed to give a desired image to the military, but were not statements of actual military intent. Military objectives within the OPLAN were dealt with in a practical manner and were confined by logistical capabilities rather than the political or moral ideals portrayed by military media products.

Not all sources of information from NATO or NATO member states were part of a specific public relations campaign or agenda. Articles from the NATO periodical, *NATO Review*, were cited when written by senior military personnel directly involved in KFOR or NATO activities in Kosovo. The autobiography of General Wesley Clarke, Supreme Allied Commander Europe (SACEUR) at the time, was also referenced as were transcripts from the United States Department of Defence press conferences. In addition to this NATO HQ and KFOR personnel were contacted by emails and telephone calls, mostly to clarify technical points or matters of procedure. General requests were submitted to NATO for unclassified material pertaining to Kosovo as well as specific open documents cleared for public viewing. Most requests that went to NATO HQ via email were unanswered, even after repeated attempts. Similarly, requests for information from personnel connected to KFOR HQ in Pristina were not always satisfied. Therefore the vast majority of NATO and KFOR materials were drawn from sources that were part of ongoing military operations, and therefore may be presumed to have been subject to similar influences described within the Joint Guarantor OPLAN.

Regarding the international civilian presence in Kosovo and its subsidiary components, data was gathered from each of the lead organisations with the exception of the EU-led division for reconstruction. The reason for ignoring this branch of UNMIK lies in the fact that, beyond the mention of EU funding in certain projects, no mention was made of incidents of serious civil-military co-operation between KFOR and this branch of the civilian administration. Nor was there any sector of the EU's division that appeared to be of interest to the military's operations in the province. By comparison, extensive co-

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[7] *ibid*

operation was evident between the UNMIK- and OSCE-led divisions and the military forces. These facts, in addition to time constraints, discouraged the idea of pursuing the EU as a worthwhile source for further information.

Data on the UN's operations in and around the province of Kosovo is widely available on the Internet on a number of official websites. The most important of these were the websites of UNMIK[8], UNMIK Police[9] and the UN itself.[10] The range of information available at these sites was very similar to what NATO and KFOR made public on their websites and included press briefings, statements, speeches, transcripts and public announcements. In addition a number of other publications were also referenced, including annual reports, briefings and newsletters. UNMIK Police for example had their first annual report online during the research period as well as their own newsletter and crime statistics, while UNMIK holds an archive of Kosovo news, a number of newsletters it produced for the province and details of the governing structures. Again many of these sources sought to portray the UN mission in a favourable way even if the information given was factually correct, or else sought to avoid controversial opinion. After cross-referencing with other sources these records were found to be accurate regarding description of events that were discussed within them, but it was also discovered that more controversial aspects were often omitted or ignored. Newsletters often detailed events that had taken place but offered no analysis or opinion. Ethnically motivated murders that were reported would include the circumstances involved and official condemnations, but not any discussion of the cause of the killings or who may have perpetrated them. The overriding impression received was that UNMIK publications avoided controversial topics in order to avoid inflaming ethnic tensions.

The press office of UNMIK Police was also contacted and information was requested on a number of technical issues regarding civil-military co-operation in security. The response was positive and it was possible to clarify a number of issues that had arisen in the research. One other possible source of information that were examined but deemed unusable was the online message board for UNMIK police.[11] Despite the very interesting and apparently candid remarks that were made by individuals on the website the research did not make use of them as they were made anonymously and could not be

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[8] http://www.unmikonline.org/
[9] http://www.unmikonline.org/civpol/index.html, also http://www.civpol.org/unmik/
[10] http://www.un.org/
[11] http://www.civpol.net/msgboard.mv

properly cited. The idea of pursuing police force members through this website for possible interviews was considered, but subsequently ruled out this approach due to the constraints involved in interviewing discussed above.

The OSCE's online resources included a similar array of publicly available materials.[12] Municipal profiles, press releases, factsheets and reviews as well as reports into the situation of ethnic groups, progress in the judicial system and other social issues were just some of the items that were available online and were particularly useful to the study. In addition to this the Researcher-in-Residence program at the OSCE Secretariat in the Czech Republic was made use of in order to study the records of the OSCE missions to Kosovo, including those of the Kosovo Verification Mission (KVM) and the OSCE Mission in Kosovo (OMIK). These documents were far more explicit than the organisations official statements and were occasionally critical of KFOR and UNMIK operations in the province. They also describe incidents and interactions that were not particularly newsworthy to the international media, and therefore would not have been discussed in news reports or in public relations products, but nevertheless were of crucial importance to this study.

To avail of the program four weeks were spent at the OSCE Secretariat at Rytířská 31, Prague 1 in the Czech Republic during February 2002 and again for three days in September 2002. Under the Researcher-in-Residence program full access was given to the entire range of records that the organisation held on Kosovo, consisting mainly of weekly, monthly and spot reports covering the organisation's activities on the ground as well as other notable events.

Full co-operation was enjoyed from the staff at the secretariat who endeavoured to answer any questions and provide all materials that were requested. The documents in question were compiled with information gathered from field mission staff, local and international media as well as other partner organisations, such as KFOR and UNMIK, and therefore represent a mix of primary and some secondary sources. It is generally not possible to ascertain the full extent to which secondary sources were relied upon by those who compiled the reports.

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[12] http://www.osce.org/kosovo/

The records from field missions are restricted material and therefore are not available to researchers other than those working under the official OSCE research program. Regarding validation of this restricted data, third parties may contact the Prague Secretariat to verify that information referenced is drawn from *bona fide* sources, and is a fair and accurate representation of what is contained therein. Restricted documents may not be quoted from directly, but may be summarised by the researcher. Much of the information held within the archives was not of interest to the research as it dealt with OSCE projects that had little or no input from KFOR. However detailed notes were made of over 100 other files that contained accounts of co-operation between KFOR and the OSCE and partner organisations in various projects, as well as descriptions of military responses to security and humanitarian alerts in and around the province.

Beyond these three official groups the research made use of a wide number of independent actors who were also active inside Kosovo. Sources used included a number of non-governmental organisations such as Amnesty International[13], the International Crisis Group[14], the Kosovo Ombudsperson[15], *Médicins Sans Frontiéres*[16], and the International Federation of Red Cross and Red Crescent Societies.[17] The range and type of materials from these organisations were similar to those available from official bodies and included reports, press releases, statements and eyewitness accounts. Most of these documents were accessed on the Internet where they were available from official sites. The major difference between these sources and those of the international presence in Kosovo is the fact that the NGOs tended to be directly critical of military actions within the province. This criticism was generally sector specific, but the variety of sources allowed for an insight into a spectrum of military activities and behaviours. For instance *Médicins Sans Frontiéres* criticised the extent of military involvement in humanitarian work during the refugee crisis, the Kosovo Ombudsperson and Amnesty International objected to KFOR's human right's breaches while the International Crisis Group found fault with KFOR's policies on a political and security level. As might be expected, not all of these sources would have offered the comprehensive and consistent coverage that was available from KFOR, UNMIK or the OSCE.

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[13] http://www.amnesty.org/
[14] http://www.crisisweb.org/
[15] http://www.ombudspersonkosovo.org/
[16] http://www.msf.org/
[17] http://www.ifrc.org/

Materials from these non-state actors often focused on particular timeframes or events, but also contributed a more in-depth analysis than other sources of information. Most of the sources cited were first hand accounts written by individuals who had participated in a particular event or were in the province during the reporting period. One such account was a diary of events made by a *Médicins Sans Frontiéres* doctor who spent a number of days working with refugees during Allied Force, while the Red Cross/Red Crescent magazine carried an interview with UNMIK Special Representative Bernard Kouchner. By comparison Amnesty International had periodic updates on the situation in Kosovo and produced a number of reports on human rights problems within the province.

Regarding the international media, the online archives of a number of news agencies were used, including the BBC[18], CNN[19], and the Serbian B92[20]. Broadsheet publications such as the Guardian[21], Times[22], Telegraph[23], and the Irish Times[24] were also referenced. Naturally much of the media commentary was not particularly useful to this study given their pre-disposition to a more sensationalist agenda than the workings of civil-military co-operation. In addition to this Kosovo, as with other news items, faded from news coverage once the more dramatic events were over. Periodic recurrences of violence served to bring the eye of the international media back to the province, however ongoing English language news on the province was only available from B92. The traditional political inclination associated with a number of the publications was considered, the Guardian for example is regarded as a left wing paper while the Times and the Telegraph are considered more conservative. However, this was not deemed to have impaired the quality of the source for two reasons. Firstly, journalistic articles were usually employed for their valuable eyewitness accounts that recounted factual information and quoted witnesses and primary sources to events, and not for their subsequent analysis. In particular the firsthand reports from Kosovar refugee camps in Macedonia and Albania, and the troubled city of Mitrovica, offered a local perspective that was not available from many other documents. It was felt that choosing this type of article over more opinionated or analytical articles helped to avoid

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[18] http://news.bbc.co.uk/
[19] http://www.cnn.com/
[20] http://www.b92.net/english/
[21] http://www.guardian.co.uk/
[22] http://www.timesonline.co.uk/
[23] http://www.telegraph.co.uk
[24] http://www.ireland.com/

or lessen the bias associated with a particular publication. Secondly the more critical treatment of events by the media formed a counterbalancing effect to the official sources from KFOR, UNMIK and the OSCE.

The body of the thesis is divided into three major sections dealing with the military's involvement with humanitarian and infrastructure tasks, their co-operation in the areas of policing and justice, and the manner in which they dealt with the province's internal security and paramilitary groups. These sections provided a comprehensive cross section of civil-military relations within the province as they allowed the military's interactions with different sectors and groups to be examined. The entire study was undertaken over an eighteen-month period, of which nine months were spent gathering and evaluating primary data. The study was funded by a studentship from Dublin City University Business School.

Chapter Three

Military involvement in humanitarian and infrastructure tasks

The interaction between the military and civilian actors in the humanitarian area is the most focused upon element of recent literature covering ground level co-operation. It represents the concept of CIMIC as conceived by NATO, and also constitutes a major part of what the EU would like to incorporate into its nascent crisis management structures. This chapter covers the military's involvement with humanitarian and infrastructure activities during the bombing campaign against Serbia and the subsequent deployment of KFOR. Development and use of infrastructure is a particularly good indication of the relations between civil and military entities in theatre as it is a shared resource. The extent of control over this resource by a particular party should be a strong indicator of the authority they hold in comparison to other parties. According to Huntington's theory of parallel authority the military would be an unrestrained partner in civil-military co-operation as the civilian agencies held no direct control over them. Furthermore, due to pessimistic aspects of the military ethic and the corresponding restrictions of what Huntington calls horizontal control, the military would not be a co-operating partner if there were competent civilian groups simultaneously present.

NATO's co-operation with the UNHCR during 'Allied Force'

In looking at the relationship that existed between the United Nations High Commissioner for Refugees (UNHCR) and the North Atlantic Treaty Organisation in the run up to the Kosovo crisis, we can see to what extent the military incorporated civil society sensitivities into its operational plans. As a body that represents many IOs and NGOs (approximately 50 of 250 registered NGOs involved in the refugee crisis were UNHCR implementing partners[25]) the position of the UNHCR is important for two reasons.

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[25] The Kosovo refugee crisis, An independent evaluation of U[nited] N[ations] H[igh] C[ommisioner] for R[efugees]'s emergency preparedness and response, E[valuation] P[olicy] A[nalysis] U[nit]//2000/001, February 2000, Geneva, p.ix

Firstly it is the recognised lead agency in co-ordinating NGOs in a crisis situation and can assist and fund NGOs directly.[26] Secondly the organisation could articulate the concerns of civil society actors at an executive level. The extent of NATO's reaction, or lack thereof, to these issues was revealed in the early stages of the crisis and it provides fertile ground for testing Huntington's theory.

With conflict again stirring in the Balkans on 2 September 1998 NATO Secretary General Javier Solana called Sadako Ogata, United Nations High Commissioner for Refugees to discuss possibilities for joint contingency planning.[27] While the High Commissioner was not against close co-ordination she declined the invitation for joint planning as she feared that it would blur the agendas between the various organisations. 'I must emphasize that UNHCR's role as lead humanitarian agency must remain clearly distinct from the OSCE [Organisation for Security and Co-operation in Europe] and NATO missions. Theirs are political missions.'[28]

NATO wasn't deterred by this refusal and the alliance continued on its own to develop contingency plans for a humanitarian emergency and by 2 February 1999 it had identified likely areas of NATO support to the UNHCR in transport, logistics and air operations, although numbers and scenarios were not outlined.[29] During the same period diplomatic overtures, such as they were, to calm the situation in the province failed and NATO began to bomb the Federal Republic of Yugoslavia (FRY) on 24 March 1999. Instead of forcing Milosevic into submission, the first outcome of Operation Allied Force was a flood of refugees to the mountain passes of principally the Albanian and Macedonian borders. The time for a humanitarian response was at hand.

For its part, NATO's humanitarian effort was to be overseen by the Directorate of Civil Emergency Planning (DCEP) and its newly formed Partnership for Peace (PfP) subsidiary, the Euro-Atlantic Disaster Response Co-ordination Centre (EADRCC).[30] It was felt by some in retrospect that a stronger role for NATO in the humanitarian sector

[26] United Nations High Commissioner for Refugees Handbook for Emergencies, 1999, Second Edition, UNHCR, Geneva p.5
[27] The Kosovo refugee crisis, An independent evaluation of UNHCR's emergency preparedness and response, EPAU/2000/001, February 2000, Geneva, p.10
[28] Statement by Mrs Sadako Ogata, United Nations High Commissioner for Refugees, to the Euro-Atlantic Partnership Council, Brussels 18 November 1998
[29] The Kosovo refugee crisis, An independent evaluation of UNHCR's emergency preparedness and response, EPAU/2000/001, February 2000, Geneva, p.110
[30] NATO Handbook, NATO Office of Information and Press, 2001, p.190

would clearly enhance the institutional position of the EADRCC, and it was remarked that '...during the Kosovo emergency, the centre became a focal point for contact between NATO and the humanitarians'.[31] Certainly NATO lost no time in highlighting the EADRCC.

> As you know NATO is not an organisation which specialises in refugee questions, the UNHCR is clearly in the lead there, but you may have heard of our Euro Atlantic Disaster Response Co-ordination Centre, which is here at NATO Headquarters. That has been activated for some time now to coordinate NATO's assistance to the UNHCR in terms of dealing with refugees if the UNHCR needs our help, for example in terms of logistics, transport and whatever...[32]

By engaging in such humanitarian affairs the military alliance was now into the territory of the UNHCR (and the broader civil society community which it represented), and the two organisations entered into discussions on how best to divide the load. In a letter to NATO on 3 April, Ms Ogata had been careful not to ask for NATO help specifically, but for assistance from 'Alliance Member States'. She also asked for the support to be provided through NATO's civil-emergency department, which in turn meant the EADRCC, in order to retain the 'civilian and humanitarian nature of the aid operation'.[33] This move had been intended to dilute military involvement by bringing humanitarian support through a PfP subsidiary, and to make a distinction of sorts between the broader NATO partner countries and NATO itself. This would have allowed the UNHCR to retain its neutrality and distance itself from one of the parties to the conflict.

However, NATO wanted close co-operation. A NATO meeting on 4 April with the European Union (EU), OSCE, Western European Union (WEU), Council of Europe (COE) and UNHCR was aimed at developing, in the words of a military spokesperson, a 'practical no-nonsense, non bureaucratic, coordinated approach bringing the military

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[31] The Kosovo refugee crisis, An independent evaluation of UNHCR's emergency preparedness and response, EPAU/2000/001, February 2000, Geneva, p.111

[32] Transcript, Press Conference, NATO Spokesman Jamie Shea and Air Commodore David Wilby, S[upreme] H[eadquarters] A[llied] P[owers] E[urope], NATO HQ, 27 March 1999

[33] Letter to NATO Secretary General Javier Solana from UN High Commissioner for Refugees Sadako Ogata, April 3 1999, reproduced in Minear, van Baarda and Sommers, 2000, NATO and Humanitarian Action in the Kosovo Crisis, Occasional Paper #36, The Thomas J. Watson Jr. Institute for International Studies, p.162

and the civilian aspects into close harmony to have the most effective, immediate impact on the situation'.[34] Four days later the fundamentals of NATO's humanitarian effort were outlined in a number of points. Firstly NATO would not seek to create an independent humanitarian role for itself. Secondly the UNHCR in Geneva would have the lead role in the operation, it was they who established priorities and would identify the requirements for the humanitarian effort. Thirdly the requirements were determined on the ground by the UNHCR and NATO would co-ordinate the flow of aid. Fourthly, NATO would eventually be replaced by civil organisations.[35] These dictums gave the impression that the military would have a complementary role to the UNHCR, filling in as required and relinquishing tasks when competent civilian organisations became available. In fact the statement already displayed a sidelining of the UNHCR. Ogata's letter of 3 April had stated that 'Evidently, UNHCR would provide the necessary co-ordination, guidance and technical support'.[36] Now a subtle shift had taken place where NATO was the co-ordinating body, and the UNHCR only set the priorities. The scene was set for the military alliance to push forward with the joint assistance that it had planned independently of the refugee agency and the corresponding concerns of civil society actors.

At this stage it can be clearly seen that the horizontal control concept drawn from Huntington's theory, regarding the military's involvement in non-military activities, is inaccurate. Although the military was well equipped by dint of its resource base and huge logistical capacity, it lacked the neutral credentials, humanitarian mandate, knowledge base and technical expertise of the UNHCR. Between both the military forces and the UNHCR, it was NATO that set the agenda through its pro-active planning and uncooperative approach to a supposedly co-ordinated humanitarian strategy. The UNHCR was never given the opportunity or authority to become the lead partner, despite public and private assurances to the contrary.

Ironically the conditions that falsify horizontal control are those that support military independence and parallel authority. The relationship between NATO and the UNHCR

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[34] Press Conference by NATO Spokesman, Jamie Shea and Air Commodore David Wilby, SHAPE NATO HQ, 4 April 1999
[35] Press Conference, by NATO Spokesman, Jamie Shea, Air Commodore, David Wilby and Commander Fabrizio Maltinti, SHAPE NATO HQ 8 Apr. 1999
[36] Letter to NATO Secretary General Javier Solana from UN High Commissioner for Refugees Sadako Ogata, April 3 1999, reproduced in Minear, van Baarda and Sommers, 2000, NATO and Humanitarian Action in the Kosovo Crisis, Occasional Paper #36, The Thomas J. Watson Jr. Institute for International Studies, p.162

in the run up to the refugee crisis displays military independence from a parallel civilian authority, exactly as Huntington predicted. While the UNHCR wished to retain impartiality during the beginning of the conflict NATO ignored the subtleties of the organisations neutral position. By pursuing their own agenda, NATO did not really afford the UNHCR the assistance it required to retain neutrality, even though it could have complied by allowing member states to give assistance bilaterally as the High Commissioner suggested. Both of these trends, a military intervening into a non-military area and retaining its operational independence at the same time, were continued at the ground level in both Macedonia and Albania

Macedonia

Although a degree of friction was present in its evolution a relatively straightforward relationship was established between the UNHCR, NGOs and the military in Macedonia. NATO forces were detailed to construct refugee camps whose subsequent running was then passed to the UNHCR and NGOs, and aid was distributed by the UNHCR and NGOs with logistical help from the military. The major, if not only, source of friction lay with the Macedonian authorities.

In the initial stages the massive influx of refugees from Kosovo panicked the Macedonian government and they contacted the US embassy for support, including financial assistance and offers from NATO countries to take refugees. An immediate decision was made for NATO military forces in the country (there to implement a Rambouillet agreement that never materialised) to build refugee camps and this was relayed to High Commissioner Ogata. She objected on the grounds that civilians should construct the camps instead.[37] However, there appeared to be little room for manoeuvre as by 2 April an estimated one third of Kosovo's pre-conflict population, or upward of 634,000 people, had been displaced.[38] Ogata accepted the offer of assistance from NATO and the North Atlantic Council immediately directed General Jackson's force in Macedonia to assist with the inflow of refugees and border crossings.[39] By April 4

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[37] The Kosovo refugee crisis, An independent evaluation of UNHCR's emergency preparedness and response, EPAU/2000/001, February 2000, Geneva, p.37
[38] Press Conference by NATO Spokesman, Jamie Shea and Air Commodore David Wilby, SHAPE NATO HQ, 2 April 1999
[39] Press Conference by NATO Spokesman, Jamie Shea and Air Commodore David Wilby, SHAPE NATO HQ, 3 April 1999

NATO forces of the Allied Rapid Reaction Corp (ARRC)[40], working in conjunction with the UNHCR, the Red Cross and Red Crescent, and the OSCE, opened a refugee reception centre at Stenkovic in Macedonia[41] as well as working on six other camps.[42] By dint of their available manpower and logistical advantages military forces were now operating as the lead partner in a non-military operation.

Conditions on the Macedonian border were extremely difficult due to the fact that the government was holding out for international support. There was no food, negligible medical assistance and no support from international organisations.[43] Doctors and nurses from the Red Cross, *Médicins du Monde* and the International Medical Corps were at hand, but were denied access to the refugees by the Macedonian government.[44] Within a few days (the Macedonian government having received their package of aid guarantees) the situation began to improve. Essential supplies began to trickle in and were given out by a combination of military and civil agencies. In one example the food supplied by the British contingent was distributed by both military forces and the UNHCR.[45]

Working relationships did not have a good start. While the refugees and IGOs wondered at the lack of support available for them, friction was evident between the military, the UNHCR and the Macedonian government. One anonymous senior British officer blamed the UNHCR for the failure, 'They have been caught on the hop. They did not expect so many refugees and they are reacting very slowly to this human catastrophe'.[46] As a stopgap measure British troops used food from their own reserves and assisted in the delivery and distribution of rations, but had to wear civilian clothes to avoid being targeted by Serb snipers.[47] Although it was a practical solution the presence of the military now made the camps, situated just across from the area of

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[40] Press Conference by NATO Spokesman, Jamie Shea and Air Commodore David Wilby, SHAPE NATO HQ, 6 April 1999
[41] SEC.FR /286/99, 7 April, 1999 O[rganisation] for S[ecurity] and C[o-operation] in E[urope] K[osovo] V[erification] M[ission] Activity Report 2-5 April [Restricted] N.B. The author received access to the archives of the OSCE Researcher-in-Residence Program. Although the documents are restricted the veracity of the data acquired from the archives may be verified by contacting the Prague Office of the OSCE Secretariat.
[42] Press Conference by NATO Spokesman, Jamie Shea and Air Commodore David Wilby, SHAPE NATO HQ, 4 April 1999
[43] 'Hungry, cold and exhausted, they scrambled for survival in the mud', *The Telegraph*, Issue 1408, Saturday 3 April 1999.
[44] 'Dumped in the wilderness', *Guardian*, Monday 5 April 1999
[45] *ibid*
[46] 'Death comes to the despairing children', *The Telegraph*, Issue 1408, Sunday 3 April 1999.
[47] *ibid*

hostilities, a possible site of attack for Serb forces. The construction of refugee camps also presented difficulties as the UNHCR and the Macedonian authorities argued over the space between the tents and wire fences around the camps. One officer whose work at a refugee camp at Bojane was delayed said that he was 'waiting for them [the UNHCR and the Macedonian government] to sort it out'.[48]

This incident displays an amount of deference by the military forces to the UNHCR and the civilian government. However it must be remembered that this was a technical, as well as political, matter that was completely outside of the military's expertise. In addition to this it must also be borne in mind that if the UNHCR had complete control the military would not have been involved in the construction of the camps at all. From the military's point of view the issues appeared to be ones of practicality to be satisfied with immediate solutions, regardless of whether they were in line with civilian thinking. However, the UNHCR and other civil society organisations realised the importance of proper construction and their fears about inadequate and intimidating constructions were soon realised. One article described a Macedonian run refugee centre at Radusa (built by NATO forces) being more like a prisoner of war camp than anything else[49], and such claims were only strengthened by the reports of brutality against the refugees.[50] The military, though availing of a huge resource base and able to quickly deploy, could provide rapid solutions but seemingly without any understanding of the long-term effects. One NGO placed the relationship in context,

> Although heavy logistical assistance has been useful, NATO is first and foremost a military organization which is currently involved in the conflict. It is not a humanitarian actor and is neither responsible nor able to coordinate humanitarian relief activities for refugees. Protection and assistance for refugees is the responsibility of the UNHCR.[51]

Indeed the extensive involvement of the military in helping the refugees was a definite culture shock, even for those well heeled in aid operations. As a *Médicins Sans*

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[48] *ibid*

[49] 'Kosovars trapped in 'concentration camp' say Macedonians are worse than Serbs' *The Telegraph*, Issue 1414, Friday 9 April, 1999

[50] 'Despair mounts as even the fit grow frail', *Guardian*, Thursday 6 April, 1999, 'Macedonians offer no refuge from terror' *The Telegraph* Issue 1423 Sunday 18 April 1999, 'Surviving in the tented city' *Guardian*, Friday 7 May 1999

[51] The UNHCR Must Take Full Responsibility for All of the Kosovo Refugees, Médicins Sans Frontiéres, Press Release, 9 April

Frontiéres staff member put it, 'The presence of so much armed green comes as a shock for the Doctors Without Borders veterans, something without precedent. A humanitarian mission is difficult to square with a military mission'.[52] The military for their part had difficulty with the many and varied character of civil society actors involved in the crisis and one military spokesperson spoke critically of the NGOs. 'There is a lot of rivalry among the agencies, a lot of egos. Some need to be reminded that the welfare of these people is their first concern'.[53]

Overall however, the joint efforts in Macedonia were a success. Camps were constructed, aid was received and despite cultural differences between the military and civilian actors, a productive working relationship was achieved. When the time came for NATO forces to withdraw their support and central role in the management of the refugee camps in Macedonia and cede control to UNHCR and NGOs the hand-over went smoothly, and the most pressing issue facing the civilian authorities was the provision of security in the camps following the military withdrawal.[54] NATO forces retained 100 personnel in their four camps[55] in line with a commitment made on the 10 April by General Jackson to keep an eye on security inside them.[56]

From the perspective of Huntington's parallel authority and horizontal control concepts a similar accuracy and inaccuracy is evident. The military remained a proactive and involved group on the ground, whilst retaining a large amount of independence. It was the military who began work on refugee camps, a decision that was made independently of the UNHCR despite the fact that it was the lead organisation and also had better technical knowledge of the camp requirements. Although there were issues regarding the military's handling of the refugee centres, overall the military authority appeared to prevail by virtue of their resource base. The UNHCR and other organisations were dependent on military support and therefore could not form a viable alternative, despite their discomfort with the relationship. However the generally successful interaction between the military and civilian groups, with the exception of the Macedonia government, meant that there was not as much reason to challenge the independence of

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[52] A Doctor's Diary, Macedonia, April 1999, Fokko de Vries, Médicins Sans Frontiéres (http://www.doctorswithoutborders.org/publications/voices/fokko_1999.html)
[53] 'Powerless UN looks on as refugee crisis grows', *Guardian*, Sunday 11 April 1999
[54] SEC.FR 331/99, 15 April, 1999, OSCE KVM Activity Report 12-13 April [Restricted]
[55] The Kosovo refugee crisis, An independent evaluation of UNHCR's emergency preparedness and response, EPAU/2000/001, February 2000, Geneva, p.85, footnote 20
[56] Press Conference by NATO Spokesman Jamie Shea and Colonel Konrad Freytag, NATO HQ, 10 April 1999

the military on anything other than technical issues. Horizontal control of the military was therefore not effected by the presence of the many and varied civilian organisations. In fact it was the Macedonia government that was the ultimate authority and obstacle to military plans for the refugee crisis. Due to the civilian government's obvious primacy within the country, the relationship between it and the military is not one that can be evaluated through Huntington's concepts of parallel authority or horizontal control.

Albania

The situation for NGOs in Albania was very different due to a number of key factors. The UNHCR's presence on the ground was firstly very poor, its one Albanian staff member in the Kukes sub-office had to deal single-handedly with 64,000 refugees between 27 March and 29 March.[57] At the same time the Albanian government was using the conflict to strengthen its ties with NATO and it gave the alliance a large degree of latitude in its operations. When SACEUR General Wesley Clark met Albanian Prime Minister Pandeli Majko he described the meeting as 'overwhelmingly positive'.

> The young prime minister…approved every request. May we use an additional airfield? Of course, use all airfields. May we repair the highway to Kukes? Please do so. And the road to Skopje? You may have all roads and all government facilities – take anything you need.[58]

The UNHCR found itself excluded by a combination of the above factors, and also by its weakness in asserting its own mandate as the lead organisation. One example of this was the UNHCR's decision to delay its emergency mechanism until the 29 March, which meant that emergency staff did not arrive at Albania's northern border until 2 April. In the words of one commentator 'This further undercut the status of UNHCR in Albania, and reinforced the inclination of Tirana to work with NATO and individual governments for assistance.[59]' NGOs who could have expected to use the UNHCR as

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[57] The Kosovo refugee crisis, An independent evaluation of UNHCR's emergency preparedness and response, EPAU/2000/001, February 2000, Geneva, p.32
[58] Clark, General Wesley K., 2001, Waging Modern War, PublicAffairs, Oxford p.259
[59] *ibid*, p.32

an interface with IGOs and governmental authorities now had to jockey with each other to get access to the resources coming into the country. The independence of the military forces, on the other hand, was guaranteed, as was their ability to shape their response to the humanitarian emergency.

With the UNHCR relegated, the main scrum for aid took place within the Emergency Management Group (EMG), a centralised body set up by the Prime Minister's office to deal with the humanitarian response. All of the major international organisations provided liaison staff to the EMG and in this way it became a central contact point for field missions. Although this allowed for requests and information to be sent both ways, it was a cumbersome arrangement that was slow and inadequate.[60] In addition to this, and contrary to UNHCR practice, NGOs were excluded from the EMG in the initial stages. For the 178 registered and 50 – 60 unregistered civil society organisations now working on the ground in Albania[61], their only recourse was the UNHCR funded Humanitarian Information Centre (HIC). In turn the HIC, instead of distinguishing itself as a proper resource in its own right, simply functioned as a portal to the already inefficient EMG.[62]

In the midst of this messy arrangement NATO now deployed Albanian Force (AFOR) to the country, a direct contravention of its earlier pledge not to make an independent humanitarian role for itself.[63] In late April this force led by Lt General John Reith was deployed into Albania in a rather hotchpotch fashion, drawing together under one umbrella the separate military forces who were already in the country. National contingents such as Italian and Greek forces, which had provided training and aid under military assistance agreements with Tirana, were switched to humanitarian work under AFOR.[64]

[60] SEC.FR 437/99, 17 May 1999, Progress Report: OSCE/KVM Refugee Task Force (Albania), [Restricted]
[61] NATO's Humanitarian Mission to Albania, AFOR, April – September 1999, Operation Allied Harbour, NATO Unclassified, SHAPE Media, 1999
[62] ibid, p. 76
[63] Press Conference by Jamie Shea and Air Commodore David Wilby SHAPE, NATO HQ, Brussels, 2 Apr. 1999, SEC.FR 437/99, 17 May 1999, Progress Report: OSCE/KVM Refugee Task Force (Albania), [Restricted]
[64] Press Conference by Jamie Shea and Air Commodore David Wilby SHAPE, NATO HQ, Brussels, 2 Apr. 1999

Further military contingents were then moved into the country to fill up the numbers.[65] This was not the first official NATO entity to arrive in the country, as the ACE Mobile Force (Allied Command Europe, one of NATO's 'Immediate Reaction Forces' which is designed to be available for 'an early military response to a crisis[66]) had also been in Albania with some additional support before this time[67].

Regarding Huntington's concepts of parallel authority and horizontal control in civil-military co-operation, the deployment of AFOR is possibly the single most significant event of the Kosovo refugee crisis. Much more so than in Macedonia NATO had created an independent role for itself in a non-military arena at a time when competent civilian groups were simultaneously present. It had done so even though the civilian authority for refugee matters, the UNHCR, had clearly requested that this should not happen. This occurred because of the inability of the civilian organisations to provide an alternative that enjoyed the massive resources, political clout and unified structure that NATO had in its favour. From the domestic perspective of the government in Tirana NATO was clearly the more valued partner in the crisis, and with the support of the Albanian government behind it, NATO could conduct itself with as much independence as it desired from the wishes of its civilian counterparts. The military organisation was again conforming to the character of an independent actor expanding into areas outside of its expertise. However the resulting civil-military co-operation was not nearly as productive as it was in Macedonia.

In light of the rather turgid attempts at co-ordination by the EMG, it is perhaps unsurprising that the arrival of AFOR created high expectations among NGOs, IGOs and Albanian officials.[68] Unfortunately the expectations were misplaced. One senior aid worker was quoted as saying 'There is a lot of talk from NATO about how much they are doing but here at the sharp end they are having no effect at all'.[69] Journalists who observed AFOR's refugee work stated that it had 'the appearance of muddle and lack of co-ordination[70]' and that 'it was clear that nobody was in charge. Not the

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[65] SEC.FR 437/99, 17 May 1999, Progress Report: OSCE/KVM Refugee Task Force (Albania), [Restricted]
[66] NATO Handbook, NATO Office for Information and Press, 2001
[67] Press Conference by Jamie Shea and Brigadier General Giuseppe Marani NATO HQ, Brussels, 16 Apr. 1999
[68] SEC.FR 437/99, 17 May 1999, Progress Report: OSCE/KVM Refugee Task Force (Albania), [Restricted]
[69] 'Aid efforts let down by Nato muddle' *The Telegraph*, Issue 1439, Tuesday 4 May 1999
[70] *ibid*

NATO troops, not the Albanian police and not the UNHCR'.[71] A representative of *Médecins Sans Frontiéres* put the entire situation in context, 'You have a situation here where different armies make their own deals with the government, where NGOs are dealing on their own, and the UNHCR is trying to negotiate with the government. What kind of co-ordination is that?'[72] It was later written that there was 'little systematic information available on the bilateral military support agreements for the refugees in Albania'.[73] In an ironic footnote it was also mentioned that not even NATO's civilian emergency division, the vaunted EADRCC, could provide 'a ready overview of which militaries did what in the humanitarian sector'.[74]

However, when it came to tasks more within the military expertise the NATO forces were extremely capable. AFOR's deployment had an immediate positive effect at the Albanian ports of entry, and also in the repair of Albanian roads and infrastructure[75], areas which NATO forces had been improving even before AFOR was deployed.[76] Two places in particular where problems were alleviated were Rinas airport and the Seaport of Durres where large amounts of humanitarian aid were entering the country. However, despite AFOR's improvements to the infrastructure, the UNHCR was uncomfortable with its presence. The decisions regarding the force had already been made prior to Ogata's acceptance of NATO assistance on the 3 April, and had never been discussed with the High Commissioner. On 2 April the North Atlantic Council (NAC) approved preparation of a plan to deploy a NATO force to assist the humanitarians[77], the operations plan was completed by 11 April and not discussed at a high level until the High Commissioner's visit to Brussels on 14 April whereupon it caused 'considerable concern'.[78]

Officials questioned whether an additional force of 8000 men really was needed to support humanitarian functions, and worried that some AFOR units might be

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[71] 'Terrorised by the Serbs, then robbed by the Albanians', *The Telegraph*, Issue 1451, Sunday 16 May 1999

[72] *ibid*

[73] The Kosovo refugee crisis, An independent evaluation of UNHCR's emergency preparedness and response, EPAU/2000/001, February 2000, Geneva, p.112

[74] *ibid*, p.115

[75] SEC.FR 437/99, 17 May 1999, Progress Report: OSCE/KVM Refugee Task Force (Albania), [Restricted]

[76] Press Conference by Jamie Shea and Brigadier General Giuseppe Marani NATO HQ, Brussels, 18 Apr. 1999

[77] The Kosovo refugee crisis, An independent evaluation of UNHCR's emergency preparedness and response, EPAU/2000/001, February 2000, Geneva, p.112

[78] *ibid*, p.112, 113

shifted to military functions if NATO were to engage in a ground war in Kosovo. Moreover, if AFOR had only a humanitarian function, why was UNHCR not consulted in its preparation? The situation certainly encouraged impressions that a humanitarian label was being used as a cover for military functions.[79]

On 19 May the number of refugees who crossed into Albania was less than 20[80], and of the refugees in the country 85-90% were now with host families[81]. However by 28 May American contingents continued to work on the infrastructure, while at the same time the bombing campaign was intensifying. Naturally the refugee population required huge amounts of aid to be continuously transported, thereby requiring corresponding maintenance on what was some of the worst infrastructure in Europe. However statements by military officials were two-pronged. A Pentagon briefing gave details on the activity, officially aimed at improving the humanitarian situation.

'...you've heard much about the road between Kukes, where there's a very large population of refugees, because it's close to the border, and Tirane... So we're going to put some engineers now to work this road and significantly improve this line of communication.'[82]

When asked whether the activity would serve a dual use the military spokesman, General Mike McDuffie, became evasive, stating that he did not want to get into the 'operational piece of it'. However, he admitted to its broader uses.

Certainly, infrastructure improvements that you make for whatever reason [are] going to benefit you in other things that you do... I mean if you've got a good road, you use it in any type of operation... Those infrastructure improvements, I mean it's a win/win. You can almost say a win/win/win.[83]

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[79] *ibid*, p.112, 113

[80] Press Conference given by NATO Spokesman, Jamie Shea, and SHAPE Spokesman, Major General Walter Jertz, NATO HQ, Brussels, 19 May 1999

[81] Aid Fails Refugees Outside Camps in Albania, *Médecins Sans Frontières* Press Release, 18 May 1999

[82] Department of Defense News Briefing with Mr. Kenneth H. Bacon, ASD PA, Lieutenant General Mike McDuffie, J-4 and Major General Chuck Wald, J-5. Friday, 28 May 1999 - 1:35 p.m.

[83] *ibid*

Due to the terrain on the Albanian border, it was the preferred choice above Macedonia and southern Serbia if NATO had to make an aggressive entrance into Kosovo, a scenario that was being seriously contemplated.[84]   A plan for inserting ground troops into Kosovo had been drawn up prior to the refugee crisis and those plans still provided a useful template. In an interview on 12 April White House Chief of Staff John Podesta said 'Last autumn NATO did do an assessment of putting ground troops in and those plans and assessments could be updated quickly if we decided to do that, needed to do that.[85]' He was backed by Defence Secretary William Cohen and Chairman of the Joint Chiefs of Staff General Henry Shelton. Cohen stated that 'These plans could be updated fairly quickly if such a request were ever made.'[86] Although a ground attack into the province would need sixty days to plan and ninety days to deploy, General Wesley Clark had decided that NATO forces would still be able to prepare the ground even without a proper military plan in place.[87] As it turned out by June 29 the very same harbours and routes that AFOR had improved to their own specifications were ferrying KFOR troops and materials into Kosovo.[88] During a Department of Defence briefing on the same date Pentagon official Kenneth Bacon made it clear that their deployment plans had been made previously, '...our deployment plan, I think as General McDuffie said, was laid out some time ago...'[89]

The image of the military as an independent and expansionist actor finds further credibility when considering the possible strategic implications of their presence adjacent to the Federal Republic of Yugoslavia (FRY). By engaging in activities of a dual use nature they could assist both the humanitarian situation and prepare for a military invasion. By doing this NATO was subverting the humanitarian effort into a preparatory war exercise, a move that shows complete abandon of the wishes of the civilian humanitarians. Huntington's concept of parallel authority is verified again, whilst the horizontal control scenario is correspondingly weakened.

However the conclusions do find favour with Huntington's concept of a conservative realist military ethic. By engaging in infrastructure and relief work, the military could

[84] Clark, General Wesley K., 2001, Waging Modern War, PublicAffairs, Oxford p.283
[85] The Telegraph, Monday 12 April 1999, ISSUE 1417, Clinton hints at Kosovo invasion
[86] *ibid*
[87] *ibid*, p.287
[88] Department of Defence News Briefing with Mr. Kenneth H. Bacon, ASD PA, Lieutenant General John M. "Mike" McDuffie, J-4 Tuesday, 29 June, 1999 - 2:00 p.m.
[89] DoD News Briefing with Mr. Kenneth H. Bacon, ASD PA, Lieutenant General John M. "Mike" McDuffie, J-4 Tuesday, 29 June, 1999 - 2:00 p.m.

both maximise its ability to strike at Serbian forces, as well as assisting the humanitarian problem. This latter effect would in turn lessen political criticism of 'Allied Force', detractors of which argued that the bombing had caused the crisis rather than helped it. Whereas a conservative realist approach might simply bring maximum force to bear, this was obviously not an option within the political circumstances. By integrating with the humanitarian activities the military could further its agenda within the existing constraints. However the problem with applying Huntington's conservative realist ethic is that there are many possible permutations of actions that would also serve to maximise the military's power over the situation. For example, more aggressive posturing on the borders of FRY would have presented a far more threatening image to Milosevic than delivering food to refugees. Whereas the conservative realist ethic lends greater understanding as to the military's strategic agenda, it is not subtle enough to explain why interaction took the form it did.

Between Macedonia and Albania, we can also see a significant difference in civil-military co-operation on the ground. Ironically General Jackson's force, which had been in Macedonia without a humanitarian mandate, was the one that enjoyed the better relationship with civil society actors. AFOR by contrast was deployed as a humanitarian force, but failed to impress itself upon the humanitarian organisations it was supposed to be supporting. The difference between the relative success of each may lie in the fact that the former, by dint of the political and geographic factors in Macedonia, could not further a military strategic agenda and therefore could be a more pliable partner for the humanitarian effort. AFOR by contrast had been developed independent of any input from the humanitarians and was deployed to a country that could not have been more conducive to NATO's strategic planning. While AFOR laboured upon tasks of a dual-use nature the co-ordination of the humanitarian effort suffered accordingly. The military was less independent in Macedonia because the civilian government there did not allow it the freedom to act, whereas in Albania NATO forces had the freedom to do as they please. With greater independence as a parallel authority the military could usurp the humanitarians, and horizontal control was correspondingly weakened.

KFOR humanitarian and infrastructure work in Kosovo

Infrastructure

20,000 NATO and non-NATO troops entered Kosovo on 12 June under the banner of KFOR, and found a dangerous and difficult environment left in the aftermath of their bombing campaign and KLA (Kosovo Liberation Army) and Serb aggression. 'There was little electricity or water. Homes were destroyed, roads were mined, bridges down, schools and hospitals out of action. Radio and TV was off the air. Ordinary life in Kosovo was suspended.'[90] After a rapid build up inside the province KFOR began to reconstruct parts of Kosovo's shattered infrastructure and by January 2000 KFOR engineers and soldiers had built or repaired 200 km of roads that assisted 'both military and civilian traffic alike,' as well as having rebuilt and reinforced six bridges and restored much of the rail network.[91] Examples of such improvements included Podujevo,[92] Klina,[93] Stimlje[94] and the 'goat road' between Mitrovica and Zubin Potok.[95] However the scale and choice of infrastructure improvements were firstly to fulfil military requirements. A KFOR spokesperson was candid about the military's objectives.

> Obviously, the rebuilding and reconstruction is one of the four pillars of the UNMIK mission. So basically the overall responsibility is under UNMIK. However, as far as KFOR is concerned, we have been working on bridges when it was either necessary for our own mission, or when it was seen as an urgent requirement for the overall security and civil presence in Kosovo. We talk here about main roads and areas where a huge amount of supply had to go through and could not be contacted by train.[96]

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[90] KFOR: Providing security for building a better future for Kosovo, Lt. General Sir Mike Jackson NATO Review, No 3, p16, Autumn 1999
[91] KFOR News Update Pristina, 22 January 2000, Lt.-Cdr. Philip Anido, KFOR Spokesperson
[92] Municipal Profile, Podujevo, 17 April 2000, Organisation for Security and Co-operation in Europe, Mission in Kosovo, Democratisation
[93] Municipal Profile, Klina, 1 May 2000, Organisation for Security and Co-operation in Europe, Mission in Kosovo, Democratisation
[94] Municipal Profile, Stimlje, 17 April 2000, Organisation for Security and Co-operation in Europe, Mission in Kosovo, Democratisation
[95] Municipal Profile, Zubin Potok, September 2001, Organisation for Security and Co-operation in Europe, Mission in Kosovo, Democratisation
[96] KFOR Press Update by Major Roland Lavoie, KFOR Spokesperson Pristina, Kosovo 1 September 1999

This approach displays the self-sufficiency and self-reliance of the military approach, and also displays a willingness to expand into areas that fell into the authority of civilian groups. Infrastructure improvements were also continued in Macedonia. In October 1999 General Klaus Reinhard negotiated with the Macedonians regarding the upgrade of Skopje airport and roads to handle the vastly increased traffic,[97] and by November KFOR were opening a bypass for Blace 'to alleviate the impact of KFOR traffic on limited local infrastructure.'[98]

Within Kosovo KFOR's major strategic interests were to connect the headquarters and major bases of the four multinational brigades (MNB's) in the north (Mitrovica), south (Urosevac), east (Gnjilane) and west (Pec), intersecting at Pristina where the fifth Multinational Brigade (MNB Central) and the KFOR commander (COMKFOR) was based. Infrastructure improvements, especially major projects, carried out by the military usually lay on routes directly connecting these MNB's to each other or to a major artery from Albania or Macedonia. For periods of time the military often monopolized certain routes in the build up of their forces.

In November 1999 KFOR officially opened the railway line between Kosovo Polje (close to Pristina) and Pec.[99] Repair work was also carried on the Pristina/Pec road with improvements carried out on the Zajmovo road bridge[100] and around the town of Klina[101]. The railway line from Kosovo Polje also serviced MNB Central while Kosovo Polje's railway yards were run by UNMIK and KFOR combined, with KFOR running some trains themselves.[102] Similarly on the southern routes by June 2000 KFOR was still monopolising the main railway track between Pristina and Skopje, which also ran through Multinational Brigade South Headquarters in Urosevac. The railway line at the time was only being used for military cargo and not for civilian traffic.[103]

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[97] KFOR News Update, Pristina, Major Roland Lavoie, KFOR Spokesperson 19 October 1999
[98] KFOR News Update, Major Roland Lavoie, KFOR Spokesperson Pristina, 26 November 1999
[99] KFOR News Update by Major Roland Lavoie, KFOR Spokesperson Pristina, 12 November 1999
[100] KFOR News Update by Lt.-Cdr. Philip Anido, KFOR Spokesperson Pristina, 13 May 2000
[101] Municipal Profile, Klina, 1 May 2000, Organisation for Security and Co-operation in Europe, Mission in Kosovo, Democratisation
[102] KFOR Press Update by Major Roland Lavoie, KFOR Spokesperson Pristina, 16 August 1999
[103] Municipal Profile, Kačanik, 21 June 2000, Organisation for Security and Co-operation in Europe, Mission in Kosovo, Democratisation

The road route parallel to the railway line was also being improved between Pristina and Kacanik (close to Blace).[104] In Gnjilane, the site of a major US base of 6000 troops[105] and a primary build up point for military forces in the early days of deployment[106], a ring road was completed in 2001 to accommodate the heavy KFOR traffic that was worsening road conditions.[107] Road works were also undertaken to improve the route between Pristina and Gnjilane by the forces of MNB Central[108] and the Gnjilane US camp[109] respectively. From Prizren to Pristina (an extension of the Kukes border route from Albania) was improved by military forces of Multinational Brigade (MNB) South led by Germany[110], including a bypass and road construction carried out under their direction[111].

Whereas the military's involvement in these activities is understandable and commendable, what is noteworthy is the degree of control that they exercised over critical infrastructure. Not only did KFOR commission or construct the major improvements (KFOR often directed local contractors in the work), they also retained responsibility for the maintenance of their major roads, including sanding and salting on all main roads and 'those roads that are vital for the mobility of KFOR.'[112] At every level the military controlled and guarded the lines of transport deemed important to them. Even within the cities a distinction was drawn between the upkeep of the streets with KFOR maintaining the routes that directly connected their urban headquarters to the major highways.[113] Ordinarily such maintenance tasks would be carried out by civilian authorities.

These actions reaffirm the military's independence from civilian authorities, and their preparedness to duplicate the task of civilian organisations in specific areas. Regarding

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[104] KFOR News Update by Lt.-Cdr. Philip Anido, KFOR Spokesperson Pristina, 13 May 2000
[105] Municipal Profile, Gjilan, 21 August 2001, Organisation for Security and Co-operation in Europe, Mission in Kosovo, Democratisation
[106] KFOR: Providing security for building a better future for Kosovo, Lt. General Sir Mike Jackson NATO Review, No 3, p18, Autumn 1999
[107] Municipal Profile, Gjilan, August 2001, Organisation for Security and Co-operation in Europe, Mission in Kosovo, Democratisation
[108] KFOR news update by Major Scott A. Slatten, KFOR Spokesman, Pristina 21 July 2000
[109] KFOR news update by Major Craig T. Snow, Acting KFOR Spokesman, Pristina 4 August 2000
[110] KFOR: Providing security for building a better future for Kosovo, Lt. General Sir Mike Jackson NATO Review, No 3, p17, Autumn 1999
[111] Municipal Profile, Prizren, 10 July 2000, Organisation for Security and Co-operation in Europe, Mission in Kosovo, Democratisation, KFOR news update by Flight Lieutenant Mark A Whitty, KFOR spokesman, Pristina 23 November 2000
[112] KFOR news update by Lt. – Cdr. Philip Anido, KFOR Spokesperson, Pristina 20 January 2000
[113] *ibid*

Huntington's parallel authority and horizontal control concepts KFOR was an independent force expanding into non-traditional and non-essential tasks. However it must be noted that KFOR undertook many infrastructure improvements as the only competent party to do so during the force build up, and the subsequent operation and maintenance of the infrastructure was not beyond their expertise. What is more important is the extent of their involvement and control over the infrastructure. The military forces often assumed responsibilities that could just as easily been handled by civilian organisations.

In addition to the above improvements KFOR was also actively involved in a myriad of locally based large and small scale public works, of which only a few samples can be listed here. In Štrpce US KFOR helped in the repair of a chlorination plant in October 1999[114], while French KFOR attempted to clean up the water supply in Vucitrn[115]. Unfortunately the latter found it beyond their ability due to the very poor infrastructure that existed even before the war, a common problem in many sectors. KFOR also attempted to conduct smaller repairs on phone lines in Obilic[116] but again the efforts were not sufficient. School and power plant repairs[117], winterisation programmes[118], installation of street lights[119] and repair of power lines[120] are only a very small sample of the common and frequent tasks undertaken by the military forces in Kosovo.

Without denigrating the contribution made by the military in this area, it is clear that there are two very different agendas attached to each. Where the military had a strategic interest, the interest was translated into full-scale renovation and construction followed by ongoing maintenance and total control. Where the military did not have a strategic interest but rather humanitarian responsibility, they engaged their resources in development, but in a fragmented and multifaceted way.

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[114] Municipal Profile, Štrpce, 29 March 2000, Organisation for Security and Co-operation in Europe, Mission in Kosovo, Democratisation
[115] Municipal Profile, Vucitrn, 5 April 2000, Organisation for Security and Co-operation in Europe, Mission in Kosovo, Democratisation
[116] Municipal Profile, Obilic, 18 May 2000, Organisation for Security and Co-operation in Europe, Mission in Kosovo, Democratisation
[117] KFOR Press Statement, Pristina, Kosovo, 12 July 1999
[118] KFOR News Update by Major Roland Lavoie, KFOR Spokesperson, Pristina, 26 November 1999
[119] KFOR News Update by Lt.-Cdr. Philip Anido, KFOR Spokesperson Pristina, 18 January 2000
[120] KFOR News Update by Major Roland Lavoie, KFOR Spokesperson Pristina, 15 December 1999

This is not to state that the military's social contributions are anyway lessened, but it does point out that the military are a very particular entity, with clear objectives to further and consolidate, and that this is reflected in much of the infrastructure work that they engaged in. An example of this can be seen regarding the 'Goat Road' in Zubin Potok, where although the route had a very high humanitarian value, the military gave it minor attention by comparison to those that served their primary strategic interests.

> The Adriatic Highway crosses the municipality through the villages Zupče, Varage, Uglijare, Zubin Potok, Donji Jasenovik, Gazivode and Banje (24km). It is in rather good condition and connects Zubin Potok with South Mitrovicë/Mitrovica. However, Kosovo Serbs need to travel to North Mitrovicë/Mitrovica via a gravel mountain road (also "goat road"), as the main road leads through Kosovo Albanian populated villages and cannot be used by Kosovo Serbs for security reasons. The alternative route was improved by French and Danish KFOR units last year, but is still very bumpy and in winter and after heavy rains impassable for civilian cars. This makes it difficult for Kosovo Serbs to travel to Mitrovicë/Mitrovica on a daily basis. However, when possible, there is a local minibus operating during daytime. The local road net consists of 148 km of dirt roads and needs repair.[121]

The military's interaction with the province's infrastructure again suggests conformity with the Huntingtonian military ethic. What maximises the military's operational capacity, and therefore their relative power, is guarded and maintained. Although KFOR did expend resources on social infrastructure, it was clear that this did not receive the same attention as those projects that were important for the military's operations. This in turn supports the concept of a parallel authority, where the military developed the infrastructure primarily to suit their own strategic interests. This would naturally be required when a long-term military operation is to be embarked upon, however the reluctance to share authority is important. Following on from this civilian horizontal control is weakened as the military assumes more responsibility over civilian and dual-use infrastructure, and civilians are subsequently excluded from the operation of that infrastructure. This pattern of military independence and exclusion is typified by

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[121] Municipal Profile, Pec, September 2001, Organisation for Security and Co-operation in Europe, Mission in Kosovo, Democratisation

the military's running of the airport at Pristina, which was critically examined following an aviation accident in late 1999.

On 12 November 1999 a World Food Program flight from Rome to Pristina crashed into a mountain range 30 miles north of its destination.[122] Amongst the international community an immediate 'need to know' information policy seemed to go into effect regarding the cause of the accident. The OSCE mentioned in their spot report on the incident that they had been left out of the information loop as they had no staff aboard the aircraft,[123] while one newspaper hinted that the plane may have been shot down by the Serbs.[124] Eight days later Pristina airport was closed to all civilian traffic as a concern arose that there had been a conflict in communications methodology between the military in charge of the airport and incoming civilian flights.[125] An investigation by the *Bureau Enquêtes-Accidents* later confirmed this to have been one of the factors leading to the crash. Their report found that the accident had been caused and contributed to by a number of factors, including poor procedural discipline by the flight crew, crew fatigue and unserviceable instruments.[126]

However another cause identified was the opening of the aerodrome to civilian traffic without an advance evaluation of the operating conditions or of the conditions for the distribution of aeronautical information. The report's findings noted that the air traffic control services used by the military at Pristina were RAF procedures that differed from civil standards and practices. The military approach controller in contact with the flight also had no experience of civil procedures before his arrival at Pristina.[127] It also described how KFOR issued military NOTAMS (Notices to Airmen) that were totally inaccessible to civil operators using the usual channels. It was stated that if the NOTAMS had shown that the service was provided according to the regulations in a military document, JSP 318A, it 'might have pushed civil operators to get further

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[122] SEC.FR 863/99 16 November 1999, OSCE Mission in Kosovo, Spot Report: WFP Plane Crash in Kosovo [Restricted]
[123] *ibid*
[124] '24 Missing after UN jet vanishes' The Guardian Nov 13, 1999
[125] SEC.FR 882/99, 25 November 1999, OSCE Mission in Kosovo, Activity Report No. 20/99, 17 – 23 November 1999
[126] *Bureau Enquêtes-Accidents*, Report (translation) on the accident on 12 November 1999 North of Pristina (Kosovo) to the ATR 42-300 registered F-OHFV operated by SI FLY, F-FV991112A, *Ministere de L'Equipment, Des Transports et du Logement Inspection Generale de l'aviation civile et de la Meteorologie France.*
[127] *ibid*, p.60

information on the nature of the service provided.'[128] Referring to JSP 318A it was reported that civil crews did not, for the most part, know its contents or the specifications linked with the operation of Pristina, 'which was only described in detail in aeronautical documentation which was not available to civilians.'[129]

Although the conflict of procedures between the military and civilian method of aircraft control was not the sole cause of the accident, it still highlighted the undesirable situation of having some procedural information restricted to military users only, and to applying military traffic control to mixed flights. Added to this was the fact that KFOR had been aware that the integration of civilian flights into the military system was an issue. Four months prior to the accident a KFOR spokesperson, in answer to a question why civilian air traffic was unable to come through Pristina replied, 'That is a very good question. I think a lot of it has to do with the absence of civil aviation regulations. As far as civilian traffic is concerned we will have to wait for the set up of the civil aviation structure.'[130] With this foreknowledge the excessive secrecy surrounding the NOTAMs, the content of which on the days prior to the accident were fairly mundane, is hard to justify. In the wake of the report the investigation team subsequently recommended that a review of procedures take place.[131] KFOR responded by stressing the military procedures regarding their control over the strategically important airport. 'That review was quickly carried out and, as a result, additional emphasis was placed in aeronautical documentation that Pristina is a military airfield and amplified the NATO military procedures in use.'[132]

The incident supports Huntington's concept of a parallel authority insofar as the dual-use infrastructure was again subject to the total control by the military authorities, this time to the detriment of civilian aviators. As there were no competent civilians to undertake airport management it was natural for the military to assume control over the airport facilities, however this does not by itself explain why the military procedures were kept secret. KFOR's failure to publicise the military procedures stemmed primarily from their reluctance to share restricted information with civilian air traffic. The fact that Pristina airport was the focus of friction between Russian, UK and US

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[128] *ibid*, p.62-63
[129] *ibid*, p.60
[130] KFOR Press Statement, Pristina, Kosovo, 5 July 1999, Delivered by Lieutenant-Commander Louis Garneau, KFOR Spokesman.
[131] KFOR News Update, Pristina, 10 January 2000, Lt.-Cdr. Philip Anido, KFOR Spokesperson
[132] *ibid*.

KFOR on entering the province may have heightened the sense of secrecy between the various operators. Since the issue had been known of sometime previously, it seems unlikely that it was due to simple bureaucratic failure. This characteristic secretiveness, in itself a manifestation of a desire to increase relative power by denying knowledge, proved a distinct drawback to civil-military co-operation in this instance. This behavior lends support to the values of Huntington's military ethic, and portrays the military as being primarily concerned with security and relative power. As for the concept of horizontal control, it must be noted that civilian operators for the airport were unavailable, and therefore the conditions to fully test horizontal control were not fulfilled. However it is noteworthy that, despite the large amount of the civilian traffic into the airport, the civilians were not fully accommodated by the military authorities.

Property Usage

Entering Kosovo also brought with it the problem of accommodation, for military and civilians alike. Due to the widespread destruction caused by the hostilities between the KLA and the Yugoslav army followed by NATO bombing, many government buildings had been destroyed and residences set on fire through ethnically motivated arson attacks. Property was therefore at a premium, and the foremost concern was the procurement of adequate buildings for field offices, HQs and billeting. This was a problem faced by all organisations on the ground, and created much friction between the international community, the military, local population and residual KLA representatives. One undesirable outcome, unavoidable at least in the short term, was the billeting of soldiers in factories that had previously provided employment in the local area. In at least five of Kosovo's 29 Municipalities (30 by 2000[133]), military contingents had taken up residence in the premises of a previously significant employer of the locality.[134] Of these five, four had been main employers before the war, three of them had contingents based in more than one premises per municipality, and one contingent was recorded as actively causing resentment through its use of an entire hotel.

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[133] U[nited] N[ations] M[ission] I[n] K[osovo]/REG/2000/43 27 July 2000 Regulation No. 2000/43 on the number, names and boundaries of municipalities.
[134] Municipal Profiles for Klina 1 May 2000, Urosevac 3 May 2000, Prizren 10 July 2000, Pec 5 May, Lipljan 23 June, OSCE Mission in Kosovo, Democratisation

In Klina two factories that previously made weapons and shoes respectively were occupied by Portuguese KFOR, a contingency of 300 personnel[135]. It is not known whether the occupied factories were operational at that time. In Lipljan 800 personnel of Finnish and Canadian KFOR were in residence in a paper mill that had been one of three enterprises that had provided the main source of employment in the town. In this case the paper mill and one other industry was reported as being non-operational prior to being used as a military HQ[136]. In this province departing Serb managers who had left the area during the war had sometimes removed key parts of factory equipment, rendering them unworkable.[137]

The situation was more reprehensible in three other provinces where KFOR MNB HQs were based. In Uroševac it was reported that the main factory, producing pipes, was housing 600 Greek KFOR and very little production was taking place.[138] A similar but worse scenario also happened in Prizren, where 2500 German and Turkish KFOR occupied four of the larger factories, leading to a reduced capacity for production in each. Pec was worst of all with the report stating that the capacity of many of the social and state-owned companies and farming operations was severely reduced 'due to war damage and KFOR occupation of premises'.[139] Hotel Metohija it was written, was completely taken over by some of the 600 Italian KFOR personnel, 'much to the resentment of the local population'.[140] By this stage most contingents had been in theatre for over six months.

Friction also occurred between the OSCE and KFOR over the same issue in the early stages of deployment. In late June the OSCE team in Mitrovica complained that there was a lack of available office space for a field office and that many of the potential locations had already been taken by KFOR.[141] An oral appeal was subsequently made to the KFOR commander a week later to have KFOR units, where possible, refrain from taking over buildings earmarked by the OSCE.[142] At the same time KFOR expressed great concern to the OSCE about the lack of a police force, yet when the OSCE sought

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[135] Municipal Profile for Klina, 1 May 2000, OSCE Mission in Kosovo
[136] Municipal Profile for Lipljan, 23 June, OSCE Mission in Kosovo
[137] *ibid*
[138] Municipal Profile for Uroševac, 3 May 2000, OSCE Mission in Kosovo
[139] Municipal Profile for Pec, 5 May, OSCE Mission in Kosovo, p.9
[140] *ibid*, p.9
[141] SEC.FR 552/99, 28 June 1999, The OSCE Assessment Team in Kosovo, Activity Report 25 June 1999
[142] SEC.FR 578/99, 5 July 1999, OSCE Task Force for Kosovo, Weekly Progress Report No.3, 27 June – 3 July [Restricted]

sites for a potential school they discovered that the original training academy in Vucitrn was also under occupation by KFOR[143]. By mid-July, KLA representatives in Pec had become frustrated by the seizure of public buildings and schools by KFOR.[144] KFOR were not the only culprits in this dispute as UNMIK was party to the seizures and was associated with the complaint. UNMIK was also criticised by a provisional KLA body for confiscating buildings after having declared them public property.[145] On the other hand the KLA themselves had been in the process of occupying buildings across the province and had themselves to be removed,[146] especially from police stations which were due to be occupied by UNMIK personnel.[147]

Regarding the military requisitions it stands to reason that one cannot be too judgmental when discussing the use of public and private properties by the military when arriving in theatre. Practical issues including the size of the contingent, availability of adequate premises and the resources available would all be important factors in the decision of a military commander in choosing premises. Other considerations would include whether electricity and water was available (there was poor or intermittent supply in some of the municipalities listed above). Industry would find it difficult to operate without either, and difficult in general when destruction is widespread, and if plants were idle then a case could be made for their temporary use. Therefore it would be erroneous to try and rigidly assert that their actions conformed or otherwise with Huntington's theory in this regard. However it also has to be noted that production was still underway in many parts of Kosovo, including in many of the premises detailed here, and therefore the policy often harmed the development of the local and provincial economy. More importantly the military did not always compensate for their occupation, as a statement by the Kosovo Ombudsperson revealed.

> A large number of individuals owning real and/or movable property or having a property interest in socially-owned property in Kosovo have approached non-governmental organisations and the Ombudsperson to complain about the occupation, damage, or both to that property by KFOR and about the

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[143] SEC.FR 538/99, 22 June 1999, The OSCE Assessment Team to Kosovo, 19-21 June 1999 [Restricted]
[144] SEC.FR 605/99 15 July 1999, OSCE Mission in Kosovo Weekly Report 8-14 July [Restricted
[145] SEC.FR 649/99, 5 August 1999, OSCE Mission in Kosovo Weekly Mission Report, 29 July – 4 August 1999 [Restricted]
[146] SEC.FR 538/99, 22 June 1999, The OSCE Assessment Team to Kosovo, 19-21 June 1999 [Restricted]
[147] KFOR Press Conference by General Sir Mike Jackson and Interim Special Representative Sergio De Mello Pristina, Kosovo 21 June 1999

impossibility of obtaining compensation for the occupation or damage to their property. These individuals also allege that no administrative or judicial remedies exist either to challenge the actual occupation or damage to the property or to claim compensation for the financial or material losses suffered.[148]

Although the problems of finding adequate premises can be understood, to deny compensation and remuneration for its use is obviously counter productive. However the Ombudsman did accept that in many circumstances owners of property were completely satisfied by the compensation that they had received from users.[149]

This situation was compounded by the lack of a Status of Forces Agreement, otherwise known as a SOFA, which was still not concluded between KFOR and the Federal Republic of Yugoslavia by the beginning of 2002.[150] The only clarification regarding the international security presence was an UNMIK regulation that made UNMIK and KFOR personnel exempt from any legal process inside Kosovo.[151] Although it did commit UNMIK and KFOR to setting up 'Claims Commissions' to settle third party liability, nothing of that nature had been established by the time of the Ombudsperson's report. The lack of legislation regarding property rights and usage led to something of an 'anything goes' situation. The Ombudsperson ultimately found against KFOR (and UNMIK) on a number of counts regarding their immunity from prosecution, however there was no way to enforce the ruling as the Ombudsperson's jurisdiction did not cover KFOR personnel.[152]

Independent of his conclusions on the incompatibility of UNMIK Regulation No. 2000/47 on the Status, Privileges and Immunities of KFOR and UNMIK and Their Personnel in Kosovo (18 August 2000) with recognised international standards, the Ombudsperson also concludes that the failure of UNMIK to regulate further the structure and procedures of the Claims Commissions called

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[148] Ombudsperson Institution in Kosovo Special Report No. 1 on the compatibility with recognized international standards of UNMIK Regulation No. 2000/47 on the Status, Privileges and Immunities of KFOR and UNMIK and their Personnel in Kosovo (18 August 2000)
[149] UNMIK news No. 91 - 7 /05/01 Ombudsperson's Report questions an UNMIK Regulation
[150] Correspondence with KFOR Main PIO office, 24 April 2002, See Appendix B
[151] UNMIK/REG/2000/47 18 August, Regulation No. 2000/47 on the Status, Privileges and Immunities of KFOR and UNMIK and Their Personnel in Kosovo
[152] UNMIK/REG/2000/38 , 30 June 2000 Regulation No. 2000/38 On the establishment of the Ombudsperson Institution in Kosovo

for under Section 7 of said Regulation and the consequent failure of UNMIK and KFOR to establish such Claims Commissions constitutes a violation of the right to a court guaranteed under Article 6 of the European Convention on Human Rights.[153]

The scenario whereby KFOR personnel were exempt from local prosecution is a complex one, and has more factors involved than simple adherence to a military ethic or conformity with Huntington's parallel authority and horizontal control concepts. It is fair to argue that in this case the political motivation of the troop contributing nations (TCNs) is the primary reason for the military's immunity from prosecution, rather than the behavioural characteristics posited by Huntington. However the legal situation again underscores how the military forces enjoyed a parallel existence of the type that Huntington described. Despite the entreaties of local civilians and the office of the Ombudsperson, the military did not respond to requests to set up a Claims Commission. Nor did they respect the OSCE's earlier claims to certain properties at the beginning of deployment. The behaviour of the military in this regard supports Huntington's military ethic and his parallel authority concept. Although KFOR had immunity from prosecution, it was not prepared to compromise this freedom through the establishment of a Claims Commission, a board that would disburse money to those with genuine grievances rather than becoming a vehicle for prosecution of military forces. The military, while not being completely intransigent or insensitive to the plight of the property owners, apparently wished to deal with the matter on a local level where they could reserve the right to offer compensation instead of surrendering control to a central body.

The Kosovo broadcast system

KFOR was extensively involved in the reconstruction of Kosovo's broadcast system. The military re-built the network, controlled frequency allocation and at times became involved with disputes relating to the re-establishment and use of facilities.

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[153] Ombudsperson Institution in Kosovo Special Report No. 1 on the compatibility with recognized international standards of UNMIK Regulation No. 2000/47 on the Status, Privileges and Immunities of KFOR and UNMIK and Their Personnel in Kosovo, paragraph 82 (18 August 2000)

One such dispute occurred in late June 1999 when KFOR arranged a meeting with Serbian media representatives to re-integrate Kosovo Albanians into the operations of Radio and Television (RTV) Pristina.[154] KFOR originally tried to establish an executive board for RTV Pristina after a group of Albanians attempted to force entry into the RTV building.[155] The Board consisted of four Serbs, three Albanians and one member each from KFOR and UNMIK. The OSCE did not attend the first meeting of the board on 25 June, but did attend the second meeting on the 28 June on which it subsequently wrote a spot report, the details of which follow.

The second meeting was to start with a symbolic visit of former Kosovo Albanian employees to the RTV building, where they were to be granted access to the first floor only. The executive board was then to discuss the integration of Kosovo Albanian and Kosovo Serb staff in the organisation's structures. It is unclear which authority made this decision although since both KFOR and UNMIK had been involved in the first meeting it may be presumed that they had, or should have had, knowledge of the decision. Instead of the symbolic visit, 200 Kosovo Albanians turned up and quickly spread throughout the building. When KFOR, OSCE and UNMIK representatives entered the meeting room both ethnic groups were already in discussion. The Serbian staff had assembled outside the office, stating that they had been threatened by the Kosovo Albanians, who had beaten up and threatened to kill a number of them. A Kosovo Albanian journalist speaking on behalf of his ethnic community, while stating that he was not responsible for individual behaviour, urged other Kosovo Albanians to conduct themselves in a peaceful manner. A bomb threat then forced KFOR to clear the building. Serbian staff were again threatened on the way out of the building, and they asked KFOR to provide them with an escort to the border, a request that KFOR complied with.

The situation was best summed up in the words of an UNMIK spokesperson when he described it as a 'particularly thorny issue' with 'claims and counter claims'.[156] What is of interest to this study was the immediate reaction of the military after the meeting. The OSCE recorded that KFOR approached them after the incident and made it clear

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[154] SEC.FR 565/99, 1 July 1999, The OSCE Assessment Team to Kosovo, Activity Report 28 – 29 June 1999 [Restricted] N.B. The reports did not say whether the Serbian broadcast authorities involved were Kosovo Serbs or otherwise.
[155] SEC.FR 566/99, 1 July 1999, The OSCE Assessment Team to Kosovo, Spot Report: Meeting of the Executive Board for RTV Pristina, 28 June 1999 [Restricted]
[156] KFOR Press Statement, Pristina, Kosovo, 12 July by Major Jan Joosten

that they would prefer not to be involved in further negotiations regarding RTV, and stated that from here on in they wished for the OSCE to take responsibility for the status of the facilities and staff. The OSCE didn't agree to this, and decided to remain in touch with KFOR concerning the continuing efforts to integrate Kosovo Serb and Kosovo Albanian staff within RTV. At the end of the report into the matter it was stated that there was little doubt that they (the OSCE) would continue to be pressed by KFOR.[157] At subsequent press conferences in Pristina, general questions regarding the status of RTV were answered by an UNMIK spokesperson.[158]

In this instance Huntington's horizontal control appears to be validated as the military attempted to avoid involvement in an area that they believed could be best undertaken by the OSCE. The reaction of the military towards the integration issues appears to be one of disdain for such a messy affair. If one were to evaluate the situation from an angle of realist self-interest, as Huntington's military ethic would suggest, the reaction is understandable. KFOR attempted to extricate itself from an obligation that had no material benefit to their circumstances, and could be resolved or managed by a competent civilian group who were simultaneously present. However it must be noted that it was the military's decision, rather than the presence of competent civilian bodies, that led to the request to remain outside of RTV's negotiations. Therefore Huntington's horizontal control concept is not as strongly supported as it might first appear. KFOR's subsequent involvement in the communications infrastructure further rejects the idea of the military being compartmentalised by civilian groups.

KFOR had no similar disdain for the physical aspects of the communications infrastructure and it exercised the fullest control over hardware and frequency distribution. In July 1999 requests to begin broadcasting were being directed to KFOR rather than the OSCE or UNMIK, because 'KFOR, which has the capacity and basically the control of the allocation of frequencies has been receiving these requests [to broadcast].'[159] KFOR did however coordinate themselves with the OSCE's Department of Media Affairs (DMA) and UNMIK and in early November 1999 the Deputy Head of the OSCE mission chaired a meeting with several OSCE staff, UNMIK and KFOR

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[157] SEC.FR 566/99, 1 July 1999, The OSCE Assessment Team to Kosovo, Spot Report: Meeting of the Executive Board for RTV Pristina, 28 June 1999 [Restricted]
[158] KFOR Press Statement, Pristina, Kosovo 9 July 1999 by Major Jan Joosten
[159] KFOR Press Statement, Pristina, Kosovo 12 July 1999 by Major Jan Joosten

representatives to discuss the OSCE's authority to regulate media in Kosovo.[160] The DMA's role as Temporary Media Commissioner (TMC) brought up three points for discussion; what the limits were for the new OSCE authority to regulate media, how would it work in co-operation with UNMIK and KFOR, and how far the International Community was willing to go to enforce its authority. It was suggested during the meeting (it is not reported by whom) that the International Community should develop an immediate response mechanism to violations, or else risk being party to the act. KFOR did not give an immediate response to this, instead stating that they would research this question and report back. By contrast, on the matter of frequency allocation KFOR representatives stressed that the responsibility for managing frequencies throughout Kosovo lay with them, and that they should be involved before the OSCE made any allocations.[161] On that matter OMIK later met with KFOR and UNMIK representatives and consulted experts from the International Telecommunication Union in May 2000 on broadcast frequency management and the establishment of a frequency plan for Kosovo.[162] However, the OSCE later complained that, although they had been given the authority to issue licenses in October 1999, KFOR's control over the broadcast frequencies had made this more difficult. This was later resolved by an agreement between KFOR and the OSCE, where the OSCE would be free to choose the frequencies, which would be then approved by KFOR.[163]

This interaction again shows similar traits to the RTV events, and rather than supporting the concept of horizontal control, it is the parallel authority model that is more relevant. KFOR's behaviour with the communications infrastructure is reminiscent of the military's attitude towards the transport infrastructure in both Kosovo and Albania. The military were carving out part of the strategic resources and were unwilling to share control with a civilian group, or involve themselves as fully in social matters. On the social question of broadcast violations the military were unprepared to give an answer, but on the matter of frequency allocation, strategically important to KFOR, there was no hesitation in stating their position of control. In furtherance of Huntington's parallel authority model, the military continued to be an independent actor, if not an

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[160] SEC.FR 860/99, 12 November 1999, OSCE Mission in Kosovo, Weekly Report No. 18/99, 3-9 November 1999 [Restricted]
[161] *ibid*
[162] SEC.FR 244/00, 11 May 2000, OSCE Mission in Kosovo, Weekly Mission Report No. 19/2000, 3 – 9 May 2000 [Restricted]
[163] SEC.FR 446/00, 17 August 2000, OSCE Mission in Kosovo, Weekly Report No. 33/2000, 9 – 15 August [Restricted]

uncooperative one, on control of the network frequencies. Horizontal control is somewhat supported when the matter of media control is examined. On regulation of the media, which was the OSCE's department by virtue of its mandate, the military had no immediate contribution to make. Their request to research the question displays their lack of expertise and their inability to assist in that matter. However it must also be noted that the military's interest in the social development of the infrastructure was very much second place to their primary strategic interests.

Further events in broadcasting displayed the military's independence. KFOR's tight control over Kosovo's transmission equipment was a point on which there was no compromise, even to the detriment of the civilian administrators. During the rebuilding of Kosovo's terrestrial network complications arose over the use of Mount Zviljan for transmission purposes. In late May 2000, the Southern Brigade of KFOR decided that Zviljan could not be used for civilian purposes, even though it had been the site of the major southern transmission tower until the bombings, because it had been taken over by German KFOR for expanded electronic warfare.[164] Another nearby site was selected as an option, adding an estimated US$600,000 to the cost of the project being undertaken by a Japanese technical team. Due to the intransigence of the military the United Nations Development Programme (UNDP) was left with the task of finding out whether the money could be found or not.[165] Another instance of covert activity by the military relates to the closure of Radio S on 14 August 2000. The TMC sent a letter to Radio S on 12 August, requesting that they cease all operations for failing to fill in an application. The station continued to broadcast and KFOR subsequently moved in to close it down two days later.[166] However, after KFOR secured the facility, they continued to broadcast on the frequency to give an illusion of normality and to avoid strong reactions in the already turbulent Zvecan area.[167] Such subtle tactics, though understandable under the circumstances, may be called into question as far as issues of transparency and trust building are concerned as they introduce the risk of backlash in return for short-term gain.

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[164] SEC.FR 281/00 2 June 2000, OSCE Mission in Kosovo, Weekly Mission Report no.22/2000, 24-30 May [Restricted]

[165] ibid

[166] SEC.FR 446/00, 17 August 2000, OSCE Mission in Kosovo, Weekly Report No. 33/2000, 9-15 August [Restricted]

[167] SEC.FR 494/00, 13 September 2000, OSCE Mission in Kosovo, Monthly Progress Report No.5, August 2000

Another point of interest was the amount of radio stations directly controlled by the military. Of the 58 radio stations broadcasting in Kosovo in August 2000, six were directly controlled by KFOR, while five were international companies broadcasting into Kosovo[168], being the British Broadcasting Company, Voice of America, *Deutsche Welle*, Radio Free Europe and Radio France International.[169] Programming carried by the military's station in Pec was in the language of the military contingents (Italian, English, Spanish and Portuguese) as well as Albanian and Serb.[170] An American produced program broadcast in MNB East was produced in Serbian, Albanian and English and contained 'safety announcements for local citizens and soldiers as well as other items of interest to all' in addition to 'Western top 40 style music'.[171] At the same time the OSCE had received 47 more applications for broadcasting licences.[172]

These activities display the same traits exposed in earlier aspects of civil-military co-operation. KFOR demonstrated a large degree of independence from the desires of civilian groups and involved themselves extensively in areas where competent civilians were simultaneously present. Huntington's parallel authority model is strongly supported by the behaviour of the military with regard to the control and running of the broadcast system. KFOR displayed the greatest independence possible from their civilian counterparts when they appropriated the Mount Zviljan transmitter to the detriment of the development programme. In this event their strategic interest was clearly defined by their use of the facility for electronic warfare, and the concept of the military ethic seems particularly accurate here. Their interaction with Radio S again shows a willingness to dispense with openness in order to preserve security. Horizontal control is also weakened when the military's involvement in media and broadcasting services is examined. While one could definitely argue that the 45,000 soldiers of KFOR are entitled to their own social broadcasting, a counter argument could be made as to why the military had to control these stations. Couldn't civilian operators have run the stations and provided programming for the military, rather than *vice versa*?

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[168] SEC.FR 446/00, 17 August 2000, OSCE Mission in Kosovo, Weekly Report No. 33/2000, 9-15 August [Restricted]
[169] KFOR Press Statement, Pristina, Kosovo, 14 July 1999 by Major Jan Joosten
[170] KFOR Press Statement, Pristina, Kosovo, 16 August 1999 by Major Roland Lavoie
[171] KFOR Press Statement, Pristina, Kosovo, 25 August by 1999 Major Roland Lavoie
[172] SEC.FR 446/00, 17 August 2000, OSCE Mission in Kosovo, Weekly Report No. 33/2000, 9-15 August [Restricted]

However it must also be pointed out that despite these incidents, broadcasting was considered one of the best examples of ongoing co-operation between KFOR, UNMIK, OSCE and other civilian organisations involved in communications. KFOR were independent, but not unresponsive. The dialogue in the OSCE's records shows many incidents where meetings ended with satisfactory decisions being reached, including on financing[173], infrastructure[174] and administration.[175] The OSCE once described the reconstruction of the Kosovo Terrestrial Television Network as the result of the fruitful co-operation between the two donor nations (Japan and the United States), the UNDP, OSCE and KFOR.[176] A successful result of the co-operation could be seen in the establishment and administration of the Broadcast Frequency Plan for Kosovo approved by the OSCE, UNMIK and KFOR, which required all radio stations to switch frequencies. On 16 November 2000 when the plan was implemented ninety percent of radio stations complied immediately with the re-tuning.[177]

Health Care Provision

The provision of health care was one of the greatest responsibilities for the international community in Kosovo, and was seen as a barometer of the success or failure of peace building in the province. A joint report from the OSCE and the UNHCR stated that

> Access to adequate health services is life sustaining and a major factor in determining if minorities remain where they are or seek other alternatives. Access to health care is frequently cited to UNHCR as a supporting ground in minority requests for assisted departure from the province.[178]

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[173] SEC.FR 446/00, 17 August 2000, OSCE Mission in Kosovo, Weekly Report No. 33/2000, 9-15 August [Restricted]

[174] SEC.FR 568/00, 12 October 2000, OSCE Mission in Kosovo, Weekly Report No.41/2000, 4 – 10 October 2000 [Restricted]

[175] SEC.FR 16/01, 10 January 2001, OSCE Mission in Kosovo, Monthly Progress Report No.8, November – December 2000 [Restricted]

[176] SEC.FR 703/00, 18 December 2000, OSCE Mission in Kosovo, Spot Report: Re-establishment of the Kosovo Terrestrial Television Network [Restricted]

[177] SEC.FR 16/01, 10 January 2001, OSCE Mission in Kosovo, Monthly Progress Report No.8, November – December 2000 [Restricted]

[178] Assessment of the Situation of Ethnic Minorities in Kosovo, Period covering November 1999 through January 2000, UNHCR/OSCE

Unwilling to see a further exodus of the minority communities (Serbs, Roma and other minorities were fleeing Kosovo Albanian violence) the international community attempted to find other ways to provide health care when the mainstream facilities were out of bounds.

> UNMIK has now chosen to pursue a policy of 'co-existence' rather [than] 'multi-ethnicity' when it comes to essential services like health ...parallel facilities can be set up if relationships between ethnic communities are such that one group would have no access to health care.[179]

Forming an essential part of these parallel structures was KFOR, whose security expertise and medical resources were a necessary requirement for minority assistance. Whereas most communities could access primary health care locally, either through their own enclave services or those extended by the military, difficulties arose when further care was needed. Mobility was a major problem as minorities were unable to safely travel to the necessary hospital without a KFOR or UNMIK Police escort.[180] Even when an escort was provided, it was accepted that the minority patients and their families often had justifiable fears for their safety while in the hospital. They were therefore reluctant to avail of public health services outside of their enclaves.[181] It was also noted that hospitals themselves restricted admission or discriminated on an ethnic basis. Joint UN/OSCE reports on the state of minorities in Kosovo highlighted the complexities of the situation faced by the military in this respect.

> Frequently KFOR escort is needed for patients to make it to the hospital. On arrival they may well be faced with security concerns emanating from the staff and/or visitors. This may necessitate KFOR security presence to be maintained while the patient remains in the hospital...Kosovo Serbs are particularly vulnerable to restricted access to medical facilities and increasingly resort to KFOR military hospitals where security and impartiality of service is effectively guaranteed.[182]

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[179] *ibid*

[180] UNHCR/OSCE Update on the Situation of Ethnic Minorities in Kosovo, Period covering February through May 2000, UNHCR/OSCE 2000

[181] *ibid*

[182] UNHCR/OSCE Update on the Situation of Ethnic Minorities in Kosovo, Period covering November 1999 through January 2000, UNHCR/OSCE 2000

KFOR provided health services in a number or ways, either directly through their own capabilities, or by providing transport and escorts. To give some idea of the scale of assistance General Klaus Reinhardt wrote that 'KFOR...helped provide emergency medical care, including a daily average of more than 1000 consultations, as well as emergency hospitalisations, immunisation programmes, ambulance and aerial medical evacuation services.'[183] However the services provided differed from municipality to municipality, depending not only on local requirements, but also on KFOR's resources.

Medical assistance could range from in-patient care at military hospitals at the high end to non-guaranteed escort and transport services at the lowest level. In Mitrovica where the Regional General Hospital was only accessible to Kosovo Serbs, the Moroccan KFOR Hospital was able to cater for in-patients of other communities.[184] KFOR also provided transport for Kosovo Albanians to facilities in the southern regions when security reasons prevented them from travelling. Mobile teams with a military escort also visited Kosovo Serb enclaves within the region.[185] Similarly in Pristina where minority communities suffered due to a reduction of supplies, lack of staff and freedom of movement, Russian KFOR provided hospital services to Kosovo Serbs and other minorities.[186] In Orahovac the local health sector included one hospital and six health centres, also know as *'ambulantas'*. With the help of German and Dutch KFOR, these structures provided basic medical treatment, while more urgent and complicated cases could be referred to either the Argentinean Military Hospital in Djakovica or the German Military Hospital in Prizren.[187] In Kosovo Polje the Kosovo Serb and Kosovo Albanian inhabitants avoided using the same facilities, but the Russian KFOR hospital was able to offer support to the local health centre by providing instruments and other equipment. Russian KFOR doctors also assisted in performing surgeries.[188] In Pec municipality the *ambulanta* in the Serb village of Gorazdevac was staffed by Italian

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[183] Commanding KFOR, General Klaus Reinhardt, NATO Review, Summer/Autumn 2000, p.17
[184] Municipal Profile, Mitrovicë, August 2001, Organisation for Security and Co-operation in Europe, Department of Democratisation
[185] *ibid*
[186] Municipal Profile, Prištuna, July 2000, Organisation for Security and Co-operation in Europe, Department of Democratisation
[187] Municipal Profile, Orahovac 1 April 2001, Organisation for Security and Co-operation in Europe, Department of Democratisation
[188] Municipal Profile, Kosovo Polje, 22 June 2000, Organisation for Security and Co-operation in Europe, Department of Democratisation

KFOR medical staff and Serbs and other minority groups who were in need of urgent or in-patient medical treatment were sent to the local KFOR hospital.[189]

In other municipalities there was less help available and co-operation between the military and IGOs was more common. In Klina Portuguese KFOR offered an outpatient service to the local population for three hours each evening, using their own supply of drugs and equipment. They also co-operated with the International Medical Corps' Emergency Medical Support team to provide an emergency medical service for patients.[190] In Srbica patients from the two Kosovo Serb enclaves were assisted by *Médicins Sans Frontiéres*, and in case of emergency could be transported to the hospital in Mitrovica by KFOR[191], while in Lipljan town the health centre was assisted by a mixture of KFOR personnel and other international NGOs.[192]

Below this level of support the military assistance became more fragmented. In Obilic the Serb minority had to rely on smaller health clinics that were dependent on equipment forwarded from the other clinics. However this was sometimes a problem due to unavailability of a transport or escort from KFOR.[193] In Kosovska Kamenica both Russian and American KFOR provided some medical care with mobile clinics by visiting the villages, but continuity and frequency were not guaranteed.[194]

Despite the vital level of support being offered by the military, especially for minorities, both the UNHCR and the OSCE felt that it was unsustainable for two reasons. First of all the minority communities were relying on health services obtained outside of Kosovo's normal health care system. This necessitated either the creation of a separate system, or the use of KFOR health facilities or health facilities outside of Kosovo.[195]

[189] Municipal Profile, Pec 5 May 2000, Organisation for Security and Co-operation in Europe, Department of Democratisation
[190] Municipal Profile, Klina, 1 May 2000, Organisation for Security and Co-operation in Europe, Department of Democratisation
[191] Municipal Profile, Srbica 15 March 2000, Organisation for Security and Co-operation in Europe, Department of Democratisation
[192] Municipal Profile, Lipljan 23 June 2000, Organisation for Security and Co-operation in Europe, Department of Democratisation
[193] Municipal Profile, Obilic 18 May 2000, Organisation for Security and Co-operation in Europe, Department of Democratisation
[194] Municipal Profile, Kosovska Kamenica 14 May 2000, Organisation for Security and Co-operation in Europe, Department of Democratisation
[195] UNHCR/OSCE Update on the Situation of Ethnic Minorities in Kosovo, Period covering February through May 2000, UNHCR/OSCE 2000

In their opinion the creation of separate systems for health care was too costly and it simply prolonged the division within Kosovo, although they accepted the temporary need to ensure access to necessary health care through other means. 'The **costs and policy ramifications** [emphasis added in report] of establishing separate services at secondary and tertiary level are daunting...'[196]

Regarding the military contribution it was felt that reliance on KFOR medical facilities was ultimately inappropriate and unsustainable. The limitations of KFOR facilities had been highlighted with respect to gynecological and ante- and post-natal services. These were specialist fields that one would not normally associate with a military field hospital but which KFOR were obliged to provide in the absence of a viable alternative for minority patients. Another *ad hoc* solution was the obtaining of care in Serbia, but this was an unpopular choice with the OSCE and UNHCR as it often required a KFOR escort, and ultimately encouraged people to depart from Kosovo.[197]

It is clear from the military's significant contribution to Kosovo's healthcare system that they gave whatever support they could in accordance with their available resources. Civilian influence does not appear to have been factor in the relationship between military and civilian healthcare providers. This situation does not support or weaken the concept of a parallel military authority, instead it appears that the military gave willingly and no coercion was attempted or needed for this to happen. Regarding horizontal control of the military we can see that KFOR were involved in activities that exceeded their professional competence, although extant factors must be considered. The military provided healthcare out of humanitarian necessity rather than a strategic desire to encroach upon a predominantly civilian sector, as happened in broadcast and transport. Although a competent civilian group was geographically present within Kosovo's existing healthcare infrastructure, it remained for all intents and purposes off-limits for the non-Albanian minorities. Had an alternative been available it is unlikely that the KFOR contingents would have drained their resources in healthcare provision if all communities could be accommodated within the existing infrastructure.

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[196] UNHCR/OSCE Update on the Situation of Ethnic Minorities in Kosovo, Period covering June through September 2000, UNHCR/OSCE 2000
[197] UNHCR/OSCE Update on the Situation of Ethnic Minorities in Kosovo, Period covering February through May 2000, UNHCR/OSCE 2000

Chapter conclusion

Overall this chapter has supported Huntington's concept of a parallel military authority, and weakened his idea of horizontal civilian control. The military forces were displayed as independent actors, with corresponding expansionist tendencies. The military's strongest assertions of independence, and thereby parallel authority, could be seen in their interaction with sectors that were strategically important to them, such as usage of the broadcast system and transport infrastructure. However, we find that the notion of horizontal control does not fare nearly as well and is weakened by the military's involvement in humanitarian assistance, refugee camp construction and health care. It must be noted that extant factors often appeared to be important to the outcome of civil-military co-operation in a number of areas, including KFOR's immunity from prosecution and their extensive provision of health care. Despite this, the military's predisposition to strengthening their relative power through the control of strategic assets is clear, and this supports Huntington's assertion that the military have an inherently conservative realist ethic.

Curiously we can see that where military independence was most strongly exercised, horizontal control was much less relevant, such as in humanitarian support in Albania, and the broadcast and transport infrastructure of Kosovo, and this may be indicative of a more fundamental problem in Huntington's concepts when applied to the complex relationships of today's civil-military co-operation. Isolating the factors that cause the military to oscillate from a pliant partner at one point, for example in healthcare, to an independent and expansionist actor at another point, such as in communications and transport, is a necessary task. The military ethic may be misleading as a guide in these matters as many of KFOR's actions were those of a group that frequently attempted to better the living conditions in Kosovo without exploiting the opportunity for ulterior motives.

Chapter Four

Military Co-operation on Policing and Justice

KFOR's involvement in policing and justice issues is important for two reasons. Firstly it will demonstrate how the military acted with respect to the legal codes of Kosovo, thereby revealing whether they conformed to Huntington's independent authority model. Secondly it will display whether the military disdained involvement in the civilian aspects of security, again in conformity with Huntington's concept of horizontal civilian control. According to Huntington's concept of parallel authority KFOR would not allow itself to be constrained by the prevailing legal codes, and would exercise independence from the civilian structures in Kosovo as they were not in direct authority over the military. Regarding involvement in policing and justice activities KFOR would, in accordance with the horizontal authority described by Huntington's work, withdraw from policing and justice once civilian authorities became available. In both cases Huntington's military ethic would dictate that the military maximise it's power relative to those entities about it, would be pessimistic regarding the outcomes of situations, forcing them to plan accordingly, and would be reluctant to engage itself in tasks or operations where the outcome was unknown.

Co-operation with the judicial system

Internal security for Kosovo was non-existent when KFOR entered the province, lawlessness was widespread and ethnically motivated recriminations had already begun. To make matters worse gangs and criminals from Albania were crossing the border to exploit the anarchy of the situation.[198] Within this environment KFOR was tasked with establishing a secure environment and ensuring public safety and order until the international civil presence could take over this responsibility.[199] The specifics were fleshed out by Sergio Vieira de Mello, the temporary Special Representative of the Secretary General (SRSG), who gave KFOR the permission to detain and hold people

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[198] SEC.FR 541/99 The OSCE Assessment Team to Kosovo, Activity Report, 23 June 1999, period 22nd June [Restricted]
[199] UNSCR 1244, see Appendix A

suspected of serious crimes.[200] The public image that the military put forward of their role was one of fairness and impartiality, and was periodically reiterated during the build up.

> KFOR will be on the ground throughout all of Kosovo, here to protect all ordinary Kosovar citizens, Serbs and Albanians alike. That of course is our central mission. Our job is to establish and maintain a secure environment for all the ordinary peoples of Kosovo and that is what we are doing. KFOR troops are providing a robust and even-handed protection for everybody, regardless of their ethnic, religious or cultural background. We are making Kosovo a safer place for every ordinary citizen.[201]

Unfortunately the entire apparatus of courts, detention facilities and adequate personnel to staff them was missing, as was a legal mandate to form interim solutions. During the same period the OSCE, UN and KFOR held a joint meeting to discuss the detention by the military forces of 16 Kosovo Albanian and Kosovo Serb males for serious crimes. The meeting brought up a tranche of issues that bedevilled the entire effort. KFOR indicated that they could not continue to detain the men without the initiation of judicial proceedings, and were correspondingly reluctant to assume control of a detention facility. The military urged the UN to immediately appoint an international jurist to begin due process and then asked the OSCE to assist in the identification of Kosovo Serb and Kosovo Albanian judges to form an interim panel to adjudicate those arrested by KFOR.[202] The OSCE agreed to this. In spite of their initial reluctance KFOR also opened a detention centre on 23 June, possibly in response to the fact that house burnings and lootings were on the increase across the province[203], and KFOR was now frequently involved in gun battles. By late June in Prizren alone, KFOR had made 108 arrests for robbery, rape, theft and arsons[204] and was renewing its calls for the OSCE to

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[200] Acting head of UN Kosovo mission says KFOR can hold suspects for longer than 48 hours, UN News Centre, 6 July 1999
[201] Transcript of Press Conference by Lt Col Robin Clifford, KFOR Pristina, Kosovo 18 June 1999, see also Transcripts for 21 June and 2 July where the same phrases were repeated.
[202] SEC.FR 541/99, 23 June 1999, The OSCE Assessment Team to Kosovo, Activity Report, 23 June 1999, Period 22 June [Restricted]
[203] SEC.FR 549/00, 28 June 1999, The OSCE Assessment Team to Kosovo, Activity Report, 24 June 1999 [Restricted]
[204] SEC.FR 555/99, 29 June 1999, The OSCE Assessment Team to Kosovo, Activity Report, 26-27 June 1999 [Restricted]

speed up the preparation of a police training facility.[205] Lawlessness had reached such a degree that all organisations now saw the policing issue as the number one priority.[206]

By July Emergency Judicial Panels were travelling to KFOR bases to interrogate more than 200 individuals that were held for serious crimes, while the OSCE organised the schedule of the hearings and monitored the proceedings to ensure compliance with human rights standards.[207] The panels were divided into two mobile units, consisting of two defence lawyers, two prosecutors, one investigative judge and three secretaries each. Transported through the province by KFOR or OSCE vehicles, the units reviewed the cases which were prepared by KFOR military police and then decided whether the defendant should be released or not.[208] KFOR held 219 detainees by 20 July, of which the panel decided to release 116.[209]

At this stage we can see that the behaviour of the military is not conforming to the expectations of the Huntington's predictions. KFOR's interaction with the OSCE and the UN over the establishment of legal mechanisms shows that the military were unwilling to act independently in this situation, and instead sought sanction from their partners and parallel civilian authorities. Had they been a simply independent actor the military might have detained personnel without any reference to due process and allowed the civilian authorities to take care of the finer points. Huntington's military ethic is no guide on this matter either as it is again not subtle enough to posit a particular outcome. From their requests it appears that KFOR desired to protect themselves from negative publicity over non-conformity with legal codes, which would correspond to the military ethic. On the other hand by conforming to such legal codes and waiting for relevant judicial structures to be established KFOR would be hampered in their pursuit of the province's security and that of their own personnel, an outcome that does not conform to the military ethic. What is more accurate from the military ethic is the pessimism described by Huntington, and here it could be interpreted that the military did not wish to engage themselves wholesale in tasks which they were ill-suited to handling.

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[205] SEC.FR 578/99, 5 July 1999, OSCE Task Force for Kosovo, Weekly Progress Report No. 3, 27 June – 3 July [Restricted]
[206] ibid
[207] SEC.FR 605/99, 15 July 1999, OSCE Mission in Kosovo, Weekly Report 8-14 July [Restricted]
[208] SEC.FR 630/99, 26 July 1999, OSCE Mission in Kosovo, Background Report: Emergency Legal System in Kosovo [Restricted]
[209] ibid

Regarding the horizontal control of the military we can see that, although KFOR were involved in activities not strictly within their expertise, they are many qualifying factors. Adequate police forces were not immediately available, so therefore Huntington's horizontal civilian control could not be exercised. In addition to this, KFOR would have included military police units and therefore would have had an element of expertise. However it must be noted that this would refer to only a small amount of KFOR forces, and most soldiers with the force would not be trained on police procedures. Another factor is the level of insecurity within the province during the early stage of KFOR's build up. So violent and insecure was the province that the task of securing basic order may have been beyond police forces alone even if they had been present in sufficient numbers. Therefore the question could be asked whether KFOR were performing only police duties, or were they in fact engaging in military peace enforcement? In fact they were performing both roles as the situation required, so at times they were engaged in a policing role, and at other times in a military role. However the horizontal control model can only be properly tested when civilians are present alongside KFOR in significant numbers, a scenario that in certain sectors was still some months off.

The provision of Emergency Judicial Panels appeared to signal progress of sorts on the law and order front. A KFOR spokesperson went so far as to call the instigation of the mobile courts 'a watershed in the re-establishment of a normal civilian judicial process in Kosovo'.[210] Unfortunately many of the province's criminals, although apprehended by KFOR, had been allowed to go free. Of the 800 people that had been arrested by the military since they entered the province, 600 of those were released before the emergency panels had made their reviews.[211] Discrepancies also began to emerge in both KFOR policing and in the emergency judicial system as the OSCE's Legal System Monitoring Section (LSMS) began to investigate Kosovo's law enforcement procedures. At the German MNB in Prizren nine Kosovo Serbs that were accused of war crimes did not appear on the official list of detainees. According to KFOR this was because German KFOR did not arrest the men and therefore they were not registered. United Nations Civilian Police (UNCIVPOL) were supposed to have arrested the men,

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[210] KFOR Press Statement by Major Jan Joosten 2 July 1999, Pristina, Kosovo
[211] SEC.FR 630/99, 26 July 1999, OSCE Mission in Kosovo, Background Report: Emergency Legal System in Kosovo [Restricted]

but that was not confirmed.[212] An opposite yet equally worrying incident was recorded at US KFOR Camp Bondsteel where the detainee list contained 109 people, but only 89 were in detention according to KFOR. No reason was given to the LSMS for the discrepancy.[213]

Further confusion occurred when suspects in a Lipljan detention centre run by KFOR were released on the condition that they surrendered their passports, report to UNCIVPOL once a day and not change residence. This followed comments by the President of the Court of Pristina that he would not allow KFOR to impose such conditions. Despite the non-compliance the LSMS considered the President's remarks to be a precedent and recommended that it be communicated to other courts and KFOR legal advisers.[214] By November 1999 the relationship between KFOR and the legal authorities of Kosovo was more difficult. The LSMS visited Camp Bondsteel again, where an investigating judge and a prosecutor informed them or their concerns regarding a detainee who was still in military custody despite the fact that a release order had been issued by the court. They also told the LSMS that a detention order for two detainees, which expired the previous month, had not been renewed yet the individuals remained in the camp. Furthermore, three detainees arrested for kidnapping on 28 September 1999 only saw a judge on 18 October 1999, contravening the 72 hour time limit before going before a judge under article 196 of the FRY Code of Criminal procedure. KFOR told the LSMS that the individuals remained in custody because of the vast amount of evidence against them.[215]

However the military also had its own concerns regarding the legal system. In December 1999 KFOR informed the OSCE that despite the possible innocence of six Kosovo Serb detainees in Camp Bondsteel, the mobile court operating out of Pristina had ordered their continued detention. KFOR also told the OSCE that they saw two patterns in criminal procedure in the Gnjilane area. Firstly that Kosovo Albanians detained for the same or similar crimes as Kosovo Serbs were routinely released where the victim was a Kosovo Serb. Secondly Kosovo Albanians from the Vitina area were

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[212] SEC.FR 851/99, 9 November 1999, OSCE Mission in Kosovo, Weekly Report No. 17/99, 27 October – 2 November [Restricted]
[213] *ibid*
[214] *ibid*
[215] SEC.FR 860/99, 12 November 1999, OSCE Mission in Kosovo, Weekly Report No. 18/99, 3-9 November 1999 [Restricted]

believed to have falsely accused Kosovo Serbs of serious crimes.[216] Interestingly, when KFOR legal advisers made a request for the release of three of the Serbs to the camp commander, he was reluctant to comply for two reasons. He stressed his concern for the safety of the detainees if allowed to leave, but he was also worried that the subsequent coverage in the local press could endanger his troops.[217] Later the same month KFOR arrested Kosovo Albanians in Urosevac who had threatened tenants who refused to leave their premises. Even though they were working for a self-styled parallel administration and were in possession of identification cards stating this, an investigating judge released the men.[218]

Contrary to the military's first concerns about having proper mechanisms for due process, they were now prepared to ignore those mechanisms. The preliminary experience of Huntington's parallel authority and horizontal control concepts in the area of justice do not match the pattern of behaviour that subsequently emerged from KFOR. The military soon began exercising independence from the legal authorities appointed by the UNMIK Special Representative of the Secretary General (Bernard Kouchner at that time). The application of the military ethic at this point appears much more productive. KFOR firstly sought legal sanction and approached its civilian counterparts to assist in this, thereby protecting itself from possible criticism. However, as matters unfolded in the province KFOR began to ignore the system in place and chose instead to apply their own judgement as they saw fit.

At the same time those legal authorities had accusations of gross bias being levelled at them. The LSMS for its part conducted a brief investigation into the legal system and then produced a report on their findings.

> LSMS believes there is a growing tendency by both the judiciary and prosecutors to introduce ethnic bias to the detriment of the minorities into judicial proceedings. Although the current evidence emanates from pre-trial

[216] SEC.FR 911/99 10 December 1999, OSCE Mission in Kosovo, Weekly Report No. 22/99, 1-7 December 1999 [Restricted]
[217] SEC.FR 924/99 16 December 1999, OSCE Mission in Kosovo, Weekly Report No. 23/99, 8-14 December 1999 [Restricted]
[218] SEC.FR 943/99, 27 December 1999, OSCE Mission in Kosovo, Weekly Report No. 24/99, 15-21 December 1999

detention hearings, if it continues in the criminal trials the whole legal system could be endangered.[219]

Amnesty International also produced a report on the same issue and reached many of the same conclusions as the LSMS regarding the rampant discrimination in the Emergency Judicial System. However they also made note of the military's reaction to some of the release orders.

> In some cases, the Commander of KFOR, Dr General Klaus Reinhardt, has ordered the continued detention of individuals despite a release order from a judge, using his authority under Security Council Resolution 1244. This practice, in itself, is open to legal challenge and does not enhance respect for Kosovo's newly established judiciary.[220]

KFOR did admit to the OSCE that in exceptional circumstances they continued to hold detainees in defiance of legal orders when they considered the individual to be a direct threat to security, and that this in their opinion was legitimised by Resolution 1244 and the Military and Technical Agreement.[221] The OSCE in turn tried to develop the concept of a review body to act as a special appeal board, but this did not get off the ground.[222] KFOR was now using its own mandate to act as judge and incarcerator of suspects, and was expanding into activities of a civilian group that was present. Whilst one could argue that many of the Kosovo judiciary appeared to be compromised, a counter argument would state that the judiciary's competence was still far greater than that of KFOR in legal matters. The concept of horizontal control, therefore, is undermined by the activities of the military in this regard, and the conservative realist ethic appears much more accurate. Why recognise the authority of the judiciary when you suspect that they'll release individuals who pose a security risk? The aspect of pessimism within the military ethic is also relevant here, as KFOR did not trust the judicial system to deal with individuals that the military deemed to be dangerous. In addition to this, KFOR's flouting of legal procedures did not mean that the legal system ceased working entirely. In some respects one could say that KFOR had the best of

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[219] OSCE Mission in Kosovo, Background Report, The treatment of minorities by the judicial system.
[220] Amnesty International's recommendations to UNMIK on the judicial system, February 2000, AI Index: EUR 70/06/00
[221] SEC.FR 744/99, 16 September 1999, OSCE Mission to Kosovo, Weekly Report Nr. 10/99 8-14 September 1999
[222] ibid

both worlds. On one hand they were not forced to shoulder the entire burden of the judicial system, something that they were originally concerned about, while on the other they could ignore unpalatable civilian rulings when they wished.

Although it might appear that KFOR's motivation on this point was simply to disallow violent criminals to roam Kosovo at will, further investigation showed the issue to be somewhat more complex. The rationale behind the length of detention at the time was based upon the applicable FRY Code of Criminal Procedure. If the crime merited a sentence of longer than five years, then pre-trial detention could last up to six months. If it carried a maximum of five years, then three months was the longest a suspect could be held.[223] The LSMS discovered that 81, or one third of the individuals held by KFOR, the UN Civil Administration and UNCIVPOL were in custody for six months or longer by the beginning of 2000. Furthermore, the OSCE's investigation team also discovered that several detainees who should have been released or indicted by the three-month rule, remained illegally incarcerated.[224] Other disturbing facts also came to light. Two individuals were arrested on the basis of acts for which the relevant crime had not been identified, for example 'threat to KFOR' or 'suspect in shooting', while the basis for the arrest of another three individuals was not known. Information regarding the reason and month of arrest for four individuals was also unknown.[225] By March 2000 detention facilities in Mitrovica, Pristina, Camp Bondsteel and Prizren held 26 people illegally. In response to this Bernard Kouchner implemented in December UNMIK Regulation 1999/26 which allowed the Supreme Court to extend the period of detention by up to six months in individual cases.[226] The OSCE found the regulation unlawful and friction between them and UNMIK continued. In his review of OMIK's activities between 1999 and 2001 Mission Head Daan Everts said that the 'absence of a *habeas corpus* remedy by which a detainee may challenge the unlawfulness of his/her detention and continued executive detention' was among the most serious problems with the Kosovo justice system.[227]

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[223] OSCE Mission in Kosovo, Observations and Recommendations of the OSCE Legal System Monitoring Section: Report No.3 – Expiration of Detention Periods for Current Detainees, 21 December 1999 (internal), 8 March 2000 (external), Department of Human Rights and Rule of Law
[224] *ibid*
[225] *ibid*
[226] UNMIK/REG/1999/26, 22 December 1999, Regulation No. 1999/26 on the extension of periods of pretrial detention
[227] Daan Everts, Review of the OSCE Mission in Kosovo's Activities 1999-2001

Beyond this point the situation approaches legal arguments and counter-arguments that do not fall within the expertise of the author. However the practical details of the situation are thus. The military at times did not honour the authority of either the mobile courts, or the applicable laws concerning detention. At least some of the motivation regarding extended detention was clearly due to the biased justice system in operation, although others seem to be motivated by self-interest. It was obvious to all key observers, including the military themselves, that they were not the right organisation to undertake policing and detention duties. The lack of training and facilities for the role was also compounded by the relative independence of the army from the civil system. If KFOR didn't want to comply with civilian regulations on this matter, they simply didn't. In an interview with Red Cross/Red Crescent Magazine, Kouchner gave the following evaluation of the law and order situation in Kosovo during his time there, including an ambiguous reference to the military.

> We had neither the police force nor a judicial mechanism suited to the situation…We were wrong to expect an immediate restoration of the Albanian judicial system. What was needed was an international judicial body during the transition. We should have instituted a state of emergency, but who would have enforced it? Not the army.[228]

Huntington's concept of parallel authority is verified by these examples of military interaction with the judicial system. Despite KFOR's first concerns, they acted independently of the civilian authorities in judicial matters, and this could be seen in their reluctance and refusal to conform on judgements regarding detainees. Outwardly the military ethic appears to be again quite valid in this scenario, however there are qualifying factors. Many occasions where KFOR refused to honour the prevailing legal codes were not simply to do with preserving or furthering their own security. KFOR often acted in contravention of the legal system because they believed that the prosecuting judiciary were rampantly biased, a factor that was recognised by civilian groups involved in the process. However, as far as KFOR's respect for the judicial system is concerned, Huntington was correct in his predictions of parallel authority, whereby the military would act independently of entities not in direct authority over them.

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[228] In Action, Bernard Kouchner, rebel with a cause, Red Cross/Red Crescent Magazine, Edition 4, 2001

On the matter of horizontal civilian control we see that the civilian structures for dispensing justice were often ignored or superseded by KFOR's own interpretation of UNSCR 1244. By doing this, the military were not simply remaining independent of the legal system, it was in effect replacing and duplicating it. Ironically, although the military conformed to Huntington's concept of parallel authority, it is this same independence that allowed KFOR to breach the horizontal control that Huntington described. Not only is Huntington's concept of parallel authority weakened by this scenario, it does in fact contribute to the argument that the parallel authority framework may actually exclude horizontal civilian control. Taking interactions with the judiciary and comparing them with the military's co-operation with the humanitarians, we begin to see a pattern whereby the military ignored the confines of horizontal control, such as they were, when their strategic or security concerns were threatened.

KFOR methods of policing

KFOR methods of policing are of interest to the application of Huntington's theory in a number of respects. Since policing is an area in which the military forces were not fully trained, KFOR's engagement with the task seems to show something of a learning curve in progress. This gives an opportunity to see how the military reacted to civilian requests for security, and in turn how the military developed their own methods to give that security. This allows us to see whether KFOR acted independently of civilian influence, as per the parallel authority concept, and also whether they respected the confines of horizontal civilian control. Huntington's military ethic may also be useful in explaining why the military chose the courses of actions that they did.

In the first months of the KFOR build up arson, grenade attacks, assassinations, threats and intimidation were rife, mostly against Serb and Roma communities and other minorities, but also between Kosovo Albanian citizens. KFOR soldiers were in the middle and frequently came under fire and were forced to open fire in return. General Reinhardt was later to say that KFOR's main challenge was 'keeping a lid on ethnic tensions and tackling crime'.[229]

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[229] Commanding KFOR, General Klaus Reinhardt, NATO Review, Summer-Autumn 2000, p.17

The OSCE was more explicit when it spoke of the military's internal security efforts. 'It should be noted that whilst efforts of this magnitude are not exclusively geared for the protection of minorities, in large part they are for all intents and purposes geared towards minority protection'.[230] In line with the assessment of the OSCE and General Reinhardt, KFOR's manpower expenditure reflected the priority of policing functions. A military press statement gave the following figures.

> On average, 200 soldiers in each Multinational Brigade area are on static guard at houses, locations where minorities gather, and at patrimonial sites. KFOR soldiers conduct 860 patrols throughout Kosovo every day. Three out of every four soldiers are permanently patrolling, manning checkpoints and helping the population, especially ethnic minorities.[231]

Static guards were often employed at likely areas of attack, usually minority enclaves, to offer a 24-hour security presence. However the choice between mobile patrols and static guards was often problematic, and a joint OSCE/UNHCR report on the status of refugees stated that 'high levels of static security are unsustainable, [and] over reliance on them can lead to a false sense of security that can not be maintained.'[232] In support of this the report recounted the experience at Recan in the Suva Reka municipality, where a static guard was mounted to protect a Kosovo Serb minority.

> This recommendation was made in view of the fact that existing efforts to provide security through regular patrols had proved ineffectual, since the wrongdoers simply waited for the patrol to pass before carrying out acts of violence and intimidation. During September and October 1999 a string of serious incidents had been recorded but the situation was calmed considerably after the installation of the checkpoint. The checkpoint was well received by the local population who commended the performance of the soldiers manning it.

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[230] Assessment of the Situation of Ethnic Minorities in Kosovo, Period covering November 1999 through January 2000, UNHCR OSCE, 11 February 2000
[231] KFOR News Update Pristina, 21 December 1999 by Lt.-Cdr. Philip Anido, KFOR Spokesperson. N.B. Different figures are available from different sources, see also 'Commanding KFOR, General Klaus Reinhardt, NATO Review, Summer-Autumn 2000, p.17' and also 'Assessment of the Situation of Ethnic Minorities in Kosovo, Period covering November 1999 through January 2000, UNHCR OSCE, 11 February 2000', however the numbers are not dramatically apart.
[232] Assessment of the Situation of Ethnic Minorities in Kosovo, Period covering November 1999 through January 2000, UNHCR OSCE, 11 February 2000

However, it was withdrawn on December 18th apparently because KFOR perceived it to be ineffectual.

Locals expressed their concern that the service had been withdrawn so suddenly without their having been consulted or informed. In this instance concerns that the situation would revert to pre-checkpoint conditions were allayed through the use of alternative KFOR patrolling mechanisms and the establishment of an UNMIK Police sub-station.[233]

Erecting static guards and checkpoints, such as in Recan, were a common response to increased violence in a particular area. After a grenade attack in Lipljan UNMIK Police and KFOR were requested to set up more permanent observation posts[234] while another grenade attack against Serbs in Orahovac prompted the military to increase overall security there, including checkpoints to the entrance of the Serb quarter.[235] However due to restraints on budgets and on personnel it was not always possible to maintain the guards, nor for the static guards to be replaced by innovative measures when withdrawn. A newly built Orthodox church in Cernica in the Gnjilane Municipality was badly damaged in a bomb attack in the early morning of 15 January 2000[236] shortly after KFOR had withdrawn a static guard[237] and replaced it with moving patrols.[238] Similarly a grenade attack against an Ashkali community in Vucitrn town in October 2000 happened after a checkpoint had been withdrawn, with one grenade landing at a spot where the guard had been. The checkpoint had also been replaced by moving patrols.[239] Nor were static guards any guarantee of safety in their own right as the following event shows. On 28 December 1999 KFOR reported a bomb attack against a Serb community in Vitina (MNB West), an assault regularly carried out against minority ethnic groups.

[233] *ibid*

[234] SEC.FR 924/99, 16 December 1999, OSCE Mission in Kosovo, Weekly Report No. 23/99, 8 – 14 December 1999 [Restricted]

[235] SEC.FR 943/99 27 December 1999, OSCE Mission in Kosovo, Weekly Report No. 24/99, 15 – 21 December 1999 [Restricted], KFOR News Update Pristina, 18 December 1999 by Lt.-Cdr. Philip Anido, KFOR Spokesperson

[236] KFOR News Update Pristina, 15 January 2000 by Lt.-Cdr. Philip Anido, KFOR Spokesperson

[237] Assessment of the Situation of Ethnic Minorities in Kosovo, Period covering November 1999 through January 2000, UNHCR OSCE, 11 February 2000

[238] KFOR News Update Pristina, 15 January 2000 by Lt.-Cdr. Philip Anido, KFOR Spokesperson

[239] SEC.FR 603/00, OSCE Mission in Kosovo, Weekly Report No.44/2000, 25-31 October 2000, 2 November 2000 [Restricted]

Yesterday afternoon just after 4 o'clock a homemade bomb was thrown into a Serb Café in the town of Vitina. Eight people were injured in the attack, two of them quite seriously. The two men, and a third with minor injuries, were rushed to the Camp Bondsteel (US) military hospital. The others refused treatment on the scene. All the injured are suffering from shrapnel wounds but are resting quietly and are in stable condition. They are all expected to recover. UNMIK Police have arrested four individuals in connection with the attack, however they have been released due to a lack of evidence.[240]

An OMIK report on the same incident was more open, and revealed not only the problems of military policing, but also the difficulties caused by the subsequent loss of confidence in the security forces. A KFOR Command Post was only 30 metres from the scene of the attack in Vitina, and despite the fact that they had a heavy presence in the area they failed to detain attackers who had perpetrated the third such attack in five months.[241] In the aftermath of the explosion KFOR provided immediate first aid, but when they attempted to transfer the wounded to Camp Bondsteel this was initially refused by both the victims and local Serbs. Their fear of a medical evacuation was based upon the grounds that other Serbs who had been transferred to Pristina Hospital had died from their wounds.[242] The total lapse of confidence in the international security forces ability to protect them meant that only three out of the eight people injured by the grenade subsequently received proper medical attention.

Whatever the benefits of static guards they were considered unsustainable by both the OSCE and the UNHCR. They felt that the use of such measures only had a temporary value and that in the long run they would be in fact detrimental to the well being of the community being guarded.

Static guarding however, as a response to imminent threats is often the only way to protect such overriding rights, as that to life and liberty. The immediate

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[240] KFOR News Update Pristina, 28 December 1999 by Lt.-Cdr. Philip Anido, KFOR Spokesperson
[241] SEC.FR 947/99, 28 December 1999, OSCE Mission in Kosovo, Spot Report: Grenade Attack in Vitina [Restricted], SEC.FR 949/99, 29 December 1999, OSCE Mission in Kosovo, Spot Report: Follow up info [Restricted]
[242] *ibid*, N.B. The fear of Pristina Hospital was not based upon simple wild rumour, its reputation for ethnically biased incidents was notorious. See Assessment of the Situation of Ethnic Minorities in Kosovo, Period covering November 1999 through January 2000, UNHCR/OSCE 2000 and also Update on the Situation of Ethnic Minorities in Kosovo, Period covering June through September 2000, UNHCR/OSCE 2000

impact of this on the beneficiaries is generally welcomed but if such measures have to be continued to the extent that normal life is not possible, these same beneficiaries are likely to come to resent the fact that they have to live under constant guard and may opt instead to move to a safer location within Kosovo or further afield.[243]

However they also accepted that the onus was not on the military alone to better the situation but upon the entire international effort, civil and military alike, to improve conditions through promoting a sense of tolerance.[244] The military for their part, had never been particularly enthusiastic for static guards. Following the murder in August 2000 of an 80 year old Serb man who had been shot several times in the head, KFOR HQ under General Juan Ortuño decided to review their patrolling and security techniques and concluded that

> KFOR cannot provide static guards or checkpoints everywhere, all of the time. If we did, we would be less capable to react to developing security situations. Although static guards provide some measure of security, they are predictable and people can easily go around them. A better approach is to introduce a less regular pattern of patrolling so that armed elements will be unable to predict where they might be intercepted by KFOR soldiers.[245]

The use of static guards in Kosovo is significant to the application of Huntington's parallel authority concept as it shows the military responding to civilian requests to provide security in a way that KFOR often felt was counter productive. In this way we can see that the military's actions in minority protection was not always conducted independently of civilian influence, nor was it conducted in a way that corresponded to the conservative realism of the military ethic. The military ethic would not see KFOR expending resources, at the cost of other security operations, in the pursuit of what they would consider to be of only psychological importance. However, what is also interesting is the rationale behind the allocation and withdrawal of static guards at particular times. On occasions KFOR withdrew static guards when there was no attacks, only to have attacks occur once the guard post was withdrawn. If the guard

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[243] Assessment of the Situation of Ethnic Minorities in Kosovo, Period covering November 1999 through January 2000, UNHCR OSCE, 11 February 2000
[244] *ibid*
[245] KFOR News Update by Major Scott A. Slaten, Pristina, 28 August 2000

posts themselves had been attacked, would this have been sufficient reason for the military to keep them there? This seems in line with pessimistic element of Huntington's military ethic, where he describes the military as constantly expecting the worst and attempting to plan for it. Since there was no tangible indication of insecurity the military appeared to believe that they were squandering resources in a useless exercise, even though the guards were often the most successful source of protection available. By following a realist and pessimistic ethic in pursuit of security, and in turn withdrawing the static guards to safeguard resources, KFOR were at times in fact inviting insecurity.

Overall however, regarding the parallel authority concept we can see that it is much less valid in this scenario as KFOR did respond to civilian requests, and furthermore, civilian requests on a matter that fell within military expertise, a reversal of sorts of the horizontal control model where respective expertise and professionalism creates its own boundaries. We can also see that this appeared to cause a sort of internal conflict for the KFOR, who appeared to be torn between responding to the civilian requests for static guards on one side, and on the other side to their own conventional choice of mobile patrols. However such adaptability is also the hallmark of a military in theatre, and the history of warfare displays a myriad of examples where conventional wisdom was dispensed with when it did not suit the operational conditions of the mission. The six-monthly rotations of KFOR contingents may have disrupted this learning curve and in effect, allowed the scenario to be played out again and again.

In addition to their flexibility another reason that the military favoured mobile patrols was because it allowed them to operate with greater visibility. During the initial stages when the military was spread thinly over the province and violence was rampant, a high profile approach was opted for.

> You all have seen KFOR vehicles and soldiers on the ground and helicopters in the air throughout the province. KFOR forces are stepping up their street patrols. We want all Kosovars to see KFOR troops on the streets and on the ground providing a visible reminder and a physical guarantee of our extensive security presence.[246]

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[246] Transcript of Press Conference by Lt Col Robin Clifford, KFOR Pristina, Kosovo 18 June 1999

Military foot patrols were employed in most of the major urban areas and were reported as working well in Prizren[247] (at one stage KLA personnel patrolled with them although this created separate problems, see next chapter) and in other cities across Kosovo.[248] In Mitrovica by contrast, a town with a large Serbian enclave separated from their Albanian neighbours by a river, KFOR was criticised for not having a visible foot presence. Instead the military manned tanks and armoured personnel carriers at the bridge and other major junctions. The OSCE noted that foot patrols were proven to be effective in deterring crime and building confidence and urged KFOR to begin them in Mitrovica as well.[249] In fact the non-use of patrols at this stage may have been a significant factor in the loss of control in the city later on (see next chapter).

Despite this KFOR's policing tactics could at times be quite sophisticated, and reminiscent of those used in many capital cities across the world. After one attack against a Serb home in Urosevac guarded by KFOR the assailants tried to escape by car yet the military were able to track the vehicle from the air.

> The attackers then fled away in a white Zesta station wagon. An Apache helicopter was dispatched, following the car as it sped toward Pristina. As it left Urosevac, a white Mercedes Benz joined the Zesta en route to Pristina. MNB Centre assisted MNB East by apprehending one severely wounded person at the Pristina Hospital and the Zesta.[250]

The patrolling operations carried out in Pristina were also impressive. The city had assigned to it a 700 person Battle Group that was divided into four companies, three of which covered the city with the fourth engaged in specialist operations. The companies had armoured personnel carriers and Landrovers at their disposal but patrolled principally by foot, using the vehicles as a Quick Reaction Force.[251] The military also guarded the strategically important areas of the city which 'were crucial to its running, certain parts that are important that remain, if you like in UN and KFOR

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[247] SEC.FR 552/99, 28 June 1999, The OSCE Assessment Team to Kosovo, Activity Report, 25 June 1999 [Restricted]
[248] SEC.FR 565/99, 1 July 1999, The OSCE Assessment Team to Kosovo, Activity Report, 28 – 29 June 1999 [Restricted]
[249] ibid
[250] KFOR Press Briefing by KFOR Spokesperson, Major Jan Joosten Pristina, Kosovo 6 August 1999
[251] KFOR Press Update by Lieutenant Colonel Fordham MBE CO 1 Royal Irish, Pristina, Kosovo, 26 August 1999

responsibility...like the Telephone exchange.'[252] The commanding officer also made the decision to have his platoons live amongst local residents in apartment blocks where people were intimidated, or in areas prone to criminal activity.

When it came to the actual apprehension of suspects, the military method seemed broadly in line with standard police procedures.

> We have to have some justification to arrest somebody, to go into this specifics, basically we could look at a lot of things like witnesses, it is only a part of the evidence, obviously, and also the presence of criminals on the crime site and also the attestation of true forensic analysis for example between the weapons or bullets or other kinds of ammunition found on the site.[253]

However a much more proactive approach was happening on the ground in Pristina, where the system seemed calculated to produce arrests and evidence for ease of prosecution, but at a substantial risk for those to be protected.

> What I can tell you is this, the way that we are trying to get the judicial system rolling and the rule of law here, we have changed the operation slightly so that we can capture people in the act of attempted murder, arson, kidnapping, hostage taking, burglary or indeed straight forward intimidation red handed. As red-handed means we then have the witness statements, evidence, forensic evidence that would then lead to the judicial machine to go round.[254]

Here we can see that the concept of horizontal civilian control, although not strictly falsified due to the lack of civilian police in the province at that time, was being undermined not just by the military's involvement in the policing activities but by their development of their own system of policing. Mobile patrols, interception of fleeing suspects and gathering of forensic evidence and witnesses are of course a positive observance of police procedures by the military. Changing operations to catch suspects in acts of serious crime is not, and gives the impression that military forces were ruthlessly cutting corners in safety in order to detain suspects. This behaviour is much

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[252] *ibid*
[253] KFOR Press Update by Major Roland Lavoie, KFOR Spokesperson Pristina, Kosovo 18 August 1999
[254] KFOR Press Update by Lieutenant Colonel Fordham MBE CO 1 Royal Irish, Pristina, Kosovo, 26 August 1999

more in line with Huntington's military ethic, where conservative realism would be in line with the Machiavellian end being justified by the means. As in other examples where the military intervened in areas outside of their expertise, such as refugee camp construction and aid co-ordination, the military's policing methods are noteworthy for their inherent drawbacks. KFOR delivered an imperfect solution in a proactive fashion, and those concerned suffered from the military's limited knowledge of correct procedure. However the situation is understandable considering that it was recognised by the military themselves that they were not a suitable substitution for civilian police forces. After one year of KFOR's presence in Kosovo General Klaus Reinhardt stated

> Civilian policing remains an area of concern, however. Common criminals and organised crime are flourishing in the partial power vacuum that will not be filled until municipal elections are held later this year [2000]. There is an urgent need both for more UN police and for more local Kosovo police, as well as the infrastructure to support them. Until the international community provides the resources needed, KFOR soldiers are having to step in to fill the gap, carrying out duties for which they are not trained.[255]

Co-operation with Police Services

It is difficult to ascertain the nature of the relationship between police and the military forces operating together in Kosovo. Although it is possible to see the types of joint operations engaged in, it is more problematic to assess the level of friction that may have occurred between both, or to understand whether resource or culture differences were the catalyst. Added to this is the fact that co-operation varied between regions and areas, with working relationships becoming difficult at times. Even though both organisations are fundamentally different, the common culture of secrecy in both does not contribute to an easy evaluation. However, the fact that there was structured co-operation, although subject to constant evolution, lessens the relevance of Huntington's parallel authority concept. This is not to say however, that an independent group is always uncooperative, instead the argument here is that less co-operation would merely be indicative of military independence, rather than the proof of it.

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[255] Commanding KFOR, General Klaus Reinhardt, NATO Review, Summer-Autumn 2000, p.16

On the matter of horizontal civilian control we can quickly see that this concept is too rigid to explain the relationship between the police and military forces in Kosovo, as both groups often merged their resources and efforts to achieve common objectives. By doing so, both groups supplemented the efforts of the other rather than duplicating and replacing. Therefore we can see by some of the following examples of joint civil-military co-operation that Huntington's horizontal control model is neither being supported or weakened in a blatant fashion, but is undermined in its relevance for being so indeterminate. Civil-military co-operation between UNCIVPOL and KFOR was developed into a synergetic relationship, rather than conforming to Huntington's idea of civilian control built upon relative expertise, a kind of 'boxing in' of the military by having civilians responsible for all non-military tasks.

The international police deployed in Kosovo had two main goals, to provide an interim service and to develop an indigenous force. This was to be achieved in three phases.[256] In the first phase it was recognised that KFOR would ensure public safety and order until the international civil presence could do so itself and UNMIK's civilian police would advise KFOR on policing matters. In the second phase UNMIK would take over responsibility for law and order from KFOR, and UNMIK police would have executive law enforcement authority. KFOR would then have a support role. The third phase would see the Kosovo Police Service (the KPS) taking responsibility for law and order from UNMIK.[257]

At the beginning of the mission when KFOR was building up its forces in the province, the UN redeployed about 200 unarmed police personnel from Bosnia and Herzegovina to Kosovo to provide the core of an international police presence.[258] The first group of police liaisons to the military were deployed to the separate MNBs on 3 July 1999. Police forces were attached to separate contingents in an advisory capacity to assist the military on policing activities. This in addition to a UN situation centre for policing and security issues was described as 'an important part of the co-operation between UNMIK and KFOR'.[259] However, due to a number of factors the first phase dragged out and it was a year before executive powers had been transferred to the police in four out of five

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[256] Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo, 12 July 1999, S/1999/779
[257] *ibid*
[258] UNMIK Police Annual Report 2000
[259] KFOR Press Statement by Major Jan Joosten, Pristina, Kosovo 9 July 1999

regions.[260] The very slow build up of police forces in Kosovo was due to the tardy response to requests for police by UN members. Police forces, unlike soldiers, are not usually ready for deployment overseas and by mid-February 2000 only 2,056 UNMIK police out of an authorised 4,780 had been deployed.[261] Also in contrast to military units, police units are not self sufficient and have to have all of their supporting equipment and vehicles procured for them, adding to the logistical difficulties.[262]

Although the police had been attached to contingents to assist the military and direct them in their law enforcement activities, their initial input was small.

> Through Phase one, UNMIK Police liased closely with KFOR to assist them in securing public safety in Kosovo. KFOR was the primary agency for patrolling, protection and investigation in the whole of Kosovo. UNMIK Police assisted and advised KFOR with limited means.[263]

In fact the first officers to enter the country were lightly armed or unarmed, and served in a monitoring capacity.[264] Ironically the military were giving the impression of training in the police, rather than *vice versa*. In Pristina a KFOR commander spoke of 'incorporating the UNMIK Police Force' into the military's security operations[265], and the force was subsequently allowed to take the lead in arrests for looting and intimidation.[266] By September murder cases and detainees were also being handed over to UNMIK Police in certain areas (although KFOR generally continued to be the arresting party)[267] and their Central Criminal Investigation Unit was reviewing over 180 cases of homicide.[268]

On the surface the arrangements between the police and military forces appeared to be a symbiotic relationship, where the military were providing the muscle while the police engaged in the more delicate matters of procedure. When police forces took over the

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[260] UNMIK Police Annual Report 2000
[261] UNMIK News No.28, 14 February 2000, UN police chief in Kosovo says more resources are needed to fight serious crime, UN News, 2 February 2000
[262] UN Press Briefing on Kosovo with John Ruggie, New York, 21 July 1999
[263] UNMIK News No.28, 14 February 2000
[264] UN mission in Kosovo beefs up its police presence in provincial capital, UN News, 11 August 1999
[265] KFOR Press Update by Lieutenant Colonel Fordham MBE CO 1 Royal Irish, Pristina, Kosovo, 26 August 1999
[266] KFOR Press Update by Major Roland Lavoie, KFOR Spokesperson Pristina, Kosovo 27 Aug. 1999
[267] KFOR Press Update by Major Ole Irgens, KFOR Spokesman Pristina, Kosovo 24 Sept. 1999
[268] KFOR Press Statement by Major Roland Lavoie, KFOR Spokesperson Pristina, Kosovo 20 Sept. 1999

responsibility for law and order in Pec municipality the roles were divided into a two-tier operation. 'While KFOR is going to concentrate on providing an overall framework of security, UNMIK Police will now start receiving criminal complaints, conduct criminal investigations and make arrests'.[269] Similarly when KFOR decided to look into the markets in Pristina the operation was conducted in conjunction with UNMIK Police so that the latter's expertise could verify that 'what goes on in the market is proper, authorised, legal...'[270] Later on when UNMIK police had increased in strength, operations were much larger and more ambitious. A joint operation between UNMIK Police and KFOR in October 2000 used more than 30 police officers and 290 Royal Marines and other KFOR soldiers. Thirteen addresses were cordoned off and searched by joint teams of military and police personnel, who arrested 25 and confiscated $50,000 (approximately €53,300) and 17 assorted weapons.[271]

These attempts to integrate police and military forces are examples where the military didn't act independently of their civilian counterparts, and therefore the interaction does not conform to the parallel authority concept. Using the military ethic as a guide we might argue that the military simply wanted a veneer of civilian involvement in order to legitimise their own activities, an analysis that one might compare to KFOR's interaction with the Kosovo judiciary. However this argument is simplistic and portrays KFOR as an entirely selfish actor, and ignores the fact that the military themselves were aware of their own failings as a police force. What is more likely is that the military and civilian forces cooperated together in an effort to combine both civil and military resources to achieve a joint objective, in this case the provision of security within the province. What is also evident, despite the joint co-operation, is that KFOR also appeared to be very much the lead player during the police build up period. However, the miniscule numbers of police personnel, in addition to KFOR's greater experience and presence upon the ground at that stage, make this a natural outcome.

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[269] UNMIK Newsletter No. 25, January 2000
[270] KFOR Press Update by Lieutenant Colonel Fordham MBE CO 1 Royal Irish, Pristina, Kosovo, 26 August 1999
[271] Joint UNMIK Police/KFOR operation, UNMIK Police Press and Public Information Office, Pristina 14 October 2000

Due to their slow build up it was some time before civilian police forces made a significant impact in the province. In August 1999 the Deputy Head of UN police in Kosovo, Uve Schweifer, stated that the international police force in Kosovo were still not carrying out their designated tasks. Speaking for German radio, Schweifer said that 'the international police force had officially taken over their duties, but were not operational yet'.[272] The following September police forces also expressed frustration to journalists about their lack of executive authority, stating that they were unable to carry out their duties.[273] At the same time members of the Interim Administrative Council (IAC) and the Kosovo Transitional Council (KTC) told Bernard Kouchner that the police force was 'ineffective', a charge the SRSG agreed with.[274] In February 2000 when Police Commissioner Sven Frederiksen was asked about the usefulness of the military police he replied that military police were soldiers and would not be the solution to strengthening UNMIK's police force.[275] He also stated that the scenario where two KFOR soldiers would back up one UNMIK police officer in joint security operations worked, but was not the perfect solution.[276] Instead he remarked that 'We need international police, and we need them desperately'.[277]

Although they had received full authority in both security and investigative primacy in the Pristina region by September 1999 (areas of policing jurisdiction were roughly corresponding to the five areas covered by MNBs), it was June 2000 before they were transferred in Pec, the fourth of five regions. The fifth region was Mitrovica, 'in which UNMIK Police has full investigative authority, but KFOR retains technical [or security] primacy.'[278] However it could not be said that security affairs in Kosovo existed on dichotomous levels. The extremely difficult security situation meant that UNMIK forces were always reliant on KFOR assistance to extract them from situations that turned hostile and even mundane incidents could elevate a routine police procedure into a serious confrontation for both security forces. In one example in Leposavic municipality in December 2000, an area whose primary crime problem was the suppression of illegal logging in the surrounding forests, a local Kosovo Serb was arrested for drink driving. When he was detained a crowd of several hundred Kosovo

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[272] UN police force in Kosovo still not operational, B92 News, 12 August 1999
[273] KFOR Press Statement by Major Roland Lavoie, KFOR Spokesperson Pristina, Kosovo 20 Sept. 1999
[274] UNMIK News No.59, September 1999
[275] Press briefing by UNMIK Police Commissioner Sven Frederiksen, New York, 2 February 2000
[276] ibid
[277] 2 Killed in Attack on UN Bus in Kosovo, CNN, 2 February 2000
[278] UNMIK Police Annual Report 2000

Serbs surrounded Leposavic station and took hostages of local KFOR soldiers. The seven Belgian soldiers were later released, but the crowd attacked the station shortly before midnight and the battle lasted for 30 minutes, resulting in two dead Kosovo Serbs. The station was evacuated the next day.[279]

At the same time that police forces were becoming autonomous in their operations across Kosovo the military geared down to assist in criminal matters, ensuring that the two authorities remained simultaneously involved. In December 1999 KFOR had enforced the Military Technical Agreement and overseen the demilitarisation of the KLA and General Reinhardt instructed his Brigade Commanders to focus their attention towards the fight against crime, and conduct joint patrols with civilian police services.[280] Although the low number of police officers could be 'significantly bolstered by military personnel and resources' to say that the 'spirit of co-operation between the KFOR military and UNMIK police is excellent' was certainly not true across the board.[281] This marriage of two distinctly different approaches was recognised as a source of friction due to the fundamentally different character of both parties. Consider this example in the Mitrovica region.

> Mitrovica remains the one area of Kosovo in which UNMIK Police have not achieved primacy of policing. Due to the security situation KFOR retains technical primacy. Policing must be carried out with the close support and full co-operation of the military. Given differences in those cultures this has caused difficulty when the practices of civilian law enforcement have needed to be merged with military tactics, procedures and political concerns. The relationship has been one of evolution and development, compounded by the constant rotation of both police and KFOR soldiers.[282]

This was a rather mild description of the very bad relations between police and military personnel in the city. The co-operation between UNMIK and KFOR in Mitrovica was described as 'extremely poor' and UNMIK police claimed that they had been prevented

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[279] Leposavic Station, UNMIK Police Press and Public Information Office, Pristina, 18 December 2000, KFOR News Update by Major Steven R. Shappell, KFOR Spokesman Pristina, 17 December 2000
[280] KFOR News Update by Maj Roland Lavoie, KFOR Spokesperson, Pristina, 14 December 1999
[281] Police in Kosovo, Briefing to the Security Council, DPKO, 23 April 2000, UNMIK Police Press and Public Information Office
[282] UNMIK Police Annual Report 2000

from conducting investigations by the French military.[283] During a particularly bad bout of violence in February 2000 that had a number of repercussions (see below), police forces and local inhabitants claimed that KFOR refused to intervene while people were being killed.[284]

> We ran into a crowd of 1,000 to 1,500 Serbs. The French K-For were standing on the corner. We asked for assistance, and we were going to go in and get our officers. We looked back and they were gone. They all turned around and marched straight back into their command post, and left the three or four officers there…and that's the last I saw of the French K-For.[285]

Outside of Mitrovica, one would assume that for the symbiotic relationship to work the military would have to accept the full authority of the police on policing matters, and essentially take their orders from police commanders. However according to an UNMIK Police spokesperson, both support and lead roles were actually interchangeable. UNMIK Police would support KFOR during joint patrols of the border, while KFOR supported UNMIK Police during arrest warrant operations.[286] However, what the exact modalities of this arrangement are is unknown. The UNMIK police press office revealed that in cases of 'special KFOR interest' the military could take over responsibility from the police forces if it was jointly agreed.[287] Although there are Memorandums of Understanding (MOUs) between the military and police forces for each of the five regions the documents are not available for public inspection and the specific terms remain confidential.[288] One example of an MOU between UNMIK and KFOR that was mentioned referred to the transfer of responsibility for the security of the border crossing points from the military to the police forces[289], however generally little can be told about the content except that they are designed to improve co-operation.

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[283] Setting the standard? UNMIK and KFOR's response to the violence in Mitrovica, Amnesty International, March 2000, EUR 70/13/00

[284] K-for 'stood back' in Mitrovica, BBC 9 February 2000

[285] *ibid*, see also Anger on a Bridge in Kosovo, CNN, 4 February 2000, for a description of the anger of local residents against French KFOR

[286] Email from Barry Fletcher, Office of Press and Public Information, UNMIK Police Main HQ Pristina, 29 May 2002, See Appendix C

[287] *ibid*

[288] *ibid*

[289] Report of the Secretary-General on the UN Interim Administration Mission in Kosovo S/2002/436, 22 April 2002

I want to bring to your attention the increasing co-operation between UNMIK Police and KFOR. Yesterday, Dr. Kouchner and myself signed a memorandum of understanding on the increasing of co-operation between the two bodies... This memorandum of understanding is a concrete sign of what we're trying to do to increase the efficiency of our actions against all criminal activities, and of course against extremist attacks and actions.[290]

We can see at this point how KFOR's actions did not conform to the expectations of horizontal civilian control. The military's lack of training in policing issues meant that they remained an inexpert choice for policing tasks and therefore were exceeding their professional competency. As police forces had been given technical primacy in the various regions it is safe to say that competent civilian forces were simultaneously present, even if they were thinly stretched. However the security environment in Kosovo meant that policing and military duties could not be completely divorced, even when the recommended numbers of police became available. The relationship between the military and police forces is much more complex than the Huntingtonian approach allows for, as Huntington's theory is grounded firmly in conservative realism and the division of power and expertise, for example Huntington's concept of military professionalism. However the dynamics of civil-military co-operation in operations taking place since the early 1990s often require *ad hoc* solutions to be formed which do not correspond to the more established relationship of soldier/state interaction, hence the marriage of KFOR and UNCIVPOL in provision of security for the province.

What is of further interest is the nature of the relationship between KFOR and the police forces. KFOR was the dominant partner of the two, and the poor relations between the military and police in Mitrovica suggest that the military could certainly exercise a degree of independence within the relationship, just as they did in other previous examples. However, the MOUs suggest that a more systematic arrangement was in place, thereby suggesting greater co-operation and less independence than other sectors where civil-military co-operation was practiced. However, without knowing the exact content of the MOUs it is impossible to say whether they are being adhered to, or whether breaches are a frequent occurrence. It is also impossible to say whether the MOU's represent a true meeting of mutual interest, or a simple dictation of one party's

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[290] UNMIK-KFOR Press Briefing SRSG Bernard Kouchner, COMKFOR General Cabigiosu, Brigadier Robert Fry, Commander Multinational Brigade Center, 22 November 2000,

interests to the other. Although examples such as Mitrovica may suggest military independence, the evolving framework of civil-military co-operation in security matters suggests a far greater inter-reliance than in previous areas examined, making Huntington's notion of parallel authority less relevant. The example whereby KFOR had to have the consent of UNCIVPOL before they could take over cases of special interest to them represents one example of where the military do not appear to have total independence from their civilian partners.

Negative Incidents in Military Policing

A number of policing incidents occurred in Kosovo that cast further doubt upon the competence of the army for establishing a secure environment and dealing with the local population. Although the situation was compounded by the presence of parallel structures belonging to paramilitary organisations (see next chapter) that often enjoyed local support, some negative events appeared to be a product of a heavy-handed or simply confused approach. Most of the following cases support the Huntingtonian parallel authority concept as they display military forces acting independently of accepted procedures, and ignoring civilian requests to instigate internal disciplinary actions for those infractions. Correspondingly, as in other cases, the concept of horizontal control is weakened by these examples as a number of examples show civilian groups or experts being sidelined by KFOR soldiers during their activities.

One incident that happened at an early stage in the mission appeared indicative of the military's inexpert handling of police matters. On 22 June 1999 a group of at least 20 civilian males, along with six other men with KLA insignia were witnessed openly looting the downtown Pristina area. Although KFOR confronted the group there was uncertainty about how to react and the looters escaped with the stolen property.[291] OSCE personnel saw at least two occurrences of such half-hearted confrontations[292], while the ITN network filmed one as it happened.[293] When questioned about KFOR's poor response to the event General Jackson replied 'It was an incident which obviously

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[291] SEC.FR 541/99, 23 June 1999, The OSCE Assessment Team to Kosovo, Activity Report, 23 June 1999, Period 22 June
[292] *ibid*
[293] KFOR Press Conference by General Sir Mike Jackson Pristina, Kosovo 21 June 1999

I much regret, it should not have happened, we have taken some measures to make sure that it doesn't happen again.'[294]

A more serious incident that revealed the unsuitability of soldiers for police functions was the fatal shooting of two Kosovo Albanians on 3 July 1999 by British paratroopers in Pristina. The troops had been called out to protect a group of terrified Serbs while Kosovo Albanians were cheering and firing shots into the air during 'Republic Day' celebrations. The KFOR soldiers opened fire and killed one man at the scene and injured two more, one who died later in hospital. Various reports pointed out that the Albanians had been firing into the air, and not at any other persons.[295] One report stated the Albanians had been shot in the back as they ran, after ignoring or not hearing orders from KFOR soldiers.[296] Following this incident Amnesty International sent a letter to General Jackson asking him a number of questions. Had the soldiers given clear verbal warnings before firing, had they been instructed in how to issue warnings in local languages, and had KFOR troops been given instructions about dealing with local customs such as firing into the air in celebration?[297] Regarding the soldiers themselves

> Our understanding is that the weapons of those soldiers had to be taken for investigation purposes, for ballistic analysis. Hence, since all weapons are personal and need to be calibrated for each individual they do not have their weapons and so are not conducting patrols at this time, they have been reassigned to other duties within their units.[298]

Therefore the soldiers had been temporarily taken off patrols not because of their involvement with the killings, but because they were without their weapons. This explanation leaves the impression that the investigation was far less vigorous than might usually be expected, insofar as the soldiers involved were not temporarily taken off duty or confined for the duration of the investigation. However by comparison to other incidents, the fact that any investigation was undertaken at all is encouraging.

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[294] *ibid*
[295] Albanians shot dead by KFOR, BBC, 3 July 1999, Paramilitaries in hiding alarm NATO peacekeepers, Telegraph, 4 July 1999
[296] Running into Trouble, Guardian, 6 July 1999
[297] Clarification into police functions undertaken by KFOR crucial, Amnesty International Public Statement, 16 July 1999
[298] KFOR Press Statement by Lieutenant-Commander Louis Garneau, Pristina, Kosovo, 7 July 1999

A similar incident involved the killing of a Kosovo Albanian man by French KFOR soldiers in Mitrovica. On the morning of 13 February 2000 during wide scale disturbances in the city, sparked by an attack on a UNHCR bus carrying Serb refugees, two French soldiers were shot, one in the arm and another in the stomach.[299] Following this

> KFOR immediately returned fire at the building where the sniper fire came from and cordoned off a large area. At noon, snipers turned their fire on Serbians on the street. There were no reported injuries and the people escaped under KFOR protection. At approximately 12:30 p.m. KFOR troops exchanged fire with snipers. Two snipers were captured, both were wounded. They were taken to the KFOR Moroccan Field Hospital where one died of his wounds. The injured and dead men are reported to be Albanian.[300]

On the 14 February UNMIK supported this statement by saying 'A sniper was killed in northern Mitrovica during the heavy gunfire that ensued between KFOR and shooters during the next four hours'.[301] However, when Amnesty International interviewed witnesses and viewed a videotape of the events they found that one of the supposed snipers, a man called Avni Hajredini who later died, was standing on a pavement several blocks away from where the shots were allegedly fired at French troops.[302] Also, he was not captured as the military reports had claimed, but was actually carried away by other Kosovo Albanians to medical care after being shot by the military.[303]

By 17 February KFOR had changed their story. Now they accepted that they had not in fact captured Mr Hajredini, nor had they any witnesses to the fact that he had been a sniper at all. However, they persisted in the possibility to that Mr Hajredini may have been the sniper, even though their versions of the location and activity of the snipers had been consistently confused and incorrect.

> This man [Mr Hajredini] was amongst the group of attackers, and he was hit when KFOR soldiers returned fire. The man was rushed from the scene by

[299] KFOR News Update by Lt.-Cdr. Philip Anido, KFOR Spokesperson Pristina, 13 February 2000
[300] KFOR News Update Pristina, 14 February 2000 by Lt.-Col. Henning Philipp, KFOR Spokesperson
[301] UNMIK News No. 28, 14 February 2000
[302] Setting the standard? UNMIK and KFOR's response to the violence in Mitrovica, Amnesty International, March 2000, EUR 70/13/00
[303] *ibid*

unidentified men and taken to the KFOR Moroccan hospital in South Mitrovica where he died. The family asked for his body according to custom, and it was handed over to their care. He was buried on 14 February. All forensic evidence concerning the exact circumstances of Mr. Hajredinaj's death has therefore been buried. Thus it remains unclear whether he himself was one of the shooters in the group or not.[304]

KFOR in this case were content to leave the matter as it was and Mr Hajredini was buried with an unconfirmed shroud of suspicion over him. Amnesty International expressed concern in March 2000 that no investigation had been ordered into the killing.[305] The military, rather than accept even the possibility of wrongdoing, continued to insinuate Hajredini's guilt instead of instigating an internal enquiry into the actions of the soldiers involved.

The exchange between KFOR, Amnesty International and the media, for whom KFOR's press releases were intended, can be considered as an example of horizontal control in action. At first KFOR sought to portray the events in a fashion that was most lenient to their own position, obliged as they were to maintain a good image to the civilian media. However, their version of events was called into question by Amnesty, a second civilian group, who were able to produce evidence that ran contrary to KFOR's claims. This in turn led KFOR to re-evaluate the circumstances of their involvement in Mr Hajredini's death and to issue a second statement that was more critical of their position. Had the civilian groups not been present at the time, KFOR would not have been making public statements, nor would they have been forced to correct themselves. In this regard the military were effectively hemmed in by the civilian groups who were monitoring their actions. However, while this would constitute horizontal control of a sort, it must also be noted that KFOR's response was a subtle public relations manoeuvre, and not the internal investigation that Amnesty International wanted to see. Therefore, while horizontal control was being exercised, it did not constitute a particularly strong form of civilian control.

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[304] KFOR News Update Pristina, 17 February 2000 by Lt.-Cdr. Philip Anido, KFOR Spokesperson
[305] Setting the standard? UNMIK and KFOR's response to the violence in Mitrovica, Amnesty International, March 2000, EUR 70/13/00

Following the killing of Avni Hajredini, KFOR also rounded up a large number of people in connection with the disturbances in the city. 51 people were summoned out of their houses in the Bosnjacka Mahala area of the city, searched and led away to detention.[306] KFOR stated that they 'have been arrested in connection with the violence during searches of several buildings.'[307] Why the decision to detain these people was made is unclear as the military gave no details of any weapons or other evidence of violent activity being found in the homes of any of the suspects, a point on which KFOR were generally meticulous about. KFOR forces then took the people to a military compound where they were detained for up to five days, including one woman and two juveniles, where they were periodically interrogated by KFOR and sometimes UNMIK police. The conditions in which they were detained in were substandard and acts of intimidation were also used against them.[308] In short the entire episode bore no resemblance to a considered investigation, and instead looked more like a revenge operation carried out by the military in reprisal for the wounding of French soldiers. Applicable procedures were not followed and KFOR handled the situation independently of police expertise.

> A representative from the UNMIK international civilian police involved in the cases told Amnesty International delegates 'from a military point of view there may have been a good reason to detain these persons, however, from a police point of view there was no probable cause' (or reasonable suspicion that the persons detained had committed a criminal offence).[309]

Following on from this statement it appears that if the military had been co-operating fully with the police in Mitrovica, the apprehension of these probably innocent people would not have happened, as there was no good reason to effect the arrests from a civilian point of view. However as the military were able to operate without the blessing of Mitrovica's police in this regard, we can see how Huntington's horizontal control concept is again weakened. Police forces were available but KFOR chose not to employ them in this operation, whilst the operation itself was of dubious legitimacy

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[306] Setting the standard? UNMIK and KFOR's response to the violence in Mitrovica, Amnesty International, March 2000, EUR 70/13/00, KFOR News Update Pristina, 14 February 2000 by Lt.-Col. Henning Philipp, KFOR Spokesperson, N.B. A figure of 51 people were detained by KFOR, see News Update Pristina, 15 February 2000 by Lt.-Cdr. Philip Anido, KFOR Spokesperson

[307] KFOR News Update Pristina, 14 February 2000 by Lt.-Col. Henning Philipp, KFOR Spokesperson

[308] Setting the standard? UNMIK and KFOR's response to the violence in Mitrovica, Amnesty International, March 2000, EUR 70/13/00

[309] ibid

from a civilian point of view. KFOR acted independently, and ignored the expertise of a simultaneously present civilian group.

The problems did not finish with the release of the Mitrovica residents either. As part of a package of measures to reduce tension in the city KFOR (assisted by UNMIK) began arms searches throughout the entire city on 14 February[310], beginning with south Mitrovica and then progressing on to a special operation in the northern Serb quarter of the city. 'Operation Ibar' used 2500 soldiers from 12 different nations for house-to-house searches[311], but was subsequently suspended for a day because of a march by 20,000 people to the city.[312] By 24 February KFOR had confiscated 39 weapons of various types, and an assortment of explosives, including 8 blocks of plastic explosive.[313] However, of the 39 weapons 32 were rifles and small arms, while only seven were automatic weapons. For a ten-day operation combating organised paramilitary groups (see next chapter) in a region awash with weaponry, the haul was mediocre. When it came to actually detaining people for weapons violations at the end of Operation Ibar the security forces had only three people remaining in custody (one Kosovo Albanian and two Serbs), out of approximately 20 people arrested (not including those detained by French KFOR in Bosnjacka Mahala).[314] Despite the repeated public assurances by KFOR and UNMIK representatives that lawbreakers would be dealt with rigorously, a revolving door system was in effect, partially due to the bias of the Kosovo judiciary. The OSCE cited the example of three Kosovo Albanians arrested on weapons possession charges who were released in one hour.[315]

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[310] SEC.FR 79/00, OSCE Mission in Kosovo, Spot Report: Further Violence in Mitrovica, 16 February 2000 [Restricted], KFOR News Update by Lt.-Col. Henning Philipp, KFOR Spokesperson, Pristina, 14 February 2000
[311] KFOR News Update by Lt.-Cdr. Philip Anido, KFOR Spokesperson, Pristina, 21 February 2000
[312] KFOR News Update Pristina by Lt.-Cdr. Philip Anido, KFOR Spokesperson, 22 February 2000
[313] KFOR News Update Pristina by Lt.-Cdr. Philip Anido, KFOR Spokesperson, 24 February 2000
[314] KFOR News Update by Lt.-Cdr. Philip Anido, KFOR Spokesperson, Pristina, 21 February 2000
KFOR News Update by Lt.-Cdr. Philip Anido, KFOR Spokesperson Pristina, 23 February 2000, KFOR News Update Pristina by Lt.-Cdr. Philip Anido, KFOR Spokesperson, 24 February 2000. N.B. Figures on detainees are difficult to assess as one military press release states that 'several' men were detained, rather than giving a figure. The total number of detainees given in the other statements is 15, so the figure must be at least in the high teens.
[315] SEC.FR 79/00, OSCE Mission in Kosovo, Spot Report: Further Violence in Mitrovica, 16 February [Restricted]

Considering KFOR's previous intransigence with the Kosovo judicial system, it seems strange that they chose to respect it on this occasion, especially considering the other transgressions that had taken place. The military's capacity for flouting existing regulations and acting independently was again underlined by its activities during the search operations. The OSCE was sufficiently worried about the extent of the military sweeps to point out in a letter to SRSG Kouchner that the search operations should be in compliance with the International Covenant of Civil and Political Rights.[316] The overall impression given is one of the military failing to make a positive impact on the situation.

Taken together these negative incidents show an independent military that is in compliance with Huntington's parallel authority concept. Just as in their interactions with the judicial system, when KFOR did not want to comply with policing procedures they ignored them. Neither can the military be constantly excused by their lack of expertise in policing matters as even when police forces were not available, police advisers were. Additionally, by 2000 UNMIK Police had, if not full numbers of personnel, significant numbers per region and certainly enough to provide advice on procedure. This is not to state, however, that the military were never cooperative on policing, it simply states that at times KFOR could and did exert their independence for their own reasons. It should also be noted that the numerous examples of poor soldiering in Mitrovica suggests that the military forces there were especially compromised in ability, resources or guidance, and therefore the lack of civil-military co-operation there may not be a good indication of relations in the rest of the province.

Just as in previous experiences, we can see that where the military exercised their independence, horizontal control was correspondingly weak. The fact that KFOR ignored the police and responded in a defensive rather than cooperative fashion to the representations of Amnesty International illustrates that horizontal control was not a significant factor in influencing or directing KFOR. The military in Kosovo were capable of withdrawing from civil-military co-operation in security and proceeding with their own agenda in their own way.

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[316] SEC.FR 95/00 OSCE Mission in Kosovo, Spot Report: March to Mitrovica, 24 February 2000 [Restricted]

The military ethic appears quite applicable with respect to a number of the above events. The incident with the looters for instance could be interpreted as not only a lack of training, but also an unwillingness to get involved in what was an obviously unpredictable situation. This perspective would also explain the leniency of the military towards their own personnel in questionable matters, whereby the military were reluctant to discipline their soldiers when they had been involved in confused and difficult circumstances. With no clear enemy, and no clear outcome in confrontation, the pessimistic orientation of Huntington's military ethic would dictate that the military not only shy away from confrontation, but also attempt to protect itself from further recriminations by denying wrongdoing.

Successful civil-military co-operation

Although KFOR's reputation was certainly tarnished by such negative incidents as described above, the military were also capable of extremely good inter-institutional co-operation. One such project that required extensive involvement between both military and civilian organisations was the beginning of the electoral process in Kosovo. Voter registration and municipal elections necessitated a co-ordinated approach from both the security forces and the civil administration, and although differences of opinion arose between various parties, co-operation overall was very good.

The Central Election Commission was established by Bernard Kouchner on 18 April 2000 and was tasked with running the election operations.[317] No time was lost and the pilot registration program for elections was promptly begun by the OSCE at four registration sites in Gnjilane municipality on 19 April 2000 with security provided by KFOR and UNMIK Police.[318] The municipal elections themselves were subsequently set for 28 October 2000.[319] KFOR's newly arrived commander at that time, Lt General Juan Ortuño, engaged the military politically by urging Kosovars to participate in the

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[317] Regulation no. 2000/21 on the establishment of the Central Election Commission, UNMIK/REG/2000/21
[318] SEC.FR 222/00, OSCE Mission in Kosovo, Background Report: The Start of Registration, 3 May [Restricted]
[319] Municipal Elections to be held on 28 October, UNMIK News, No. 53., 2000

registration process in a number of press conferences, including his inaugural statement.[320]

> For the past 50 years you have been denied your political rights and have been unable to participate in a truly democratic process. Many of you have already taken the unique opportunity to play a full part and have registered to vote in the forthcoming municipal elections. I urge those who have not yet registered to do so now. Remember that voting is a privilege, by registering you will have the right to vote and to influence the future development of Kosovo.[321]

By mid-May the co-operation between the OSCE, UNMIK Police and KFOR had intensified as the international organisation began to focus upon registration and the preparations for municipal elections and a special office to assist in the interaction was established. The Joint Elections Operation Cell (JEOC) became the hub of interaction, and the OSCE noted that co-operation with the military through the JEOC was particularly good.[322] To further augment this provision both KFOR and UNMIK Police also placed liaison officers in OSCE headquarters.[323]

However the military were simply restricted to the security aspects of the operation. On the ground KFOR also had to undertake the mundane tasks of disseminating information on both the registration and election procedure to the Serb community, including the distribution of 6500 posters to Kosovo Serb enclaves throughout the province. Although a private company was responsible for this task throughout the rest of the province[324], security considerations had to be taken into account due to the Kosovo Serb community's opposition to provincial elections. The Serbs largely chose to boycott the elections[325] and intimidation was often used to achieve this. In one

[320] SEC.FR 244/00 OSCE Mission in Kosovo, Weekly Mission Report No. 19/2000, 3 – 9 May 2000, 11 May 2000 [Restricted]

[321] KFOR News Update by Major Scott A. Slaten, KFOR Spokesman, Pristina, 12 June 2000

[322] SEC.FR 255/00, OSCE Mission in Kosovo, Monthly Progress Report No.1 April 2000, 18 May 2000 [Restricted]

[323] *ibid*

[324] SEC.FR 304/00, OSCE Mission in Kosovo, Background Monthly Registration/Elections Report – May 2000, 13 June 2000 [Restricted]

[325] Kosovo elections: The wider significance, BBC 27 October 2000, Kosovo Serbs to Boycott OSCE-Organized Elections, People's Daily, 5 May 2000, Serb boycott casts "shadow" over success of Kosovo registration: UN mission, UN News, Kosovo News Reports, 24 July 2000. N.B. The Turkish community also boycotted the registration as they felt that the new administration did not offer the rights they enjoyed before, see Koucher goes to Ankara to discuss Kosovo Turks, UNMIK News No. 52, 2000

episode Belgian KFOR had to escort OSCE registration workers away from Leposavic as a large crowd of Kosovo Serbs advanced towards them.[326]

However greater security risks concerned the Kosovo Albanian community whose political parties were suffering spats of political violence. General Ortuño, while conducting a round of talks with Kosovo's political leaders, said that he was 'concerned about recent incidents of possible political harassment and violence'.[327] The moderate Democratic League of Kosovo (LDK, led by Ibrahim Rugova) in particular was the target of a number of attacks.[328] Faced with a possibly destabilising element on the ground the international community countered with a joint approach to the matter of political intimidation. The SRSG established the Inter-Pillar Working Group on Elections and Political Violence and Intimidation. Set up on 21 August to protect the most victimised individuals, the aim of this body was to pressurise political leaders into making the elections free and fair.[329] This move was complementary to the measures put in place by KFOR, UNMIK Police and the Central Elections Commission (CEC). The military and police forces increased their visibility on the ground with security for party premises, police escorts and personal protection[330], while the CEC resorted to its Electoral Complaints and Appeals sub-Commission (ECAC).

The ECAC was the primary disciplinary agent of the civil administration, and it could issue stiff penalties for any violations of applicable rules and regulations regarding the elections.[331] Breaches of the Electoral Code of Conduct included defacing public and private property, violence, Kosovo Protection Corps (ex-KLA personnel) presence at political rallies, language of intimidation and violence, public display and use of weapons, and failure to give proper notification of a political gathering.[332] Bribing or threatening voters as a means of gaining their support, urging people to vote twice or casting a ballot for those who didn't have the right to vote, or to use the pictures or symbols of anyone indicted by the International War Crimes Tribunal at The Hague was

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[326] KFOR News Update by Major Scott A. Slaten, KFOR Spokesman Pristina, 16 July 2000
[327] KFOR News Update by Major Craig T. Snow, Acting KFOR Spokesman Pristina, 11 August 2000
[328] SEC.FR 461/00, OSCE Mission in Kosovo, Weekly Mission Report No. 34, 16-22 August 2000, 24 August 2000 [Restricted], Containing violence now "primary challenge", UNMIK News No.56, 2000
[329] SEC.FR 461/00, OSCE Mission in Kosovo, Weekly Mission Report No. 34, 16-22 August 2000, 24 August 2000 [Restricted], Containing violence now "primary challenge", UNMIK News No.56, 2000
[330] SEC.FR 469/00, OSCE Mission to Kosovo, Weekly Mission Report No. 35, 23 –29 August 2000, 31 August 2000 [Restricted]
[331] Review of the OSCE Mission in Kosovo's Activities 1999-2001, Daan Everts, OSCE
[332] Election Briefs…, UNMIK News, No. 64, 2000

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also prohibited.[333] The ECAC could impose fines ranging from DM 250 to DM 10,000 (€127 to €5113[334]) for non-compliance and in the course of the election period the body fined participants up to DM 2000 (€1022). On the other hand the ECAC also dismissed several cases for lack of evidence to support the complaints.[335] The CEC itself could go further and in the most serious cases a political party, coalition or candidate could be barred from taking part in elections for up to six years.[336] Both KFOR and UNMIK Police assisted the ECAC through an intelligence sharing effort that fed into the civil structures. A central database of incidents involving political violence and intimidation was compiled using information from all the relevant pillars and security forces. This database then allowed the ECAC to take action against perpetrators of the electoral code.[337]

Unfortunately not all of the election issues could be solved by consensus. In the run up to the election more drastic steps were taken and the decision to allow a number of politicians to carry guns was allowed by KFOR and UNMIK Police. Weapons Authorisation Cards were distributed to a small number of political personalities under strict conditions and for a limited period during the election campaign. This move was opposed by the OSCE who feared that the introduction of arms to the electoral process would escalate the level and nature of the political violence. But they ultimately deferred to the security mandate of both KFOR and UNMIK Police and allowed the move to go ahead without further objections. This was probably influenced in no small way by OMIK's realisation that the demands of the elections had both security forces at the end of their resources tether. UNMIK Police reported that the increasing number of requests for protection risked their operational capacities.[338] KFOR was also feeling the strain and drafted in four extra battalions to the province in response to the tension created not just by the municipal elections, but also the elections being held in the

[333] Election Code of Conduct approved in Kosovo, OSCE Press Release, Press and Public Information Office, Vienna Secretariat, 25 April 2000
[334] Briefs…UNMIK News, No. 59, 2000 N.B. The average wage in Kosovo was DM 429 (€219) per month, according to a survey conducted by the Department of Labour and Employment. But the average wage in the private sector was DM 723 (€369) compared to DM 421 (€215) in the public sector. The data was stated as not being representative as it came from *ad hoc* interviews with 138 employers in the public and private sectors, providing employment to some 30,000 people.
[335] Election Briefs…, UNMIK News, No. 64, 2000, Elections complaints procedure established in Kosovo, OSCE Press Release, Press and Public Information Office, Vienna Secretariat, 5 May 2000
[336] Elections complaints procedure established in Kosovo, OSCE Press Release, Press and Public Information Office, Vienna Secretariat, 5 May 2000
[337] SEC.FR 469/00, OSCE Mission to Kosovo, Weekly Mission Report No. 35, 23 –29 August 2000, 31 August 2000 [Restricted]
[338] SEC.FR 494/00, OSCE Mission in Kosovo, Monthly Progress Report No.5, August 2000, 13 September 2000 [Restricted]

FRY.[339] Although the FRY election were not administered by the international community in Kosovo, who simply chose to ignore them[340], the security forces still had to provide security for the public gatherings which ensued. Later the military began air insertion exercises with its Operational Reserve force, stating that it would provide the KFOR commander with 'additional assets and greater flexibility during the Kosovo municipal elections'.[341]

Efforts became more concentrated from mid-September onwards as the political campaigns for the municipal elections were launched on 13 September by Kouchner, Everts and General Ortuño.[342] More importantly than the photo opportunity was the fact that the special legal provisions laid down by civil administration for campaign expenditure and coverage now came into effect.[343] KFOR and UNMIK geared up by maintaining higher visibility at rallies during the election campaign[344], and KFOR Headquarters organised a joint planning exercise to rehearse its upcoming role. KFOR commanders from each MNB participated with OSCE and UNMIK representatives in attendance. KFOR also made preparations to support UNMIK and the OSCE in basic election work with logistics and communications.[345] The Elections Complaints and Appeals Sub-Commission reciprocated by imposing tough sanctions on offending parties, including the striking off of a Democratic Party of Kosovo (PDK) candidate in Lipljan municipality.[346] The campaign wound down three days before the election on 25 October without any major violent incidents. The new KFOR commander, Italian Lt Gen Carlo Cabigiosu, even said that he was 'extremely satisfied with the peaceful atmosphere'.[347] The stable environment persisted for polling day which 'was virtually free of security incidents'[348] and KFOR later stated that perhaps the greatest challenge

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[339] SEC.FR 500/00, OSCE Mission in Kosovo, Weekly Report No.37/2000, 14 September 2000 [Restricted]

[340] Excerpts on UNMIK statement on FRY elections, UNMIK News No. 58, 2000

[341] KFOR News Update by Major Steven R. Shappell, KFOR Spokesman Pristina, 21 October 2000

[342] SEC.FR 515/00, OSCE Mission in Kosovo, Weekly Report No. 38/2000, 13 – 19 September 2000, 21 September 2000 [Restricted]

[343] 45 day municipal election campaign begins in Kosovo, OSCE Press Release, Press and Public Information Office, Vienna Secretariat, 12 September 2000

[344] SEC.FR 564/00, OSCE Mission in Kosovo, Monthly Progress Report No. 6, September 2000, 11 October 2000 [Restricted]

[345] KFOR News Update by Major Steven R. Shappell, KFOR Spokesman Pristina, 30 September 2000

[346] SEC.FR 564/00, OSCE Mission in Kosovo, Monthly Progress Report No. 6, September 2000, 11 October 2000 [Restricted]

[347] KFOR News Update by Major Steven R. Shappell, KFOR Spokesman Pristina, 25 October 2000

[348] Review of the OSCE Mission in Kosovo's Activities 1999-2001, Daan Everts, OSCE

that they faced was long lines. During the voting they responded to a number of requests by UNMIK police to assist in managing the lengthy queues.[349]

From a security point of view it was clear that the elections operations had been a success. Whether the low level of violent incidence was directly attributable to the concerted effort of the international community or political calculation by Kosovo Albanian political and paramilitary groups is hard to say, although the robust presence definitely made a difference. Certainly KFOR's contribution and co-operation was appreciated by the OSCE, who as the 'institution builder' of the international community in Kosovo was primarily responsible for the elections. They described a joint UN, OSCE, KFOR and UNMIK Police 'Transitional Task Force' (a body which helped and advised the municipalities about election problems) as an example of excellent inter-pillar and inter-organisational co-operation.[350]

Why the military made such a good partner in this co-operation is unexplained by Huntingtonian concepts of parallel authority and horizontal control. For a synergy to occur actors must be responsive to the requests and needs of others, and while they may bring their own expertise to a project, they cannot act independently as their contribution must be complementary to the efforts of others. Communication and division of labour between unlike actors is therefore required, and this is what occurred during the election organisation. What appears to be the key to the successful civil-military co-operation in this example is that each actor contributed their respective expertise. KFOR with the help of UNCIVPOL maintained security and contributed logistical support, while UNMIK, the OSCE and special election bodies such as ECAC oversaw the behaviour of candidates and regulated the environment and framework within which the elections took place. This meant that military and civilians were not engaged in the same specific tasks at the one time, and therefore were not differing on cultural or professional grounds. While a common objective was in mind for all actors, the provision of peaceful elections to be run in the most efficient way, the objective itself could be subdivided into various tasks and operations that suited the expertise of various actors. When we contrast this with civil-military co-operation in Albania and Macedonia we find a much different arrangement.

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[349] KFOR News Update by Major Steven R. Shappell, KFOR Spokesman Pristina, 29 October 2000
[350] SEC.FR 682/00, OSCE Mission in Kosovo, Weekly Report No.49, 29 November – 5 December 2000, 7 December 2000 [Restricted]

Civilians and military personnel there were engaged in the same tasks, for example delivering aid and constructing camps, and this led to friction on a cultural and professional level. Another key factor was the very good communication between KFOR and the civilian groups through the JEOC.

We can see from these interactions that, although the military were not under the direct control of the civilian administration, they did not act independently as per the Huntingtonian concept. Since they were involved with tasks within their own expertise, it may be the case that they felt no need to act independently since KFOR already had the mandate and mission to safeguard the elections. The military ethic might support this view when we examine the nature of the tasks given to KFOR. Defending personnel and election sites as well as providing logistical support are all tasks that have a definite objective in mind and are suited to military training, therefore the military could foresee a successful outcome and could rely upon their professional knowledge. Contrast this with policing duties for which the military were ill-suited and ill-prepared. Naturally KFOR would feel much more comfortable with the tasks that conformed to their original military role, so when applying the military ethic we can see that KFOR would have less reason to be pessimistic. The inherent conservative realist approach defined by Huntington would have been satisfied by the freedom that KFOR enjoyed in their pursuit of the election security, as KFOR could approach their objectives in a direct military fashion, and not feel constrained by civilian expectations as they would with policing. The authorisation of weapons for politicians is an example where military judgment was accepted, if not agreed with, by the OSCE.

Regarding Huntington's horizontal control, the election operations appear to validate his concept of a bracketing effect through the juxtaposition of professionalism. The military did not overreach into the tasks of civilian groups simultaneously present, nor was the military's area of expertise encroached upon. However, an obvious factor is that the election operations had KFOR at the limit of their resources, and therefore they could not have expanded into other civilian areas of the election process. Nor does there appear to be any good reason why the military would even have wished to do this. They already had the freedom to pursue their own agenda for the security of the operation, and there would be nothing of strategic value in the civilian aspects of the election monitoring or preparation. Consider for example the incident with RTV where the military, although retaining firm control of the broadcast system, sought to escape

from the civilian aspects covering media regulation and development. In these examples we can see that the military could differentiate between various aspects of an overall process or sector. To say that the military wanted to control just the media, or the election process, or humanitarian aid in general appears to be quite inaccurate. To say that the military wanted to retain control of the broadcast system of the media, or the security of elections sites and personnel, or the infrastructure used by humanitarians is more accurate. By following this rationale we can see a pattern whereby the military wished to control those aspects that were of strategic importance to their activities or their ability to provide security.

In attempting to align this argument with Huntingtonian horizontal control we find that Huntington's notion of the military being compartmentalised by parallel civilian professionals is undermined when stated in the broadest sense. The fact that the military may be compartmentalised is accepted insofar as they cannot give professional advice on what they know little of, such as their inability to contribute to the discussion of media development. However, to expect relative expertise to control or restrict the military appears to be a flawed expectation. The military may pursue or wish to control specific parts of civilian operations that may be deemed useful or necessary to their strategic agenda, and are quite proactive in doing so.

Chapter conclusion

This chapter has reiterated KFOR's status as an independent and expansionist actor, in conformity with Huntingtons's parallel authority concept and in contravention of his notion of horizontal control. Interaction with the judicial system, civilian police and local population displayed a military that could ignore applicable procedures and continue with its own agenda.

However aspects of civil-military co-operation on security matters showed that KFOR could also be a relatively cooperative partner, and in the case of the election operations was a very important contributor. Therefore Huntington's parallel authority idea is somewhat weakened by the fact that the military can reconcile itself to civilian needs even when the civilian entities in question are not in direct control over it. What appears to be an accurate summary of this behaviour is that in a parallel authority

system, the military have the potential to be an independent actor, rather than being an independent actor in all cases.

On the matter of horizontal civilian control we can see that the trend noted in the first section is repeated here. Where the military exercise their independence to a greater extent, horizontal control is less relevant and effective. In judicial and policing matters KFOR could disregard the relevant authorities and install mechanisms that reflected the military's preferences over those of its civilian counterparts. In addition to this, where the military was publicly confronted on such matters by civilian groups it did not capitulate, but instead employed more subtle methods of persuasion. Therefore it appears that horizontal civilian control has not been a strong determinant over the military's chosen course of action in these examples. When civil-military co-operation has been successful it also appears that the main factor of success was not the broad presence of civilian entities, but a successful division of labour that allowed each party to contribute their expertise. A diversity of civilian entities, as evident in the judicial system, does not appear to be by itself a strong factor in enforcing civilian control.

Chapter Five

The Military, Parallel Structures and Internal Security

KFOR's interactions with the parallel structures within Kosovo is important to the testing of Huntington's theory as the structures undermined the legitimacy of the international administration and represented a powerful and threatening element within the province. It is noted that the paramilitaries were different to other civilian entities, but the study treats them as non-military actors for two reasons. They do not conform to a professional military in the Huntingtonian sense (see in particular 1957:32-39, subheading 'The Conditions of Professionalism'), and what military-style characteristics did exist diminished with the disbanding of the KLA. Therefore the KLA and its offshoots, as well as Serb paramilitaries, are considered civilian entities and are subjected to the same examination as civilian groups.

The presence of paramilitary structures has connotations for Huntington's parallel authority model as the organisations formed a third power structure within the province which was officially under the control of the international civil administration and the international security presence. If Huntington's approach to civilian organisations applies with paramilitary organisations, KFOR should be unrestrained with the paramilitary structures, and should conduct its activities independently of paramilitary influence. To a lesser extent the horizontal civilian control concept may also be examined to evaluate whether there was a limitation of the military's activities. However the issue in horizontal control is not whether KFOR was an expansionist actor, but whether the military's actions may have been restricted or compartmentalised by the indigenous structures. Furthermore, Huntington's military ethic should prove to be a valuable guide in the matter of internal security as the conservative realist approach would be preoccupied with the pursuit of security and relative power.

Demilitarisation of the KLA

At ten minutes past midnight on 21 June 1999 Hashim Thaci, Commander-in-Chief of the Kosovo Liberation Army, signed the Undertaking of Demilitarisation and

Transformation which was received on behalf of NATO by General Mike Jackson[351]. The document provided for 'a ceasefire by the UCK [*Ushtria Clirimtare Kosovës*, or KLA], their disengagement from the zones of conflict, subsequent demilitarisation and reintegration into civil society.'[352] Amongst other provisions the agreement dealt with the disposal of all KLA weapons over a period of 90 days and made COMKFOR responsible for enforcing the undertaking.[353] Within the 90 day period there were six significant dates to be observed beginning with the halting of all hostile acts on 21 June, followed by the closing of all fighting positions on 25 June, designation and use of weapons storage sites and assembly areas on 28 June. Thereafter foreign KLA members were to withdraw from the province and to dump their weapons at the storage sites, with 30% to be in storage by 21 July, 60% by 20 August and complete demilitarisation by 19 September 1999.

However, General Jackson also stressed at a press conference later the same day that the document was not an agreement, but a unilateral undertaking by the KLA to disarm itself and he reiterated the fact that the Undertaking was not on a par with the Military Technical Agreement.[354] The Undertaking came into being to satisfy paragraph 15 of Resolution 1244, which demanded that the KLA disarm under the supervision of the international security presence. To satisfy this clause the KLA unilaterally agreed to disarm itself, and the subsequent Undertaking was negotiated to formalise the details of the demilitarisation and nominated KFOR to supervise the KLA's compliance. It was General John Reith, the commander of AFOR, and not General Jackson who negotiated most of the document.[355]

One problem with the arrangement for demilitarisation was that it allowed KFOR to wash their hands of responsibility for the KLA disarmament. When asked by the media how crucial it was for the KLA to comply with the Undertaking General Jackson replied 'I make no qualification about compliance... they have made an undertaking, they have signed it, they have given it to me and I have received it, it is as simple as that. They

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[351] Jackson, Lt. General Sir Mike, 1999, KFOR: Providing security for building a better future for Kosovo, NATO Review, No. 3, Autumn, p.19, Undertaking of Demilitarisation and Transformation http://www.nato.int/kosovo/docu/a990620a.htm, N.B. On the NATO site it states that the agreement was signed on 20 June, however Jackson writes that it was signed on 21 June.
[352] Undertaking of Demilitarisation and Transformation, http://www.nato.int/kosovo/docu/a990620a.htm
[353] See Appendix D
[354] KFOR Press Conference by General Sir Mike Jackson, Pristina, Kosovo, 21 June 1999
[355] *ibid*

must now, and I am sure they will, uphold what they have undertaken to do.'[356] Further questions on the same topic received similar answers as COMKFOR simply deflected the responsibility back towards the paramilitaries. This initial behaviour appears to conform well to Huntington's military ethic. KFOR did not impose themselves upon the KLA, preferring instead to supervise the undertaking rather than enforcing it. The actions of KFOR could be construed as pacifist, insofar as a path of least resistance was adopted. This is not to argue that the Undertaking was an easy compromise, but instead points out that more vigorous powers were available to the military. Although technically General Jackson's response was correct, both the Undertaking and Resolution 1244 did empower KFOR to have a far more proactive role in dealing with Kosovar Albanian militants. However the prevailing attitude of General Jackson and subsequent KFOR commanders on this issue eventually came home to roost at a later date.

Initially however elements of KFOR appeared to be taking a tough stance with the KLA prior even to the signing of the Undertaking. KFOR stated in mid-June that any action by the KLA or any other group calculated to raise tension in the province would be regarded as unacceptable.[357] This stance was supported by actions on the ground when US KFOR disarmed 168 KLA members in the Urosevac area, and were described by the media as being 'rather stern' due to the fact that they frisked the paramilitaries.[358] When KFOR was asked whether this was 'the right way to go about it' a military spokesman replied

> I would say it is exactly the right way to go about it if that is the decision and the opinion of the local military commander on the ground... General Jackson has made it quite clear that he supports the operational decision of his subordinate commanders to ensure that there are no threatening or law and order issues in their sector.[359]

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[356] *ibid*
[357] SEC.FR 526/99, OSCE Task Force on Kosovo, Activity Report, 16-17 June 1999, 18 June [Restricted]
[358] SEC.FR 526/99, OSCE Task Force on Kosovo, Activity Report, 16-17 June 1999, 18 June [Restricted], Transcript of Press Conference by Lt Col Robin Clifford, KFOR, Pristina, Kosovo 18 June 1999
[359] Transcript of Press Conference by Lt Col Robin Clifford, KFOR, Pristina, Kosovo 18 June 1999

The arms collection from KLA members went ahead quickly and on 20 June KFOR confiscated 1300 mortars and 560 landmines from the KLA in Pec.[360] On 2 July, four days after the first deadline in the Undertaking, KFOR stated that there was 'broad compliance' by the KLA and reported that seven truckloads of weapons had been collected from the paramilitaries. In Orahovac 136 weapons were handed in and the local KLA commander told KFOR had that 100% of KLA weapons for that area were now in KFOR hands.[361] A meeting of the Joint Implementation Commission (JIC, set up by the Undertaking to monitor demilitarisation) on 5 July repeated the message of broad compliance and reported that 1700 small arms and some 190 anti-personnel and anti-tank mines were held at the KFOR controlled Weapons Storage Sites, with 4380 KLA members in designated assembly areas.[362] Although there were periodic instances where KFOR forcibly disarmed or detained KLA members, the Undertaking was finished ahead of schedule.

> The final Joint Implementation Council meeting between the UCK and KFOR was held at HQ KFOR yesterday. Gen Ceku presented his report on UCK compliance to Gen Jackson and announced that the UCK had handed in its weapons ahead of their self-imposed deadline of 19 September. There are now over 10,000 UCK weapons held in the Secure Weapons Storage Sites.[363]

Regarding a Huntingtonian perspective on this matter we can see that military independence from the international civilian presence was exercised in dealings with the KLA. The demilitarisation of this irregular force was done through a bipartite settlement with little input from those outside the military or paramilitary forces. The Undertaking that was produced was in many ways a favourable arrangement for KFOR, as they could claim that the responsibility for ultimate disarmament of the KLA lay with the KLA itself. This allowed the military in certain respects to water down the obligations contained within the Resolution 1244 and to have a much less proactive role in disarming. Representatives from the civilian presence, for example UNMIK or the OSCE, did not appear to have much input into the demilitarisation process. Despite this it is difficult to say whether stronger civilian oversight of KFOR would have produced a

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[360] SEC.FR 538/99, The OSCE Assessment Team to Kosovo, Period covered 19-21 June 1999, 22 June 1999 [Restricted]
[361] KFOR Press Statement by Major Jan Joosten, 2 July 1999, Pristina, Kosovo
[362] KFOR Press Statement by Lieutenant-Commander Louis Garneau Pristina, Kosovo 7 July 1999
[363] KFOR Press Statement by Major Roland Lavoie, KFOR Spokesperson Pristina, Kosovo 17 September 1999

different outcome. Although it may be tempting to think that greater civilian input could have forced the military into a more proactive role, the fact remains that exigencies on the ground may not have allowed for much leeway, and that the agreement reached represented the lowest common denominator achievable. What is equally fair to say however, is that the lack of civilian input in such negotiations deprives civilians of equal representation, regardless of whether their concerns can be addressed or not. Therefore the basic answer is that it cannot be known what effect greater civilian oversight would have had upon the disarming of the KLA. Practically however, it is clear that this was one activity conducted independently of civilian influence, in line with the Huntingtonian concept of parallel authority.

While the demilitarisation programme was being wrapped up negotiations were ongoing regarding the formation of a civilian corps to replace the KLA. Talks involving Thaci, Ceku, Jackson and Kouchner went on and the official deadline was extended by 48 hours to accommodate the discussions.[364] Agreement was secured on 20 September about role and structure of the KLA's civilian replacement, the Kosovo Protection Corps. NATO Secretary General Javier Solana hailed the agreement as a 'milestone for the ongoing implementation efforts' of the international community in Kosovo.[365] On 21 September General Jackson officially accepted the KLA's full compliance with the terms of the Undertaking and confirmed that the demilitarisation programme was complete.[366]

However, behind the media hype whipped up by the completion of the undertaking were some ominous signs. Journalists questioned whether the 10,000 weapons handed in constituted the total number held by the KLA, and also noted that many of the weapons at collection centres were 'in poor condition or virtual antiques'.[367] The civilian replacement force also contained an armed element. Under the new plans for the Kosovo Protection Corps (KPC), 200 small arms were to be made available for personal security.[368] These were being drawn from a pool of a further 2000 weapons held in warehouses under the protection of KFOR for use by the KPC.[369] The crest for

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[364] KFOR Press Statement by Major Roland Lavoie, KFOR Spokesperson, Pristina, Kosovo 20 September 1999
[365] KLA deal a 'milestone' for peace, *BBC*, 21 September 1999
[366] KFOR Press Update by Major Roland Lavoie, KFOR Spokesperson Pristina, Kosovo 21 Sept. 1999
[367] KLA deal a 'milestone' for peace, *BBC*, 21 September 1999
[368] *ibid*
[369] KLA signs transformation into UN-approved civilian force, *B92*, 21 September 1999

the KPC was similar to the old KLA insignia and even the name of the KPC, *Trupat Mbojtëse të Kosovës* (TMK) meant either Kosovo Protection Corps or Kosovo Defence Corps in the Albanian language. According to one group General Jackson was well aware of this ambiguity but accepted it in the interests of securing an agreement.[370] The Kosovo Serb community on the other hand did not accept the KPC as anything other than a renewed version of the KLA, and their representatives withdrew from the Kosovo Transitional Council in protest against the transformation and the deteriorating security situation.[371]

Although established by an UNMIK Regulation in September 1999, the Kosovo Protection Corps officially came into being upon the inauguration of 46 key leaders on 21 January 2000. Prior to this time a 90-day plan was installed to facilitate the transition from KLA to KPC. They included a selection process, provision of ID cards and wages, building of HQs and the creation of training courses for key personnel.[372] Based on the French *Sécurité Civile* the KPC consisted of an active corps of 3000 members and an auxiliary branch of 2000, with 10 percent of its members to be from minority communities.[373] Although Bosniacs, Roma and Turks did join, the KPC was boycotted by the Serbian community.[374]

Considering the relatively high independence that KFOR demonstrated from the international civilian presence, and to a lesser extent the police presence, the military's engagement with the KLA is noteworthy. Unsurprisingly the military appeared to be much more mindful of their relationship with one of the parties to the original conflict, to which the NATO bombing was the conclusion. However, Huntington's parallel authority model does not appear to be accurate in this regard. Even though the KLA were not a military in the strict sense, KFOR did not appear to be an uncompromising partner in the way it was with other groups.

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[370] What happened to the KLA?, 3 March 2000, International Crisis Group Balkans Report No. 88, Pristina/Washington/Brussels

[371] Report of the Secretary-General on the United Nations Interim administration in Kosovo, S/1999/1250, 23 December 1999

[372] Bailey, Brigadier Jonathan, Chief Joint Implementation Commission, 2000, M[ilitary] O[perations] U[rban] T[errain] Operations in Kosovo, February – October 1999 KFOR, RAND 22nd March 2000

[373] UNMIK/REG/1999/8, 20 September 1999 Regulation No. 1999/8 on the establishment of the Kosovo Corps, UNMIK Press Briefing Transcript, 21 January 2000,UNMIK Spokeswoman Ms Nadia Younes, UNMIK, Kosovo Protection Corps, http://www.un.org/peace/kosovo/pages/twelvemonths/kpc.html

[374] Reinhardt, General Klaus, 2000, Commanding KFOR, NATO Review, Summer-Autumn 2000, p17

Huntington's military ethic appears to offer a better guide in this regard as the military's actions were pessimistic and pacifist. By recognising the local power and potential danger of the KLA to the safety of the international presence, KFOR were demonstrating their realist or power-oriented nature. Another factor which may have influenced the level of co-operation between KFOR and the KLA was the extent to which the engagement was institutionalised by Resolution 1244. Whereas the resolution was scant on the details of the interaction, in the same manner in which it was scant about the nature of KFOR's support to the international civil presence, the difference regarding the KLA was that a process of disarmament was set in motion. This process in turn necessitated negotiation and accommodation of a level that engagement with some other civilian organisations would not have required. However, even within such a framework KFOR had to choose certain courses of action, and in this respect Huntington's military ethic is a useful guide.

KFOR's interaction with the KLA is also significant to the horizontal control concept. Typically throughout the study the horizontal control model has been shown to be an insignificant or weak factor in defining civilian control over the military. However, when examining the development of the KPC we can see that the horizontal control model is much stronger. In technical terms the province did not need the KPC as it already had a high military presence in KFOR, and one that would be able to act in a civil protection capacity if required. In addition to this since Kosovo was to remain a part of the FRY, it could be argued that there was no need to duplicate the capabilities of the Yugoslav military. However, practically the KPC came into being to siphon off an armed body, and in this respect KFOR would not, or was unwilling to, enforce a simple dissolution of the KLA. KFOR was limited in its choice of actions and this therefore represents control akin to horizontal control. Of course the KLA were not a civilian group in the typical sense, and this is a moderating factor. However, their very presence did form a boundary to the freedom of action that KFOR enjoyed with other civilian actors, and therefore the horizontal control model has increased validity in this regard.

Ultimately KFOR's hands off attitude to KLA demilitarisation came back to cause greater problems for the international security force. In December 1999 general search operations of KPC assembly areas revealed a number of unauthorised light weapons and ammunition. Although at the time it was unclear whether these weapons were part of

an unauthorised weapons depot or confiscated arms from Yugoslav military and police units, COMKFOR asked Commander Ceku to observe the relevant regulations on the establishment of the KPC.[375] Worse was to come. On 17 June 2000 KFOR discovered four bunkers of weapons and ammunition near the village of Klecka in the Drenica valley area of the province, the contents of which were staggering.

> Six large truckloads of explosives and ammunition estimated to be over half a million rounds were removed from the facility. KFOR explosive and weapons experts have been working around the clock to inventory and prepare the items for destruction. The yield of the first two [of four] bunkers has been estimated to be large enough to fully outfit two heavy-infantry companies, eliminate the entire population of Pristina and destroy 900 - 1,000 tanks.[376]

Publicly KFOR expressed delight at the find, on one level justifiably presenting it as a blow against extremism and violence throughout the province. Brigadier Richard Shirreff, Commander of MNB Centre stated 'The discovery of this cache of weapons has removed dangerous tools of aggression from the hands of extremists. This is one more step that we are attempting to stop violent activity by any ethnic group operating in Kosovo'.[377] He gave a more candid response to the BBC when he said that it was 'inconceivable that the KPC knew nothing of the weapons cache'.[378] KFOR Commander Lt. General Juan Ortuño was content to give a more non-specific evaluation.

> While KFOR troops are engaged in continuous operations to search for such weaponry and munitions, today's find is the largest since KFOR's arrival in Kosovo. As such, it represents a major success in the on-going battle of ridding Kosovo of illegal weapons. It is in the interest of all Kosovar citizens to come forward with information that might lead to further discoveries of weapons. Eliminating the tools of violence can only help to stabilize Kosovo, and assist in building a peaceful and prosperous future.[379]

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[375] SEC.FR 924/99, OSCE Mission in Kosovo, Weekly Report No. 23/99, 8 – 14 December 1999, 16 December 1999 [Restricted]
[376] KFOR News Update by Major Scott A. Slaten, KFOR Spokesman Pristina, 19 June 2000
[377] *ibid*
[378] Kosovo weapons uncovered, *BBC News*, 19 June 2000
[379] KFOR News Update by Major Scott A. Slaten, KFOR Spokesman Pristina, 19 June 2000

However, the haul was an embarrassment to KFOR. The Drenica area was described as one of the two areas which 'can be seen as the historical core of the KLA', due to the fact that Hashim Thaci, one time leader of the KLA, hailed from the same region as did his strongest supporters.[380] The fact that such quantities of high-grade weapons were found in the immediate vicinity of the former KLA headquarters led to the inescapable conclusion that they were KLA material. This was later confirmed by MNB Centre who stated that 'KFOR Intelligence experts have considerable evidence to link the weapons in the bunker to UCK [KLA] units operating during the war'.[381] Despite this the former KLA Chief-of-Staff and commander of the KPC Agim Ceku refuted any knowledge of the weapons. He then exploited KFOR's sensitive approach to the disarming process by reminding them that KFOR had in the past stated its satisfaction that the KLA had demilitarised in line with the Undertaking.[382] At the same time rumours were circulated by the Kosovo Albanian local community that Serb military forces, prior to leaving Kosovo, stored the weapons and ammunition for later use. This was dismissed by KFOR.[383]

This episode reinforces the validity of Huntington's military ethic. Although KFOR believed that KLA members had been stockpiling weapons, they chose to portray the incident in less specific terms. By doing so they did not confront the possibility of the KPC posing a latent paramilitary threat within the Balkans, and thus were in conformity with the pessimist, pacifist and power-oriented values of the military ethic. Although the KLA had gone away in name it was apparent that the apparatus for a Kosovo Albanian extremist organisation to rearm *en masse* was intact. The KPC retained the core of KLA personnel and they retained in their vicinity large amounts of weapons and ordnance. In line with a pacifist and pessimistic outlook, KFOR's delicate and offhand approach to the Undertaking had therefore satisfied a political objective but had not dealt with the central issue of demilitarising. In the wake of the arms find, members of the Kosovo Serb community, who never had any doubt that the KLA had simply assumed another name, accused the KPC of planning and coordinating terrorist activities. The moderate Serb National Council cited the discovery as proof that the

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[380] What happened to the KLA?, 3 March 2000, International Crisis Group Balkans Report No. 88, Pristina/Washington/Brussels
[381] KFOR News Update Pristina by Major Scott A. Slaten, KFOR Spokesman, 23 June 2000
[382] SEC.FR 334/00, OSCE Mission in Kosovo, Weekly Report No. 25/2000, 14 – 20 June 2000, 23 June 2000 [Restricted]
[383] KFOR News Update Pristina by Major Scott A. Slaten, KFOR Spokesman, 23 June 2000

KPC had been secretly stockpiling weapons and rubbished claims by Ceku and other senior KPC officers that they had been unaware of the arsenal.[384]

Whether or not the KPC entire were co-ordinating the terrorism that was being perpetrated against ethnic minorities across the province was difficult to tell. What was apparent however, was that the KPC wished to retain the ability for an armed role and the persistence of reappearance of arms both in large hauls and on individual members of the KPC supports this. Certainly in the period between the end of KLA demilitarisation and the official inauguration of the KPC, many KPC members were involved in illegal activities across the province, including acts of intimidation and violence, although much of this may have been due to the transition that was in force.[385] Regarding KFOR's pessimistic and pacifist reactions to the KLA/KPC problems, there were practical reasons for them not to take on a more confrontational role.

> KFOR responded to this situation with a policy of what might be described as tolerant confrontation. If they knew there were armed bands about they would go and round them up, but they did not actively set out to smash the KLA. KLA regional commanders were allowed to roam about in uniform. KLA black-shirted police were not much harassed. In all these circumstances, there was no obvious alternative: a policy of open confrontation would have carried a high risk of degeneration into an occupying-force vs guerrilla-band shooting war.[386]

Essentially the military had to tread carefully in Kosovo so as not to become the next target of the KLA. Whereas one might say that this did not properly fulfil the obligations upon KFOR demanded by Resolution 1244, it is also evident that other options were in short supply.

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[384] Kosovo Protection Corps coordinating terrorism: Serb Council, *B92 News*, 19 June 2000
[385] See for example the following military statements; KFOR Press Statement by Major Roland Lavoie, KFOR Spokesperson, Pristina, Kosovo, 6 October 1999, KFOR News Update by Major Roland Lavoie, KFOR Spokesperson Pristina, 16 October 1999, KFOR News Update by Major Ole Irgens, KFOR Spokesperson Pristina, 28 October 1999, KFOR News Update by Major Ole Irgens, KFOR Spokesperson Pristina, 02 November 1999, KFOR News Update by Major Ole Irgens, KFOR Spokesperson, Pristina, 04 November 1999, KFOR News Update by Major Ole Irgens, KFOR Spokesperson Pristina, 07 November 1999, KFOR News Update by Major Ole Irgens, KFOR Spokesperson Pristina, 23 November 1999, KFOR News Update by Major Ole Irgens, KFOR Spokesperson Pristina, 24 November 1999, KFOR News Update by Major Roland Lavoie, KFOR Spokesperson Pristina, 29 November 1999, KFOR News Update by Major Roland Lavoie, KFOR Spokesperson Pristina, 30 November 1999,
[386] What happened to the KLA?, 3 March 2000, International Crisis Group Balkans Report No. 88, Pristina/Washington/Brussels, p.20

Overall we can see that the KFOR's relations with the KLA were quite different to those it had with other civilian organisations. The pattern previously established, where KFOR was an independent and expansionist actor, appears to be reversed with the presence of an armed group. The independence derived from the parallel authority defined by Huntington did not appear to be as strong when the military had to engage in a process with a paramilitary organisation. Correspondingly, horizontal control appears to have been strengthened as KFOR found itself limited in its freedom of action with the KLA. Huntington's military ethic also appears to be even more valid once KFOR found themselves facing an armed group, which although not hostile as such, had the ability to become a significant danger to the international presence.

Kosovo Albanian parallel structures

The disarming of the KLA was only one area in which the international community attempted to lessen the power of illegitimate organisations. Parallel government structures belonging to the KLA and others were also in existence and formed a challenge to the authority of the international community in Kosovo. The significance of these bodies to Huntington's concepts of parallel authority, horizontal control and the military ethic is high as the bodies were less of an overt threat than the KLA yet still demanded more delicate handling than other non-military entities. KFOR's reaction to these civilian strongmen reflects the pattern established in its dealings with the KLA, and apparently emphasises the importance of relative power within the relationship.

According to a UN report 'The security problem in Kosovo was largely a result of law and order institutions and agencies... Criminal gangs competing for control of scarce resources are already exploiting this void.'[387] Whereas many gangs from Albania proper had indeed entered Kosovo[388], the UN's assessment was only partially accurate as many of the competing groups described as criminal gangs were in fact KLA members attempting to strengthen their hold on the province. In late June the OSCE noted that the Serb withdrawal and the absence of an international civil administration in Kosovo had left a void that the KLA was filling at an increasing rate. They reported that the

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[387] Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo, S/1999/779, 12 July 1999
[388] SEC.FR 541/99, The OSCE Assessment Team to Kosovo, Activity Report period 22 June, 23 June 1999 [Restricted]

structures being created by the Kosovo Albanian paramilitaries could also become difficult to dismantle and replace with an internationally led administration at a later date.[389] General Jackson agreed with this assessment, if perhaps in less explicit terms.

> KFOR's arrival also coincided with a pretty brutal shift in the balance of power. The atmosphere was extremely volatile. KFOR's advance was carefully synchronised with the withdrawing Yugoslav forces to avoid a military vacuum, but it was not so easy to fill the void left by the departing administration.[390]

The concept of parallel governments in Kosovo was nothing new as Serbian repression of the provinces autonomy had led to Ibrahim Rugova's LDK setting up its own elections and administration in 1992.[391] This 'Government of the Republic of Kosova' was joined in April 1999 by a new entity, the 'Provisional Government of Kosova' led by KLA commander Hashim Thaci.[392] Though a relative newcomer, the KLA's government structures were established in 27 out of the 29 municipalities that existed at that time.[393] Although each tried to avoid open confrontations with the other, 'At times these structures, as well as rival factions of the KLA, seemed on the verge of an intra-Albanian armed conflict'.[394] This conflict ultimately did manifest itself through the violence of the 2000 municipal elections, where LDK candidates were intimidated and attacked.

While Rugova's administration in the past had dealt with education and health matters,[395] the provisional government was involved with more robust exercises including security and policing matters, bringing them into conflict with KFOR and the UN administration. In August 1999 the provisional government criticised KFOR for not having done enough to eradicate alleged secret Serb forces in Kosovo and to disarm all Serb civilians in the area. They claimed that Serb paramilitary groups were

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[389] SEC.FR 555/99, The OSCE Assessment Team to Kosovo, Activity Report 26-27 June 1999, 29 June 1999 [Restricted]

[390] Lt. General Sir Mike Jackson , 1999, KFOR: Providing security for building a better future for Kosovo, NATO Review, No. 3, Autumn, p.17

[391] Judah, Tim, 2000, Kosovo, War and Revenge, Yale University Press, New Haven and London, p.68

[392] Independent International Commission on Kosovo, 2000, The Kosovo Report, Conflict, International Response, Lessons Learned, Oxford University Press, p.104

[393] What happened to the KLA?, 3 March 2000, International Crisis Group Balkans Report No. 88, Pristina/Washington/Brussels, p.3

[394] Independent International Commission on Kosovo, 2000, The Kosovo Report, Conflict, International Response, Lessons Learned, Oxford University Press, p.104

[395] Judah, Tim, 2000, Kosovo, War and Revenge, Yale University Press, New Haven and London, p.70-76

operating together with Russian troops and misusing KFOR uniforms and KFOR insignia in order to mistreat Kosovo Albanians. KLA members and the provisional government's minister for reconstruction, Jakup Krasniqi, also criticised KFOR and UNMIK's confiscation of buildings.[396] More directly the KLA's police forces, the black shirted *Policia Ushtareke* (PU), were involved in protection rackets and intimidation.

> ...according to many reports they are the agency used to collect 'voluntary' contributions from businesses for the KLA's local administrations. And there have been persistent reports that the PU have been involved in extortion from businesses, burning of Serb houses and expropriation of flats and businesses.[397]

Certainly reports of the extortion were confirmed in Dragas by the OSCE almost a year after the international community had entered the province.[398] However it was also noticed that not all of the PU's activities were selfishly motivated. In late 1999 there were increased reports of the PU (and also KPC) arresting suspects and handing them over to UNMIK and KFOR for trial. KFOR and UNMIK police did not appreciate this and often detained the arresting individuals themselves.[399] KFOR's reaction to the issue of parallel structures and illegal policing was initially tough and along with disarming the paramilitaries they also evicted them from public buildings that they had occupied.[400] After detaining four Kosovo Albanians who had been in possession of PU identity cards while they had been evicting Kosovo Serbs from their homes a KFOR spokesperson stated that 'As the responsible force for law and order in Kosovo, KFOR will not tolerate any criminal act that it encounters. At present it is the only legitimate policing force and will remain so until the international police unit is fully operational'.[401]

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[396] SEC.FR 605/99, OSCE Mission in Kosovo, Weekly Report 8 - 14 July, 15 July 199 [Restricted], SEC.FR 649/99, OSCE Mission in Kosovo, Weekly Mission Report, 29 July – 4 August 1999, 5 August 1999 [Restricted]

[397] What happened to the KLA?, 3 March 2000, International Crisis Group Balkans Report No. 88, Pristina/Washington/Brussels, p.11

[398] Municipal Profile, Dragas, 29 March 2000, Organisation for Security and Co-operation in Europe, Department of Democratisation

[399] What happened to the KLA?, 3 March 2000, International Crisis Group Balkans Report No. 88, Pristina/Washington/Brussels, p.15

[400] SEC.FR 526/99, OSCE Task Force on Kosovo, Activity Report, 16 – 17 June 1999, 18 June 1999 [Restricted], SEC.FR 538/99, OSCE Assessment Team to Kosovo, Period Covered 19 – 21 June 1999, 22 June 1999 [Restricted],

[401] KFOR Press Statement by Maj. Jan Joosten, 14 July 1999, Pristina, Kosovo

In reality KFOR's response to illegal policing differed according to the circumstances and produced correspondingly different results. In some instances KFOR refused even informal contact with PU members in order to avoid a misunderstanding concerning the legitimacy of their activity. According to the OSCE there were few problems with illegal policing in areas where KFOR had taken a tough stance and closed down known stations in Pristina, Kosovo Polje, Stimlje, Glogovac and Obilic.[402] PU stations were also searched for weapons in Pec and across other areas of Kosovo.[403] By contrast none of the PU stations had been closed down in Lipljan and even by March 2000 they operated openly. The reason for tolerance in some areas and not in others, however, was linked to the lack of official police manpower. The OSCE recommended three actions to be taken to combat illegal policing throughout Kosovo. Raising UNMIK Police manpower, instigating alternative solutions such as neighbourhood watch schemes, and adopting a zero tolerance approach province-wide. The last measure more than anything else, they believed, would end illegal policing without any adverse consequences.[404]

Overall Huntington's parallel authority model is partially recognised with reference to the problems of unofficial policing. KFOR did take a strong stance with unofficial units, perhaps too strong in certain cases, in most areas of Kosovo. In other areas however, unofficial units were allowed to continue their illegal activities. The difference in reaction was due to the resources available to KFOR and the international community. The validity of Huntington's parallel authority concept in this respect therefore appears to be dependent on the level of resources available to the international presence at large. Although the military's reaction to illegal policing would obviously be influenced by the approach of the local commander and the general attitude of the contingent in question, the overall trend in Kosovo appeared to reflect a desire in this instance to assert KFOR's status as the ultimate security force within the province.

In relation to the horizontal control approach, the experience of UNMIK police is worth recalling here. Although a particular relationship did develop between the civilian

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[402] SEC.FR 137/00, OSCE Mission in Kosovo, Background Report: Illegal Policing in Kosovo, 14 March 2000 [Restricted]
[403] KFOR Press Statement by Major Roland Lavoie, KFOR Spokesperson, 1 October 1999 Pristina, Kosovo, KFOR News Update by KFOR Spokesperson Lt.-Cdr. Philip Anido, 30 December 1999, Pristina, Kosovo
[404] SEC.FR 137/00, OSCE Mission in Kosovo, Background Report: Illegal Policing in Kosovo, 14 March 2000 [Restricted]

police and the military, it was clear that the military generally had more authority. In addition to this the military was an expansionist actor, developing its own expertise to enforce its authority within policing tasks. Given these factors, it is not surprising that KFOR were not inclined to indulge attempts at an unofficial policing service. The fragmented organisation of these paramilitary police forces, their lack of recognition from the international community (by comparison to the KLA, KPC and KPS) and their varying local support meant that they occupied the bottom rung regarding security organisations in Kosovo. Resources rather than threat appeared to be the limiting factor to KFOR's reactions in this case. Correspondingly, when considering Huntington's military ethic, one might suppose that the military would have disdained a confrontation and ignored the illegal policing. However, these irregular police never constituted the latent threat that the KLA did, and therefore KFOR could be fairly confident of establishing their authority without a province-wide backlash.

However, as can be seen with KFOR's treatment of the KLA, the military were careful in choosing their battles. Combating misdemeanours committed by some KLA personnel was a minefield of difficulties due to the influence and genuine popularity which extremist elements of the Kosovo Albanian paramilitary structures often held. In one incident reminiscent of many similar occurrences, adverse public reaction closely followed attempts by KFOR to arrest Kosovo Albanian militants.

> Yesterday in MNB East KFOR soldiers searched a building in Gniljane, 60 people were in the building, some of them wearing UCK uniforms. During the search 15 to 20 small caliber weapons, batons, clubs, knives as well as mattresses, uniforms and a surplus of military gear was found. 60 individuals were arrested. Later that day 50 persons were released and 10 persons were detained at Camp Bondsteel.[405]

Other reports contained a different version of events. The building in question was purportedly a KLA dormitory and in addition to the weapons it also contained what was described as a torture chamber. It was also reported that while they were searching KFOR troops were surrounded by an angry crowd and only 9 out of 30 individuals

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[405] KFOR Press Briefing delivered by KFOR Spokesperson Major Jan Joosten, Pristina, Kosovo, 11 August 1999

could be detained.[406] The day after the raid saw demonstrations carried out by Kosovo Albanians to free the detainees. According to KFOR's statement the demonstration was started by the 50 people who had been arrested but who were later released. The demonstrations attracted several hundred people who were only dispersed at the beginning of curfew.[407] While the exact details of the events are not in perfect alignment, the difficulties of a confrontation between KFOR and some Kosovo Albanian militants are clear. Whether the subsequent protests following the detention of the 9 or 10 suspects were orchestrated in full or in part, it still displayed the latent power of the radical element of the Kosovo Albanian community at the grassroots level. This power was matched at higher political levels, and dealing with the political representatives of the radical element was no less difficult.

Part of the problem with the power of the parallel structures was that the UN-led interim administration was established at a relatively late stage. Although the Kosovo Transitional Council (KTC) was first convened in July 1999 to give the main political figures an input into the UN interim administration, it was a 'political consultative body' and not an executive body.[408] It wasn't until 15 December 1999 that a body with administrative powers was set up. Even then the Joint Interim Administrative Structure (JIAS) did not replace the parallel systems, but attempted to integrate them.[409]

> ... UNMIK's work had been hampered by the activities of parallel structures in Kosovo, which are to be transformed or integrated into the new Joint Interim Administrative Structure by 31 January when the JIAC becomes operational.[410]

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[406] SEC.FR 686/99, OSCE Mission in Kosovo, Weekly Report No.6, 11 – 17 August, 23 August 1999 [Restricted]

[407] SEC.FR 686/99, OSCE Mission in Kosovo, Weekly Report No.6, 11 – 17 August, 23 August 1999 [Restricted], KFOR Press Briefing delivered by KFOR Spokesperson Major Jan Joosten, Pristina, Kosovo, 11 August 1999

[408] UNMIK convenes first meeting of Kosovo Transitional Council, United Nations Interim Administration Mission in Kosovo Press Release, UNMIK/PR/12, 16 July 1999

[409] United Nations Interim Administration Mission in Kosovo, Agreement [on a Joint Interim Administrative Structure], 13 December 1999, Kosovo Political leaders to share administration of Kosovo with UNMIK, United Nations Interim Administration Mission in Kosovo Press Release, 15 December 1999, UNMIK/PR/115

[410] Local political leaders to share administration of Kosovo with the UN, UN News, December 15 1999

Therefore the parallel structures were not being dismantled, but were fitted into to an UNMIK umbrella leaving Kosovo Albanian political leaders with a solid base of influence.

On 7 January 2000 Hashim Thaci complained in the Interim Administrative Council (a subsidiary of the JIAS) about alleged harassment by UNMIK police and KFOR. The complaint followed three isolated security incidents over a short period of time involving himself, his family and his parallel government headquarters.[411] On 4 January 2000 KFOR soldiers and UNMIK Police entered the home of Gani Thaci, Pristina businessman and elder brother of Hashim, after he was seen shooting a gun. Inside they discovered two unregistered guns and the equivalent of DM 1,000,000 (over €500,000) in foreign currency.[412] Gani was charged with illegal possession of arms, but was released by a Pristina prosecutor who stated that a police investigation had determined than no further detention was required. The next day Xavit Ferizi, a personal bodyguard of Hashim Thaci was arrested in a combined UNMIK/KFOR search for illegal weapons in a Pristina café. The bodyguard was carrying a weapon for which he had been issued with an authorisation card, but at the time of detention the card was with KFOR for renewal. Mr Ferizi was released a few hours later.[413]

In an UNMIK statement on the arrests issued on 5 January Bernard Kouchner stated that there was no link between the two incidents. According to UNMIK the arrest of the bodyguard was part of a routine check for weapons. Regarding Gani Thaci, Kouchner stated that no conclusions should be drawn from his family link to Hashim. 'In a democracy, individuals are judged by their own actions, which have no bearing or reflection on the reputation of any other family members.'[414] Two days later UN policemen entered the courtyard of Hashim's own home, apparently without reason.[415]

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[411] SEC.FR 12/00 14 January 2000, OSCE Mission in Kosovo, Weekly Report No. 2/2000, 5 – 11 January 2000 [Restricted]
[412] KFOR News Update by Lt-Cdr. Phillip Anido, KFOR Spokesman, Pristina 4 January 2000, NATO Apologizes to an Albanian Terrorist, Voice of Russia, 10 January 2000, Kouchner Statement on Recent Arrests, United Nations Interim Administration Mission in Kosovo Press Release, UNMIK/PR/125, 5 January 2000
[413] Kouchner Statement on Recent Arrests, United Nations Interim Administration Mission in Kosovo Press Release, UNMIK/PR/125, 5 January 2000, NATO Apologizes to an Albanian Terrorist, Voice of Russia, 10 January 2000
[414] ibid
[415] UN and KFOR apologise to former KLA leader, B92 News, 9 January 2000

Whether this unusual run of incidents was a coincidence or some kind of intimidation tactics being used against the Thaci family, as Hashim later complained, it backfired against the international community. When Hashim Thaci raised the issue in the IAC he threatened to withdraw from politics altogether.[416] Obviously worried by the threat and the instability that it might cause, UNMIK and KFOR took swift action to placate the Thaci family and General Reinhardt and SRSG Kouchner both gave a public apology for the unwarranted action. In addition to this they also issued a follow-up directive making all actions against individual members of the IAC by KFOR and UNMIK dependent on the personal authorisation of COMKFOR and the SRSG respectively.[417] This was an embarrassing climb down for the international community who days before had stated that the security forces had simply followed routine procedure. Now the security forces appeared to be in the wrong and the leaders of KFOR and UNMIK were, by comparison to other incidents where individuals and organisations had voiced grievances against the military and civil presence, bending over backwards to accommodate the Thaci family.

Again the trend noted before, where horizontal control was weak and military independence strong, is reversed here. The presence of a powerful political figure with links to paramilitary organisations and genuine popular support was an obviously limiting factor to the KFOR's actions (and those of UNMIK). This displays horizontal control of sorts, where the military's freedom of action was in part defined by the leader of a civilian group who had no direct authority over KFOR. The political power wielded by Thaci and his followers was a sufficient lever to compel the military and the international civil presence to deliver preferential treatment. The extent of this treatment, where local commanders now had to seek permission from COMKFOR before taking action against IAC members, completely undermined the authority of KFOR within the province. The actions of the military forces were now firmly wedded to political considerations within Kosovo. Following on from this we can see that Huntington's concept of parallel authority is correspondingly much less relevant here. Thaci, and those he represented, were able to force concessions from KFOR and UNMIK despite his relatively limited authority within the official structures.

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[416]NATO Apologizes to an Albanian Terrorist, Voice of Russia, 10 January 2000
[417] SEC.FR 12/00 14 January 2000, OSCE Mission in Kosovo, Weekly Report No. 2/2000, 5 – 11 January 2000 [Restricted]

Huntington's military ethic is again a useful concept in understanding KFOR's reactions to the power politics of Kosovo. The conservative realist outlook, pacifist and power oriented, describes accurately KFOR's attitudes in this matter. Thaci's withdrawal from politics would have caused instability in the province, probably leading to violent confrontations between KFOR and Kosovo Albanian civilians who supported Thaci. From this perspective, KFOR's decision to placate Thaci was one calculated to bring greater stability and less confrontation, and therefore less danger to the military.

In another incident concerning a leading political figure with a powerful KLA background, KFOR became embroiled in a row with Ramush Haradinaj, a political leader of a recently founded rival party to the PDK. According to various accounts Russian KFOR soldiers and international police stopped a vehicle containing Haradinaj at a checkpoint near Malisevo on 23 May 2000. The vehicle contained weapons for which Haradinaj and his associates did not have a valid WAC and KFOR subsequently attempted to detain them. Haradinaj attempted to flee with his weapon and attacked a Russian soldier in doing so, but was overpowered and taken into custody with a slight injury.[418]

The fallout after this incident was considerable in both political and security terms. For days after the incident several media outlets in Kosovo carried articles questioning the integrity of certain elements of KFOR.[419] On 24 and 25 May confrontations occurred between KFOR and unidentified Kosovars which resulted in injury to several KFOR soldiers. Russian KFOR bases (highly unpopular in general with the Kosovo Albanians due to belief that Russian mercenaries had helped Serb forces during the recent war[420]) were attacked with rocket grenades and automatic gunfire, while a large crowd gathered in Prizren on 26 May to protest KFOR's actions.[421] The incident was also used by several political parties to revive the notion that KFOR was biased against former KLA commanders and party representatives referred to previous incidents where Hashim Thaci and Agim Ceku were stopped and searched at KFOR checkpoints. The protests

[418] KFOR News Release, Mr. Ramush Haradinaj injured during Incident at KFOR Checkpoint, Pristina, 23 May 2000, Ramus Haradinaj attacks Russian KFOR soldiers, *B92 News*, 24 May 2000
[419] SEC.FR 281/00, OSCE Mission in Kosovo, Weekly Mission Report No. 22/2000, 24 - 30 May, 2 June 2000 [Restricted]
[420] SEC.FR 692/99, OSCE Mission in Kosovo, Spot Report, situation in Orahovac, 27 August 1999 [Restricted]
[421] SEC.FR 281/00, OSCE Mission in Kosovo, Weekly Mission Report No. 22/2000, 24 - 30 May, 2 June 2000 [Restricted], KFOR News Update Pristina by Lt.-Cdr. Philip Anido, KFOR Spokesman, 24 May 2000

in the Dukangjini area of western Kosovo where Haradinaj was a former KLA commander were a clear indication of the support that he commanded in the area and in Pec shops were forced to shut in a demonstration of solidarity and loyalty.[422]

A statement by UNMIK on 27 May outlined the international community's reaction to the event. KFOR was investigated to determine 'that all KFOR units behaved in a professional manner and according to the standard rules of procedure'. SRSG Kouchner stated that he had personally conveyed his concern over the incident to Mr Haradinaj and also countered the allegations that individual KFOR and law enforcement officials (meaning those that were Russian) were biased against Kosovo Albanians, as suggested by the KPC.[423]

Whereas Haradinaj did not enjoy exactly the positive response that Thaci did, it is worth noting that his transgression was much greater. By attacking KFOR soldiers and transporting unauthorised weapons KFOR was left with little option but to detain Haradinaj. To do otherwise would have reflected an image of total surrender to the Kosovo's stronger political figures. However, the fact that KFOR was subsequently investigated after this incident is also noteworthy, considering the military transgressions of a far more serious nature, such as the killing of Avni Hajredini, were overlooked. This outcome strengthens the horizontal control argument as it displays how a political figure of Kosovo, one who was not even a member of the interim structures, could still be the catalyst for inspection of the military's procedures. This intrusion also erodes the parallel authority concept defined by Huntington as it shows how the military could be subjected to outside interference by those not directly connected to it.

Huntington's military ethic is less useful in this respect with regard to the outcome of this incident simply because each course of action carried serious risks. If the military had ignored Haradinaj's transgressions it would have exacerbated the general security situation by signalling that KFOR was too intimidated to take on local strongmen.

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[422] *ibid*
[423] SRSG Bernard Kouchner Statement on Haradinaj Incident, United Nations Interim Administration Mission in Kosovo Press Release, 27 May 2000, UNMIK/PR/254

On the other hand, the detention of Haradinaj led to violent attacks being carried out against KFOR along with other destabilising incidents. Overall, there was no path of least resistance for the military in this regard. The military ethic would dictate the KFOR would have calculated the various outcomes and selected a course of action, or inaction, that would have safeguarded their personnel and authority. However, when the outcomes are equally unpalatable, the military ethic is of less use in explaining an outcome.

Organised or Unorganised Terrorism?

While these incidents displayed the influence and political power of Kosovo Albanian parallel government structures, it does not by itself answer the most contentious issue, whether these parallel structures were actively engaged in a terrorist campaign against the Kosovo Serb and other minority communities. This question, although not directly relevant to Huntington's concepts of civilian control and authority, is quite interesting as an example of the military's reaction to a complex security problem on the ground. By examining these reactions through the concept of the military ethic we can see again how specific values within the conservative realist outlook appear to be underscored by KFOR's activities. Referring back to KFOR's reactions to other incidents with those with paramilitary links, it is unsurprising that KFOR eschewed a full frontal attack on residual paramilitary structures. In line with the pessimistic, power-oriented and pacifist outlooks described by the military ethic, KFOR advanced with a cautious and relatively low-key attitude. Violent incidents were treated as the exception to the rule and as the work of lone or isolated cells or individuals and officially KFOR and the international community played down any suggestion of an organised terrorist campaign.

Naturally it was not in the political interests of the dominant NATO members involved in Kosovo to accept the possibility that the KLA or its one-time associates might be involved in the murder of Serb civilians remaining in the province. If so it would reveal that parts of the Kosovo Albanian community, whose cause had been championed by NATO, were no better than the demonised Serbian forces that NATO had assisted in driving out. This would give additional grounds for the argument that western countries had used the Kosovo incident simply to further their own political agendas in the region

and that humanitarian concerns were much less important than NATO had argued. On the ground level these political pressures combined to give two practical effects. If NATO countries were to retain credibility they would have to protect the Serb community to the best of their ability and thus appear even-handed. The other effect was that KFOR was obliged to play down the existence of any centrally organised terrorist element that might be present in the Kosovo Albanian community.

> Now yesterday General Jackson met the Yugoslav religious leaders to underscore KFOR's determination to make Kosovo a safe place for everyone and he joined with Patriarch Pavle, Bishop Artemeus and Bishop Artimeus to reassure the Serb communities on that score. In Urosevac German commanders are meeting with the local Serb community leaders at the moment to reassure them that it is safe to remain. Elsewhere KFOR commanders are establishing contacts with leaders of all the communities to urge restraint in what is still a very volatile situation.[424]

The conditions of the Serb and other minority communities in Kosovo was periodically documented by the OSCE and UNHCR, who released eight reports during the research period. The executive summary of each available report reiterated the same message, stating that the overall situation for minorities was precarious and remained volatile.[425] Of principal concern was the fate of Serb and Roma communities, but other minorities included Gorani, Muslim Slavs, Turks, Croats and Cerkezi, Ashkaelia and Egyptian. Kosovo Albanians were also considered a minority group in parts of northern Kosovo. The insecurity of these groups throughout the province was reflected in their living conditions, with little or no freedom of movement for the majority of those confined to enclaves. This in turn negatively affected their ability to sustain themselves economically or socially.

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[424] Transcript of Press Conference by Lt Col Robin Clifford, KFOR, Pristina, Kosovo 18 June 1999
[425] Preliminary Assessment of the Situation of Ethnic Minorities in Kosovo, 26 July 1999, Overview of the Situation of Ethnic Minorities in Kosovo, 3 November 1999, Assessment of the Situation of the Ethnic Minorities in Kosovo, Period covering November 1999 through January 2000, UNHCR/OSCE Update on the Situation of Ethnic Minorities in Kosovo, Period Covering February through May 2000, Assessment of the Situation of Ethnic Minorities in Kosovo, Period covering June through September 2000, Assessment of the Situation of Ethnic Minorities in Kosovo, Period covering October 2000 through February 2001, Assessment of the Situation of Ethnic Minorities in Kosovo, Period covering March 2001 through August 2001. See OSCE website http://www.osce.org/kosovo/documents/reports/minorities/ N.B. the second report from September 1999 was not available during the research period

The methods by which the Kosovo Serbs and other minorities were brutalised and intimidated often suggested a systematic approach that appeared to be supported and directed by an organised group. The distinction between organised and sporadic violence was described by General John Craddock, commander of the US forces in Kosovo. In answer to a question from the media as to whether revenge attacks were planned or not, Craddock replied,

> Both. I would tell you there are occasions where it appears there is a refugee that is Albanian who has returned to find the home gone- everything they had in life gone, or they find part of the house left, but all the goods are gone. Then they discover some of the family property is in the homes of Serbs; whether or not these Serbs took it or not is irrelevant. They could have been dropped off by retreating VJ or MUP. The fact is then they want to take the law into their own hands, and they do. So we've found that. We've also found occasions where it appears that it was organised. It appears there were groups, both Serb and Albanian, who had an intent and a plan and then they set out and they actually executed that plan - poor choice of words - but they actually conducted that plan and they went out to kill someone and that's exactly what they did... But the latter is an actual intent. It's an organised effort. And indeed, that is occurring here, especially in the Albanian/Serb demographical areas.[426]

However, when asked if local KLA commanders were involved in the orchestration of violence, General Craddock said that he didn't believe they were, although he revealed that they were tight-lipped on the matter. 'They say nothing. They will not talk either way about that, other than they will put it in a positive context. As long as they [minorities] did not participate, then they have nothing to fear. That is all you will get.'[427]

Other methods of a more systematic nature were also documented. Abuses committed over property were a particularly widespread phenomenon for a number of reasons. After the war in Kosovo there was a shortage of housing due the damage caused mostly

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[426] Department of Defence News Briefing, August 5, 1999 - 2:00 p.m., Brigadier General John Craddock, Commander Task Force Falcon
[427] *ibid*

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by destruction of Kosovo Albanian homes and property,[428] and this subsequently led to competition for what housing remained. Revenge and ethnically motivated attacks against minorities conducted after the war also took the form of house burnings and arson. A UNHCR spokesperson gave the following account of how Kosovo Serbs were being evicted from their homes.

> In general there's a disturbing pattern that's arising in the method of intimidation used against Serbs still in the city. First a warning letter is received ordering them to leave their homes. Then the threat is delivered in person followed a few days later by physical assault and in some cases even murder. In addition, increasing numbers of Serbs are being forced to sign letters transferring the rights to their property, to Albanians, before they flee.[429]

Even more disturbingly, evictions were also carried out to facilitate broader economic motives such as the construction of commercial enterprises. Illegal construction was subsequently described as one of the major problems across Kosovo by an OSCE report on the property crisis in the province.[430]

> One aspect of illegal construction is building work carried out on land that is illegally occupied. This is of major concern when abandoned homes belonging to ethnic minorities are burned down or otherwise destroyed, and illegal constructions on the site begin almost immediately. Such incidents appear to be rising, particularly in Prizren, indicating an **organised pattern** [emphasis added in report].[431]

But the most extreme violations carried out against minority communities involved the premeditated murder of groups of people across the province. The worst example of such an attack within the research period was the killing of seven Serbs and wounding of 43 (ten critically) in an attack upon a weekly convoy from Serbia into Kosovo. The blast completely destroyed the first bus in a seven-vehicle convoy carrying 200 Kosovo

[428] Independent International Commission on Kosovo, 2000, The Kosovo Report, Oxford University Press, New York, p.72-75
[429] KFOR Press Briefing Delivered by KFOR Spokesperson, Major Jan Joosten Pristina, [including statement by Ron Redmond, UNHCR spokesperson] Kosovo 11 August 1999
[430] OSCE Mission in Kosovo, 25 September 2000, Background Report, The Impending Property Crisis in Kosovo
[431] *ibid*, p.4

Serbs, which was escorted by KFOR. The command detonated device consisted of approximately 150 pounds of explosives and left a crater of 120m². The explosive was believed to have been locally manufactured and detonated by a remote control wire device located in an abandoned house approximately 600 metres away.[432] This was the second attack on a Kosovo Serb convoy travelling from Serbia proper. On the 13 February 2001 a sniper attack was conducted against another convoy leaving one person killed and three injured.[433]

Many of these incidents required systematic planning and in some cases substantial capital investment and familiarity with particular weapons, and as such are unlikely to be the work of anything less than an organised group. Although a mafia type group could very likely be involved with evictions and illegal construction, the systematic attacks on Kosovo Serbs and other minorities were highly unlikely to have come from any group other than organised terrorists. Nor are the perpetrators likely to be any other ethnicity than Kosovo Albanians. However although it is also quite likely the aggressors were once part of the KLA does not necessarily mean that they retained a direct link to individuals such as Hashim Thaci or Agim Ceku. Those involved in terrorism may easily have split off from the main part of the KLA and formed their own networks. Some commentators believe that the terrorist element may be the remainder of the old KLA that was not siphoned off into politics, the KPS or the KPC, and instead becoming a fourth branch involved in organised crime and violence.[434] KLA or not, the terrorist element formed a much more substantial threat than what KFOR publicly acknowledged.

KFOR's reaction to the ongoing incidents of minority persecution was very much in line with the qualities of the military ethic. In addition to pessimistic, power-oriented and pacifist tendencies, KFOR's actions could also be construed within Huntington's more specific statements. According to the summary of the military ethic, the military stress the supremacy of society over the individual and the importance of order, hierarchy and division of function. Certainly when offering public statements on terrorist activities KFOR often emphasised the position of community and political

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[432] SEC.FR 91/01 OSCE Mission in Kosovo, Spot Report: Attack on KFOR-Escorted Kosovo Serb Convoy, 19 February 2001 [Restricted], Convoy attack kills seven, *B92 News*, 16 February 2001
[433] SEC.FR 91/01 OSCE Mission in Kosovo, Spot Report: Attack on KFOR-Escorted Kosovo Serb Convoy, 19 February 2001 [Restricted], Killing sparks riots in Kosovo, *B92 News*, 13 February 2001
[434] What happened to the KLA?, 3 March 2000, International Crisis Group Balkans Report No. 88, Pristina/Washington/Brussels, p.i

leaders, and drew attention to the necessity for communities to do more against their radical elements. This approach closely follows the ideal of the military ethic as it supports the greater bodies, such as communities and institutions, at the expense of what it describes as lone or outside elements, such as those involved in violence or extortion. Conversely the approach does not place any value upon the strong links between the radical elements and their communities, or the belief that that sections of the community would feel themselves to be represented by those involved in violence. By doing so KFOR also reinforced the military ethic's division of function, as it emphasised the importance of the opinions of those represented at the top of the hierarchy, fostering the notion that they knew best. In February 2000 when Kosovo's collective religious community condemned violent and intolerant acts, KFOR stated that

> KFOR is convinced that the vast majority of the people in Kosovo fully support the words of the religious leaders and that it is only a relatively small number of criminals who actively try to undermine the process of peace and reconciliation with their violent activities.[435]

The following month KFOR described those who had shot and killed a Russian soldier as 'some criminal elements' and 'a few terrorists', and continued to understate what was in reality a far more serious threat.[436] This was the standard KFOR reaction to the terrorism, to criminalise those who perpetrated the acts while at the same time underplaying the ability and scale of the real threat. The words 'terrorist' or 'terrorism' were not frequently used, and only then in connection with particular incidents rather than describing the systematic violence perpetrated by one ethnic group towards another. For KFOR the preferred term was 'criminal', and this referred to most transgressions, even if it were assassination or intimidation based upon clearly ethnic grounds. Whether this criminalisation of Kosovo Albanian terrorists was part of a PSYOPS (psychological operations) campaign run by KFOR, or simply a particular choice of words in broader PR campaign, cannot be definitively answered without reference to restricted military documents.

However, if PSYOPS were being employed, it would certainly not be without precedent. As early as 1970 a British counter-insurgency expert who was deployed to

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[435] KFOR News Update by Lt.-Col. Henning Philipp, KFOR Spokesperson Pristina, 18 February 2000
[436] KFOR News Update by Lt.-Cdr. Philip Anido, KFOR Spokesperson Pristina, 2 March 2000

the North of Ireland wrote that the emphasis in counter-insurgency operations would 'swing away from the process of destroying relatively large groups of armed insurgents towards the business of divorcing extremist elements from the population which they are trying to subvert.'[437] Furthermore the incorporation of PSYOPS into peace enforcement mission is actively encouraged. According to some PSYOPS should be incorporated into missions where protecting minorities is a key dimension, where it will 'communicate the importance of ending support to belligerent factions' and 'encourage identification to the local authorities of violators and/or agents of the belligerent factions'[438]. Certainly KFOR's public statements were certainly in line with such directives, as they constantly reiterated the necessity of people co-operating for a better future, and focusing the blame upon the 'small minority' who were involved in violence. KFOR's response to a number of violent incidents in November 2000 displays all of the recommended messages.

> These incidents, whether ethnically, politically, or criminally motivated, coming so soon after the first free elections in Kosovo's history, are a stain on the honor of all citizens of this region. Such cowardly acts run counter to the aims of KFOR and the majority of the people of this sector, who are working with great determination for a better future for Kosovo. Communities must take responsibility for bringing criminals to justice, and must take action against violence wherever it occurs.[439]

Although it can be argued that the use of PSYOPS or PSYOPS-type measures gave KFOR an extra 'stick' to use against Kosovo Albanian terrorist groups, such a line of reasoning would be of little comfort to the Kosovo Serb community who were on the receiving end of prolonged terrorist action. Political comments and ground level realities continued to be very far apart.

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[437] Kitson, Frank, 1971, Low Intensity Operations, London, Faber p.199
[438] Bonn, LTC Keith E., Baker, MSG Anthony E., 2000, Guide to Military Operations Other Than War, Tactics, Techniques & Procedures for Stability and Support Operations, Stackpole Books, Philadelphia, p.147
[439] KFOR News Update by Major Steven R. Shappell, KFOR Spokesman Pristina, 07 November 2000

On 10 May 2000 the KTC issued a 'Political Statement on Tolerance' that called on the FRY authorities to allow the unconditional hand-over to UNMIK of all Kosovo Albanians and members of other Kosovo communities held in Serbian prisons. In what was hailed by the SRSG as the most important KTC meeting so far, for the first time both Kosovo Albanian and Serb representatives strongly condemned the crimes and violent acts during and after the war on Kosovo Albanians and Serbs, as well as Kosovo's minority communities. Kosovo Serb KTC representative Rada Trajkovic, welcomed this first confirmation of the violation of Serb human rights.[440] General Ortuño also added his own support.

> These enlightened commitments by the leaders of Kosovo's administration are most vital for the rebuilding process, I wholeheartedly add my voice, and the influence of every KFOR peacekeeper, to the call for an immediate end to the destructive cycle of revenge and violence against fellow citizens.[441]

However the ground level realities were a far cry from the tolerant attitudes being espoused those at the executive level. In the weeks prior to the statements being made attacks were conducted against Kosovo Serb homes in the mixed village of Cernica (a grenade injured six people in a shop[442]) and the Kosovo Serb village of Grncar in the Gnjilane. The Kosovo Serb saw the attacks as yet another failure by KFOR to provide adequate security and to carry out proper investigations into the attacks. Their frustration reached breaking point and demonstrations occurred in Grncar and Vrbovac against KFOR which in each case led to stone throwing against the troops in which one US soldier was injured. KFOR troops guarding a Serbian Orthodox Church were also surrounded and attacked. With the Kosovo Serb's patience worn so thin the OSCE ominously warned that the situation for minorities would have to be improved soon or KFOR would find itself becoming a target for more lethal attacks than stone throwing.[443]

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[440] SEC.FR 254/00, OSCE Mission in Kosovo, Weekly Mission Report No. 20/2000, 10 – 16 May 2000, 18 May 2000 [Restricted]
[441] KFOR News Update by Lt.-Cdr. Philip Anido, KFOR Spokesperson Pristina, 11 May 2000
[442] KFOR News Update by Lt.-Cdr. Philip Anido, KFOR Spokesperson Pristina, 10 May 2000
[443] SEC.FR 254/00, OSCE Mission in Kosovo, Weekly Mission Report No. 20/2000, 10 – 16 May 2000, 18 May 2000 [Restricted], KFOR News Update by Lt.-Cdr. Philip Anido, KFOR Spokesperson Pristina, 11 May 2000

In the short term the situation became worse and the turmoil on the ground was reflected at the political level. The first anniversary of the end of NATO bombing led to a surge of violence against Kosovo Serbs, leaving eight killed and eight wounded. The SNC suspended their participation as observers in the IAC and KTC in protest, and Bishop Artemije wrote to the President of the UN Security Council demanding a condemnation of Kosovo Albanian terrorism. He also criticised the UN and NATO and requested concrete guarantees for improved security.[444] Although NATO Secretary General Lord George Robertson declared in the same period that the International Community would not tolerate ethnic violence (a common refrain) his words carried even less weight than usual. Attacks on Russian KFOR continued on a daily basis in Malisevo municipality between 31 May and 6 June 2000.

Overall we can see how KFOR's statements on terrorist attacks mirror closely the values within the military ethic. They were non-confrontational, avoiding any references that might recognise the terrorist problem as one that was widespread, deep rooted or representative of a wider following than a few wrong-minded individuals. Instead they sought to emphasise the negative aspects of terrorist action and by doing so divorce the radicals from their broader base of support. This approach was a middle ground approach, calculated against the outcomes of more or less vigorous tactics. Had KFOR been more critical of the Kosovo Albanian political structures there would have been a greater risk of confrontation. Had KFOR been less critical terrorist activities would have been even more widespread. From this perspective the military were conforming to conservative realist behaviour, calculating the relative risk to the relative gain and remaining conscious of the latent power of those connected to the radical elements. In addition to this, KFOR's tactics also reflected the deeper philosophies within Huntington's military ethic. The primacy of officials, institutions and broader communities was stressed, while those acting outside of these groups were criminalised. An aspect worth considering here is also the virtue of obedience, which Huntington notes is exalted among the military, and it could be argued that this attitude would feed the desire of the military to denigrate those independent of recognised or official structures. However, the weakness of the military approach was evident in KFOR's refusal to accept that those perpetrating terrorist attacks and extortion were operating with a degree of consent from their community. Therefore, while the statements may

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[444] SEC.FR 300/00, OSCE Mission in Kosovo, Weekly Mission Report No. 23/2000, 31 May – 6 June 2000, 9 June 2000 [Restricted]

have had some impact in divorcing radicals from the mainstream, the statements of the military portrayed the problem of ethnic violence in a fashion that was contrary to reality in a number of aspects.

Kosovo Serb parallel structures

Problems with parallel structures were not exclusively confined to the Kosovo Albanian community, the Kosovo Serb community after the war also had its own authorities, albeit far more localised. Nowhere were these stronger than in the divided city of Mitrovica. A city of 60,000 people within a municipality of 100,000, Mitrovica is divided in two by the river Ibar leaving Kosovo Serbs in charge of the northern half and Kosovo Albanians in the south. In 2001 the OSCE estimated that northern Mitrovica held 15,000 Serbs, more than any other enclave in Kosovo and of this amount 5000 were internally displaced persons.[445] The way in which KFOR dealt with these unofficial authorities conforms to the pattern already established within this chapter. Huntington's parallel authority model is of less significance while the horizontal control model is correspondingly strengthened. The logic of the military ethic is again useful in understanding KFOR's behaviour when confronted by a hostile force, and the validity of the conservative realist approach is reinforced.

Problems with the town began immediately after the withdrawal of Serbian military forces and the return of Kosovo Albanian refugees as the area became polarised along ethnic lines. Kosovo Albanian families recently returning from refugee centres in Albania and Macedonia now discovered that their homes remained out of bounds, whilst persecuted Kosovo Serbs from outlying regions gathered in one of the few Serb strongholds remaining in the province. By 21 June 1999 journalists were asking what could be done to prevent the division of the town, to which KFOR replied that the 'principle here is to lower tension'.[446] Practically however these developments went contrary to KFOR's intended plans for the town. As NATO had officially bombed the Serbian forces to prevent ethnic violence, to preside over a city divided upon those same

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[445] Municipal Profile, Mitrovicë/Mitrovica, August 2001, Organisation for Security and Co-operation in Europe, Compiled by the Department of Democratisation, Mitrovica: a divided town, *BBC News*, 24 June 1999
[446] KFOR Press Conference by General Sir Mike Jackson, 21 June 1999, Pristina, Kosovo, SEC.FR 549/99, The OSCE Assessment Team to Kosovo, Activity Report 24 June 1999, 28 June 1999 [Restricted]

ethnic lines would be considered a failure by the military and the international community and shatter attempts to create a multi-cultural society. Officially a strong rejection of segregation was in evidence. When Wesley Clark was asked on 24 June about the partition of Mitrovica he replied

> ...there will be no partition in Mitrovica or any other of these cities here. Paramilitaries are not permitted under the Military Technical Agreement with KFOR and they have either got to stop being paramilitaries or they have got to leave. KFOR has the power to enforce the Military Technical Agreement and it will do so.[447]

However, realities on the ground belied these statements. Whether due to a shortage of manpower or poor decision-making KFOR committed a large part of its resources to the Kosovo Albanian side of the city and did not have sufficient left for the northern half, effectively surrendering it up to paramilitary control. Armed Serbs ensured that Kosovo Albanians could not cross the main bridge across the Ibar.[448] Thereafter the grip of the parallel structures on northern Mitrovica rapidly tightened until it became a largely no-go area for the international community and Kosovo Albanians. It wasn't long before the city, which had been described as tense on a number of occasions by the OSCE, erupted into violence. By late June 1999 respective crowds of Kosovo Serbs and Kosovo Albanians were gathering for protests on both sides of the river, and by July KFOR was firing warning shots to keep each side apart.[449] Instead of the enforcement that NATO had spoken of, KFOR engaged in more discursive tactics. KFOR, the OSCE and UNMIK attempted to broker a freedom of movement agreement for the city, but were unsuccessful.[450] By September 1999 the paramilitaries appeared to be firmly entrenched and clashes between Serb and Albanian Kosovars had intensified. The maturation of the parallel structures within the city was revealed by the use of radio communications by both sides to orchestrate crowd activity during clashes and

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[447] KFOR Press Conference by NATO Secretary General, Mr. Javier Solana, General Wesley Clark and General Sir Mike Jackson, 24 June 1999, Pristina, Kosovo
[448] SEC.FR 552/99, The OSCE assessment team in Kosovo, Activity Report 25 June 1999, 28 June 1999 [Restricted]
[449] SEC. FR 555/99, The OSCE Assessment Team to Kosovo, Activity Report, 26-27 June 1999, 29 June 1999 [Restricted], KFOR Press Statement by Major Joosten, 12 July 1999, Pristina, Kosovo, SEC.FR 595/99, OSCE Mission in Kosovo, Activity Report, 5-7 July 1999, 12 July 1999 [Restricted]
[450] SEC.FR 629/99, OSCE Mission in Kosovo, Weekly Report 15-21 July 1999, 23 July [Restricted]

protests.[451]   In response to this deterioration KFOR issued a strong statement, pinpointing Serbian agitators as the root of the problem.

> Several episodes over the last few days have shown, however, worrying indications of what seem to be organised Serbian attempts to deliberately destabilise the security situation in Kosovo. The disturbances in Mitrovica seem to have been carefully orchestrated, and you will be aware of reports of Serb activity in the northern and eastern areas of Kosovo. These incidents and reports are taken very seriously and will be followed up resolutely by all KFOR forces. If threatened, KFOR troops will respond robustly and in accordance with the Rules of Engagement using military force if necessary.[452]

Again, despite the stern wording, KFOR did not make any serious attempts to break the parallel structures in Mitrovica. Weapons confiscations and arrests were continued as before, but without a concerted effort to push the authority of the international administration across the Ibar, Serbian paramilitary rule would never be seriously challenged.

Again we can see how Huntington's parallel authority model is weakened by the presence of strong non-military force. KFOR's freedom of action and their stated readiness to use force was undermined by the vigorous opposition of the Serb community within north Mitrovica. Despite the fact that KFOR was independent of any structures that gave local Serbs authority over it, KFOR could not simply do as they pleased. The limiting factor to KFOR's independence was the simple threat of force which Serb paramilitaries, and local Serb civilians, could bring to bear against military personnel. This threat of force was not so dangerous due to relative firepower, but due to its potentially devastating effect to KFOR's reputation. If the international security presence had to meet violence with violence, an uncontrolled upward spiral might lead to an outcome similar to the Bloody Sunday incident in Northern Ireland. In a related fashion, the accuracy of Huntington's horizontal control concept appears to be much higher.

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[451] SEC.FR 744/99, OSCE Mission in Kosovo, Weekly Report Nr. 10/99 8-14 September 1999, 16 September 1999
[452] KFOR Press Statement by Major Ole Irgens, KFOR Spokesman, 13 September 1999, Pristina, Kosovo

The presence of armed civilians, and unarmed civilians prepared to engage in or support violence, meant that KFOR had a strong block in opposition to their presence and authority. The previous experience, where KFOR expanded into the areas of expertise of other groups was now reversed, and it was KFOR's relative expertise, the provision of security, which was now eroded and confined by an outside civilian group.

The military ethic has a dual use in explaining the reversal of these expectations. On one level it was in KFOR's direct interests not to enforce their authority vigorously, due to the possibility of the loss of life. The power-oriented, pacifist and pessimistic traits of the military ethic would rule out adventurous or bellicose activities that might induce greater insecurity than security. On another level, the military ethic to which KFOR's actions so often conformed was confronted with attitudes that seemed in direct opposition to military values as identified by Huntington. The Serb community was aggressive, disobedient and optimistic, insofar as it was challenging a force far more powerful. From a Huntingtonian perspective this would mean that KFOR was facing an opponent that was unpredictable, as it was not conforming to values that the military would instinctively understand. Unpredictability would mean lack of control and insecurity, which the military would strongly wish to avoid.

To the international community, the Serbian paramilitaries who enforced the parallel structures became known as the 'bridgewatchers' after their most visible activities. One source places their membership at between 150 and 250 personnel and states that they were paid by the Serbian Ministry of the Interior as members of State Security, a direct violation of Resolution 1244 as General Clark described it. In fact Belgrade continued to support the Serbs of northern Mitrovica through the provision of administrative and social services.[453] The bridgewatchers, just like Kosovo Albanian radical elements, supplemented their funds through organised crime including smuggling and prostitution. Funding from the international community was also alleged to have been diverted from public services to the bridgewatchers, as well as direct extortion. One local Serb leader, referring to local businesses, was quoted as saying,

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[453] UNMIK's Kosovo Albatross, Tackling Division in Mitrovica, International Crisis Group Report No. 131, 3 June 2002, p.3

'Do you see how many cafés there are on the main street? Daily, they earn DM 500. What is it for them to give one days income?'[454]

With the authority for northern Mitrovica clearly within the hands of the paramilitaries and not the international community, the scene was set for ongoing clashes between Kosovo Serbs, Kosovo Albanians and KFOR. Despite the clumsiness of the military's handling of the situation in Mitrovica in 1999, the unrest resulted in a raft of measures being enacted to strengthen the ability of KFOR and the international community to deal with paramilitary activity within the city. The Mitrovica strategy, as the package became known as, included:

- The 'safety zone' along the river was to be expanded and additional 'restricted access' areas within the city to be established.
- Additional checkpoints to be created and further house and premises searches undertaken.
- Curfew to be enforced strictly.
- Restrictions and permit requirements on public gatherings.
- Access of persons and vehicles to Mitrovica to be prohibited as necessary.
- Extremist elements to be removed from Mitrovica under UNMIK Regulation No. 1999/2
- UNMIK Regulation No. 2000/4 against incitement of ethnic hatred to be applied.
- Investigation, prosecution and trials of those suspected of having committed criminal acts to be expedited, including through immediate appointment of prosecutors and judges.[455]

KFOR and UNMIK now appeared to have the necessary tools to combat the paramilitaries, and certainly after February KFOR did take a more robust stance with Kosovo Serb militancy. On 2 March 2000 preparations were made to return a number of Kosovo Albanians to their homes in the Serbian controlled area of the city. One group of Kosovo Albanians who crossed the Ibar to inspect their homes in the morning and met no opposition. Later on a crowd of approximately 250 Kosovo Serbs began to throw stones at another group that were also visiting. French KFOR contained the

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[454] ibid
[455] SEC.FR 79/00, OSCE Mission in Kosovo, Spot Report: Further violence in Mitrovica, 16 February 2000 [Restricted]

crowd while local leaders assisted in calming the crowd. Despite the altercation several Kosovo Albanian families expressed their desire to return to Mitrovica, and the KFOR and UNMIK prepared to escort them back.[456] On 3 March 2000 40 Kosovo Albanians were escorted by KFOR back across the Ibar. Although official KFOR briefing gave spartan details of the day's occurrences, the incident was to prove something of a sore point between international organisations.[457] On returning the convoy of Kosovo Albanians in KFOR armoured personnel carriers faced an aggressive crowd of Kosovo Serbs who attempted to block the vehicles. KFOR used tear gas to disperse the Serb crowd and succeeded in transporting the Albanians through the crowd of demonstrators.

However, the UNHCR took exception to the actions of KFOR due to the fact that military had resorted to force to effect the return and also because their organisation hadn't been consulted. Not only did the UNHCR believe that KFOR and UNMIK had acted recklessly in jeopardising the lives of the Kosovo Albanians, they also criticised the failure to address reciprocal returns.[458] The OSCE by comparison supported UNMIK and KFOR in this case as they viewed it as one of the few examples of positive and firm intervention that the international community had shown in the Mitrovica region in months. The technical basis for the difference of opinion was whether the return was forced or not, and according the OSCE office in Mitrovica the returns were voluntary, and therefore couldn't be designated as forced despite the violence that ensued.[459] However it was regrettable that a clash with the paramilitary authorities in northern Mitrovica had to be spearheaded by the simple desire of a number of families, who must surely have been terrified inside the military vehicles, to return home.

Nor did the fate of the returnees appear to fare any better over the coming months. In March 2000 a decision was taken to establish 'Confidence Zones' on both sides of the bridges crossing the Ibar river. In reference to the zones KFOR stated that

> This will improve the overall security environment and reassure the population of their safety. It will also improve freedom of movement for those actually

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[456] KFOR News Update by Lieutenant Commander Philip Anido, KFOR Spokesperson Pristina, 03 March 2000

[457] KFOR News Update by Lieutenant Commander Philip Anido, KFOR Spokesperson Pristina, 04 March 2000

[458] SEC.FR 128/00, OSCE Mission in Kosovo, Weekly Report No. 10/2000, 1-7 March 2000, 9 March 2000 [Restricted]

[459] *ibid*

living or working in the area. Access to the area will be controlled with an ID-system for those living or working in the area.[460]

However, during the operation KFOR used tear gas and stun grenades to repel a crowd of 300 Mitrovica Serbs who threw bottles and stones. Seven people were injured including three soldiers.[461] By May 2000 the security situation had only slightly improved. The OSCE reported that KFOR and UNMIK were trying to overcome the partition of the city, which was described as 'almost hermetic' through the integration of the Confidence Zones. In addition to this the Kosovo Albanians who had returned to three high-rise apartment buildings in the north were now living in a ghetto heavily guarded by KFOR and barbed wire.[462] Although physical improvements appeared to be evident on the surface, real integration of the city remained as distant a goal as ever.

The relationship between Huntington's parallel authority and horizontal control models is again emphasised with regard to the Mitrovica experiences. Military independence and freedom of action was curtailed by the robust opposition of civilian groups. The actions of KFOR and UNMIK, although more resolute and focused than before, had still not tackled the central problem of the parallel structures within Mitrovica. Whereas the security forces appeared to be somewhat less intimidated by the threat of a backlash, they were by no means engaged in a direct assault upon paramilitary rule. The return of refugees was a largely symbolic act, and while it was no doubt of political importance to the OSCE, KFOR and UNMIK, it was not any indication of improved circumstances within the city. The power of the bridgewatchers hadn't been diminished in any perceivable way by July 2000 and this fact was reflected in the sheer difficulty involved in detaining even one member of the group.

On the evening of 17 July UNMIK police arrested one of the bridgewatchers in connection with an arson attack on a car owned by a Kosovar Albanian. Ten minutes after the suspect was transported to the UNMIK Police station in northern Mitrovica a crowd of 200 people led by Oliver Ivanovic, leader of the Serb National Council in Mitrovica, gathered close to the station and demanded the release of the detainee pending the hearing of charges. One UNMIK Policeman, an Indian, was taken hostage.

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[460] KFOR News Update by Lt.-Col. Henning Philipp, KFOR Spokesperson Pristina, 16 March 2000
[461] *ibid*
[462] CIO.GAL 27/00, OSCE 3 May 2000, Visit of the Personal Representative of the Chairman-in-Office, Ambassador Albert Rohan, to Kosovo

KFOR sent reinforcements to the area and closed all bridges across the Ibar River. Three shots were then fired in north Mitrovica and Kosovo Serbs then blocked the central square in the city where they halted and stoned two light KFOR vehicles. The commander of the MNB North, General Sublet, then went to negotiate with Ivanovic. Ivanovic demanded the release of the bridgewatcher, which the General refused to do (whether Ivanovic attempted to use the hostage UNMIK policeman as a bartering chip is unreported). While discussions continued between the two, thirty Kosovar Serbs armed with baseball bats approached the area. A KFOR unit commander ordered tear-gas to be used to disperse the crowd and shots were fired into the air. Sometime during the evening the policeman who had been taken hostage was returned to the station, led personally there by Ivanovic himself. Throughout the night scuffles and protests continued leaving at least five people injured. The suspect was eventually brought before an international judge the following afternoon.[463] Protests continued over the following days, and the OSCE reported a number of attacks against UNMIK Police. On 18 July 20 Kosovo Serbs entered the apartment of two UNMIK Policemen, threatened them and forced them to hand over their pistols and radio. Later 100 Kosovo Serbs were reported to be looting an apartment rented by another two UNMIK policemen and in another incident an UNMIK police car was ambushed.[464] The suspect whose arrest originally sparked the unrest was himself released on the evening of 18 July pending a court day for trial.[465]

Overall the operation had achieved little past inflaming the population north of the Ibar and placing the international community presence in a precarious position that KFOR was unwilling to deal with. The kidnapping and targeting of UNMIK police staff clearly displayed the powerlessness of the civilian security forces in northern Mitrovica, which was now a no-go area. Only with KFOR in the lead could the international community extend its influence across the entire city. The OSCE in particular was incensed, and viewed the power of the bridgewatchers as a direct consequence of inadequate action by the international community. The organisation criticised the unwillingness to confront the paramilitaries and in particular stressed the fact that the

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[463] KFOR News Update by Major Scott A. Slaten, KFOR Spokesman Pristina, 18 July 2000, SEC.FR 392/00, OSCE Mission in Kosovo, Spot Report: Serious Problems in Mitrovica 19 July 2000, 20 July 2000 [Restricted], Tension mounts in Kosovska Mitrovica as negotiations fail, B92 News, 18 July 2000, N.B. The exact chronology of events is sometimes difficult to ascertain but when in doubt the author has compiled them according to the most plausible pattern.
[464] SEC.FR 392/00, OSCE Mission in Kosovo, Spot Report: Serious Problems in Mitrovica 19 July 2000, 20 July 2000 [Restricted]
[465] KFOR News Update Pristina, by Major Scott A. Slaten, KFOR Spokesman 21 July 2000

Mitrovica strategy had never been properly implemented. OMIK now called for a forceful establishment of law and order and a review of the entire governing system in the north of the city in order to break the grip of the Belgrade supported parallel structures.[466] However, this path was not taken. Although SRSG Kouchner and General Ortuno met to discuss ways of regaining security control in the north, only immediate security concerns were to be addressed. UNMIK Police and KFOR revised joint patrolling and enforcement plans to increase the security of UNMIK Police, not to push across the Ibar in force.[467] By August the Mitrovica strategy itself was being seriously reviewed by KFOR and UNMIK. Although the OSCE was not privy to the details it recommended that a vital component of the revamped strategy would be the removal of the bridgewatchers, a move that had recently received endorsement through the Airlie House declaration of 23 July 2000.[468] The declaration made by Serb and Albanian Kosovars representatives including Ibrahim Rugova, Hashim Thaci, Bishop Artemije Radosavljevic and Father Sava Janjic called for, amongst other items, KFOR and UNMIK to confiscate all illegal weapons and to immediately dissolve 'parallel governing and security structures'.[469] This consensus on the ground, included with the legislative and judicial tools included within a new Mitrovica strategy, presented a ripe opportunity to crack down on the bridgewatchers. Although such a move was guaranteed to result in widespread violence and unrest in the city, to do so was the obligation of KFOR under the terms of Resolution 1244, its right under the Military Technical Agreement, and its duty in accordance with the collective political consensus of both international organisations and political leaders within the province.

Ultimately however, the situation did not change. Huntington's parallel authority concept, while weakened by paramilitary power, appeared simultaneously strong with regard to the military's co-operation with official civilian groups and representatives. Although various political initiatives were forwarded, each foundered on the same issue, the reluctance of KFOR to cross the Ibar in force. By 2002 a reference to the Bridgewatchers stated that 'KFOR and UNMIK have not made any serious effort to

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[466] SEC.FR 392/00, OSCE Mission in Kosovo, Spot Report: Serious Problems in Mitrovica 19 July 2000, 20 July 2000 [Restricted]

[467] SEC.FR 406/00, OSCE Mission in Kosovo, Weekly Report No. 30/2000, 19 – 25 July 2000, 27 July 2000 [Restricted]

[468] SEC.FR 438/00, OSCE Mission in Kosovo, Monthly Progress Report No.4, July 2000, 10 August 2000 [Restricted]

[469] The Airlie Declaration, 23 July 2000, http://www.usip.org/oc/events/airlie_declaration.html

crack down on them.'[470] The reasons why KFOR refused to do this appear to lie in part with the French contingent based in the city, whose presence and co-operation appeared to be problematic from the very beginning. However, changes were difficult to effect. General Reinhardt had to negotiate for four months to get agreement, in principle, for non-French forces to be brought into the city.[471] The logic of the French contingent by contrast appeared to be an extreme accentuation of the military ethic. They claimed, in the face of criticism about their lack of action, that there was no military solution to the situation. They argued that their mandate was to maintain calm while robust measures, on the other hand, would simply induce serious instability. In short, the French were prepared to do nothing. Nor did there appear to be anyway to coerce the French into complying with requests for stronger action. Allegations were even made by senior NATO officials that French KFOR did not follow orders issued from Brussels.[472] This phenomenon where nations (it is presumed that the French contingent were acting under governmental authority, or at least relying on a lack of government intervention) refrain from certain actions or operations is known as 'red-carding', and is a common feature of multi-national, especially UN, military operations.[473] Red carding was often initiated by local commanders expressing concerns about a ground level situations, and the fear of widespread French casualties in Mitrovica was a very realistic concern.

Chapter conclusion

Whereas the previous two sections have displayed the military as an independent and expansionist actor in conformity with Huntingtons's parallel authority concept and in contravention of his notion of horizontal control, this section has described outcomes that are entirely the reverse of previous experiences. The military was less independent in its actions with paramilitary groups, and more willing to negotiate and to cooperate, as evidenced by the transformation of the KLA, the accommodation of political leaders and the hostage taking in Mitrovica. At the same time KFOR's dealings with official civilian groups suggested that the relationship of independence and expansionism was

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[470] UNMIK's Kosovo Albatross, Tackling Division in Mitrovica, International Crisis Group Report No. 131, 3 June 2002, p.3
[471] Independent International Commission on Kosovo, 2000, The Kosovo Report, Conflict, International Response, Lessons Learned, Oxford University Press, p.106
[472] UNMIK's Kosovo Albatross, Tackling Division in Mitrovica, International Crisis Group Report No. 131, 3 June 2002, p.12
[473] For a description of 'red-carding', along with one of the most infamous episodes of the same in Kosovo, see Clark, General Wesley K., 2001, Waging Modern War, PublicAffairs, Oxford p.404-405

unchanged. One obvious factor which caused the reversal of outcomes for Huntington's concepts of civilian control is the latent or existing threat of violence. This stands to reason when examined through a Huntingtonian perspective, as it appears logical that the profession which is most specialised in the application of violence should be mindful of those who also have violent force at their disposal. Regarding civil-military co-operation it also appears that the threat of violent force can have an ultimately paralysing effect, as witnessed in Mitrovica. It must also be noted that in this instance the French contingent may simply have been exactly the wrong choice for the wrong city, insofar as they were less cooperative in general and stationed in an area which was more difficult than average. However, if the presence of an armed threat is a more enduring problem, then it will not be solved as easily as other areas of civil-military co-operation. Previous sections have noted the positive results when a successful division of labour was achieved between various military and civilian parties. However, when dealing with an armed threat there is no other group that can be substituted instead of the military, and therefore an interchange of roles is not possible.

Conclusion

This dissertation sought to achieve two objectives with regard to our understanding of ground level civil-military relations. Firstly, to test the extent to which an established theory, in this case the seminal work of Samuel Huntington, can be applied in a contemporary context. Secondly, by doing so, to discover whether this theory can be applied as, or modified to provide the basis of, a new conceptual approach to ground level civil-military relations. Huntington's original thesis was that the creation of a professional officer corps made the military an autonomous social institution. Once the military became a true profession with enduring peculiar characteristics it would clash with its civilian overseers due to its conservative realist outlook and the divergence of its particular expertise from liberal democratic norms. More specifically, Huntington refined the concepts of parallel authority and horizontal control.

From Chapter Three onwards we have examined how the international military presence reacted in three different sectors of responsibility. Chapter Three looked at the military's involvement with humanitarian and infrastructure tasks, concentrating on combined civil-military efforts to deal with the Kosovo refugee crisis and the military's interactions with civilian personnel and organisations in humanitarian and civil projects. Chapter Four examined KFOR's co-operation with civilians in the areas of policing and justice, and viewed the way in which the military improvised and devised their own policing service as well as the military's role in, and co-operation with, Kosovo's judicial system. Chapter Five assessed KFOR's treatment of the province's paramilitary and radical groups and looked at the impact of the military's reactions to sectarian and ethnically motivated violence.

Parallel authority stated that the level of authority refers to the position that the group occupies in the hierarchy of the governmental authority. KFOR would have greatest power if they have military sovereignty, less if they do not possess authority over other institutions and *vice versa*, and the least when they may be subordinate to another institution. The concept of horizontal control stated that the scope of authority refers to the variety and type of values with respect to which the group is formally authorised to exercise power. Horizontal civilian control would have been exercised against the KFOR to the extent that they would have been confined within a limited scope by the parallel activities of civilian agencies or groups roughly at the same level of authority.

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Huntington's realistic and conservative military mind suggested that the military would seek to be as strong and as secure as possible, would be constantly mindful of threats.

Regarding his respective concepts of parallel authority and horizontal control, each did enjoy validity (the former much more so than the latter) within particular circumstances, however they also appeared to be mutually exclusive. When examining the interactions between the military and other actors, military independence did not occur with strong horizontal control, and *vice versa*, although the military could act independently of one actor and be simultaneously controlled by another. Huntington's military ethic also appeared to be a useful interpretation of military preferences, but was less valuable when applied to experiences where the military was involved in less traditional tasks.

The military's strongest assertions of independence could be seen in their interaction with sectors that were strategically important to them or in those where authority was to be shared or divided with civilian entities whose interests clashed with those of the military. An example of the former would include critical infrastructure, such as the broadcast and transport systems, while the latter included the judicial system, civilian police and civilian organisations. However, with more aggressive groups the military was much less independent in its actions and more willing to negotiate and to cooperate, as displayed by their dealings with the KLA and KLA associated political leaders.

However aspects of civil-military co-operation on security matters showed that KFOR could also be a relatively cooperative partner, and in the case of the election operations the military was a key contributor. Therefore a contemporary use of Huntington's parallel authority concept needs to incorporate the idea that the military can reconcile itself to civilian needs even when the civilian entities in question are not in direct control over it. Based upon the conclusions of this case study it would appear that the military have the potential to be an independent actor, rather than being an independent actor in all cases. When civil-military co-operation has been successful it also appears that the main factor of success was not the broad presence of civilian entities, as suggested by Huntington's horizontal control concept, but a number of other factors. Division of labour and the respective resources and recognition given to both civilian and military parties appear to be important factors in positive mutual accommodation. Where one party has the mandate but not the resources to engage with a particular problem, it stands to reason that they may sacrifice some of their control to a second

party in order to avail of that party's greater resources. The Kosovo crisis was littered with interactions between civil and military groups where civilian groups were given the mandate to resolve refugee and reconstruction issues only to find themselves dependent of the military's resource base.

Horizontal control does not appear to be significantly strengthened by a diversity of purely civilian entities, nor does it appear to be by itself a strong factor in enforcing civilian control. We find that the notion of horizontal control is not successful in explaining outcomes in humanitarian assistance, refugee camp construction, provision of health care and many other social programs and projects. In judicial and policing matters KFOR could disregard the relevant authorities and install mechanisms that reflected the military's preferences over those of its civilian counterparts. In addition to this, where the military was publicly confronted on such matters by civilian groups it did not capitulate, but instead employed more subtle methods of persuasion, recalling Janowitz's earlier assessment (1959:493). According to him, military authority had responded to technological changes, or more accurately the influx of civilian personnel caused by technological changes, by transforming from an organisation based on authority to one employing more and more techniques of manipulation (Janowitz, 1959:493). So in this regard, although horizontal control was a factor, it was not particularly strong or effective. Only where civilian groups were linked to more hostile elements, thereby having a greater leverage, was horizontal control a stronger factor in the civil-military relationship.

The enduring quality of Huntington's 'The Soldier and the State' lies in its focus on the division of power between elite groups and its attending military ethic, which offers a guide to the possible preferences of professional officers. By examining both, it is feasible not just to isolate what freedom of action the military enjoy in civil-military relations, but what courses of action might be most amenable to the military as a group. In the same way that we consider the driving goal of a commercial company within the market place to be profit, we can assume by Huntington's work that the objective of the professional soldier is security. However, just as the commercial company may have many ways to secure profit in long- or short-term strategies that may or may not work, so too can the military be confronted with many different possibilities to achieve security. By accentuating the values within the military ethic we can also assume that the military as a conservative realist group does not just wish parity of power with its

perceived enemies, it wishes to be actively stronger. The practical outcome of this attitude is that the military would resist such courses of action that might weaken their relative strength. As displayed in this study this attitude can translate into a reluctance to divert resources or surrender control of critical infrastructure to non-military groups or tasks.

There are also qualifying factors for the military ethic. Although it can identify preferences that can be associated with the military in general, that appears to be the limit of its utility. Soldiers are not robots, and the military ethic is not the program by which they operate. As previously stated, there will often be many options that may deliver higher security to those the military wishes to defend, not least themselves. Another aspect worth considering is that the military operates a rigid bureaucratic hierarchy where decisions will often come down to, in general, a single man. In a standard western military formation the actions of, for example, three men may be controlled by one corporal, nine men by one sergeant, thirty men by one lieutenant, and so forth. The potential for deviation from the values inherent within the military ethic is therefore high, especially with the importance of a soldier's unquestioning obedience to the decisions of superior officers. Therefore, while the military ethic gives a strong cultural background to the preferences of military personnel, if one officer were to make decisions that ran counter to the principles of the military ethic it would similarly affect the actions of all his subordinates who are carrying out his orders. Another aspect which might lead to deviation from the military ethic as defined by Huntington is the possible influx of new values. Further examinations of modern military curricula may assist in contemporising Huntington's military ethic if broad based conclusions could be reached, for example the extent of an influx of human rights values into western militaries. Further studies along the lines of those recently conducted by Franke (1997:33-57) and Stiehm (2001:290-291), incorporating reference to key values defined by Huntington, would be useful in this regard.

On the division of power between groups in theatre, Huntington's concepts of parallel authority and horizontal civilian control worked well in many respects and point towards a further possible framework for understanding civil-military co-operation. However, the study also pointed towards other possible avenues to examine the structures of authority. Regarding mandates and bodies an institutional approach could concentrate on the functioning of different governing structures and develop

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explanations for the outcomes of civil-military interaction. The bodies developed by NATO and the Albanian government to coordinate aid during the refugee crisis were examples of *ad hoc* mechanisms that did not function efficiently due to their unwieldy characteristics. The design of these structures was less due to political motivations and more to a lack of experience by the parties involved. The regime theory approach, as advocated by Bland (1999:7-26) should account for not just the structures, but also the incentives to comply with and respect mandates, disciplinary and legal provisions. Certain aspects that would be of interest to such an approach would be the conformity of military actions with the parameters laid down in the mandate, such as KFOR's observance of UNSCR 1244. It stands to reason that where military goals are not specified to any great degree or developed in conformity with military thinking, it will be correspondingly more difficult for the military to comply. This could happen either because the military may not be strategically positioned, trained or qualified to carry out their role, or because the terms of reference for the operation are too general to act as a strong regime. Deviation is even more likely when military forces are operating away from the normal institutions of civilian oversight. The weakness of Huntington's horizontal control concept in relation to media, legal and human rights groups in Kosovo shows how other institutions that would normally provide further restraining forces can be ignored and sidelined. According to Bland (1999:7-26) when the regime and the instruments of the regime are weak, the compliance with that regime will be poor, and this was certainly the case in Kosovo. To rectify such a situation, the regime must be one where parties have legitimate expectations of the outcome of dealings with one another, and have recourse to punitive measures when these expectations are not met. Within Kosovo, there were no penalties that could be levelled against KFOR by those with a grievance against it.

However one benefit of focusing upon authority and relative power is that it can account for relations with groups who have significant unofficial power, especially when the region in question is going through a transition period. With reference to the behaviour of paramilitary elements in Kosovo it appears that naked force can override many, if not all, relevant structures when those who wish to use force are sufficiently numerous, willing and operating with tacit consent from their communities. Furthermore, since the military are professionally inclined to pursue power and security it seems logical to further examine those factors that are of direct impact to the military, especially when the scenario at the ground level may be often one that requires the

application of violent force. Although other approaches can make valuable contributions, the application of Huntington's concepts to this study produced useful insights into a broad range of activities, and not those confined to organisational or institutional interaction.

The less relevant concepts drawn from Huntington's '*The Soldier and the State*' were the consideration of political ideals between elite groups and the focus upon relative expertise. Consideration of elite political ideals was dismissed at the beginning of the study as unsuitable for a multinational force. However, the question of expertise, which was tested through the horizontal control concept, was also deemed a less useful approach. Through this study it was discovered that relative expertise was not a compartmentalising factor on military activities due to authority and resource factors. Huntington's remarks on expertise would serve well *ceteris paribus*, when for example the military occupy one department within a government of surrounding departments, where each department has its mandate and responsibilities clearly defined by sector (health, agriculture, transport *et cetera*). In theatre however, the military may often be the most technically and organizationally advanced, favoured within the deployment mandate and largest in physical size, and therefore constitute a very powerful group in both ability and authority. With such advantages it is no surprise that they will seek to advance their own interests at the expense of other groups, even if this means encroaching upon their expertise. In other cases additional responsibilities will be thrust upon the military due to the inability of other groups to cater for their own sectors. Healthcare in Kosovo is one obvious example.

Another aspect worth considering in relation to expertise is the military's proactive nature. Although the military ethic does describe the military as pessimistic, a characteristic that evidence was found to support (the alternation between static guards and mobile patrols is a good example), the military can also adapt and develop its operational procedure to better assist in its mission. This characteristic of adaptation is often not associated with the military due to its rigid structure and its social conservatism. However, on an operational level the military cannot be regarded as a group that is necessarily resistant to change, even if it means duplication of existing expertise. In fact it can be concluded from this study that the military's willingness to adapt is a further extension of pessimism, insofar as the military want to be prepared for all contingencies. The description of the military as a self-contained entity was never so

appropriate as when referring to the military in theatre. Therefore, with respect to the results of this study, relative expertise was much less relevant in civil-military relations and co-operation than the military's penchant for control.

Regarding the question of a new conceptual approach to civil-military relations within a ground level context, the results of this study show promise in modifying Huntington's work for this type of application. As previously stated, isolating the factors which cause the military to oscillate from being a pliant partner at one point, to an independent and expansionist actor at another point, appears to be the most important task in explaining the problems associated with the application of Huntington's theory to civil-military co-operation. Although it is a failure of Huntington's theory that his parallel authority and horizontal control models did not successfully co-exist, the value of the approach is that the success or failure of either model appears to be intrinsically linked. Huntington originally posited that the military became isolated from civilian society with the creation of the professional officer corps and the development of military expertise. He refined this position to identify relative authority, outlook and expertise (in addition to a number of other points) as significant factors in the determination of civil-military relations. Huntington's original approach works in an established setting, the military within the parent state for example, as the variables are minimised and the relationship is well determined. In a multi-national ground level setting neither the variables nor the relationship are predetermined and therefore the relative significance of each factor is altered. The success of Huntington's work is that he correctly identified factors that are relevant to the civil-military relationship, even if he did not foresee how these factors might separately gain more or less weight within differing civil-military environments. *The Soldier and the State* identified one equation of civil-military relations, but more permutations of the equation are still possible and in fact necessary within a contemporary setting.

The results of this thesis show that Huntington's approach can be verified within the context of a ground level mission, and the methodology of this study can be replicated for other experiences. If the same intrinsic link between parallel authority and horizontal control is again demonstrated then we can accept the relevant factors that Huntington identified and the formal relationship between them. We can then begin to establish one coherent model capable of explaining civil-military relations and interaction at the ground level by isolating those elements that give more weight to

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authority, expertise, or outlook within the civil-military relationship. One apparent factor which has caused the reversal of outcomes for Huntington's concepts of civilian control in Kosovo was the latent or existing threat of violence. From an ideological and practical level the specific incorporation of the relative threat within a Huntingtonian approach is suitable. A conservative realist profession, specialised in the application of violence, should be above all mindful of those who also have violent force at their disposal.

In conclusion this study suggests that Samuel Huntington's 1957 work can be modified to evaluate civil-military relations in a ground level environment. According to the data, when military independence from civilian parties is high, horizontal civilian control is correspondingly low. The reverse was also true. Horizontal civilian control can also be strong, usually where there is a significant threat behind it, and when this occurred military independence was correspondingly low. Overall this suggests that co-existence in the field will be difficult for military and civilian parties when their working methodologies are so different. Whereas there is obviously shared responsibility, both military and civilian parties working in unison towards a common goal, it does not mean that differences are forgotten and working methodologies compromised. Each party tried to remain true to its working ethic as far as possible. For the military, as defined by Huntington's military ethic and supported by many examples in Kosovo, this primarily means recognising the presence and possible consequences of violent action. Various civilian groups by contrast, although occasionally countenancing aggressive confrontation, were more likely to be mindful of legal or egalitarian concepts. Co-operation was successful when the needs were complimentary and responsibility could be divided into subsections, but friction occurred when responsibility was jointly taken. In the latter cases the military's wishes usually prevailed. When points of contention arose it was KFOR that 'called the shots' and enforced its decisions upon the civilian parties. Only when the military was threatened with violence and civil disobedience from Kosovar radicals did it chose a less authoritarian approach.

Civil-military relations literature to date on this subject area has largely been policy oriented and has not employed a theoretical approach, and it has been therefore devoid of a more fundamental understanding of the forces that underpin the relationship between soldiers and their civilian counterparts in ground level operations. This study

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has successfully shown how elements of the civil-military relationship, already identified and verified by previous work, may be modified and reapplied to a contemporary conflict setting. In doing so it provides a greater understanding of the synergies possible between soldiers and civilians by building upon an accepted theoretical approach and linking it to a modern day operation. Huntington's work has been taken from the original soldier/state context and brought 'into the field' where it has successfully accounted for the interactions between both spheres. Given the huge influx of civilian personnel into conflict regions over the last one and a half decades, and elevation of civil-military co-operation concepts to the doctrinal level, it is a timely transition.

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58. KFOR News Update 24 February 2000 by Lieutenant Commander. Philip Anido
http://www.nato.int/kfor/press/pr/archive.htm [accessed 1 December 2001]

59. KFOR News Update 2 March 2000 by Lieutenant Commander Philip Anido
http://www.nato.int/kfor/press/pr/archive.htm [accessed 1 December 2001]

60. KFOR News Update 3 March 2000 by Lieutenant Commander Philip Anido
http://www.nato.int/kfor/press/pr/archive.htm [accessed 1 December 2001]

61. KFOR News Update 4 March 2000 by Lieutenant Commander Philip Anido
http://www.nato.int/kfor/press/pr/archive.htm [accessed 1 December 2001]

62. KFOR News Update 16 March 2000 by Lieutenant Colonel Henning Philipp
http://www.nato.int/kfor/press/pr/archive.htm [accessed 1 December 2001]

63. KFOR News Update 10 May 2000 by Lieutenant Commander Philip Anido
http://www.nato.int/kfor/press/pr/archive.htm [accessed 1 December 2001]

64. KFOR News Update 11 May 2000 by Lieutenant Commander Philip Anido
http://www.nato.int/kfor/press/pr/archive.htm [accessed 1 December 2001]

65. KFOR News Update 13 May 2000 by Lieutenant Commander Philip Anido
http://www.nato.int/kfor/press/pr/archive.htm [accessed 1 December 2001]

66. KFOR News Release 23 May 2000 http://www.nato.int/kfor/press/pr/archive.htm [accessed 1
December 2001]

67. KFOR News Update 24 May 2000 by Lieutenant Commander. Philip Anido
http://www.nato.int/kfor/press/pr/archive.htm [accessed 1 December 2001]

68. KFOR News Update 12 June 2000 by Major Scott A. Slaten
http://www.nato.int/kfor/press/pr/archive.htm [accessed 1 December 2001]

69. KFOR News Update 19 June 2000 by Major Scott A. Slaten
http://www.nato.int/kfor/press/pr/archive.htm [accessed 1 December 2001]

70. KFOR News Update 23 June 2000 by Major Scott A. Slaten
http://www.nato.int/kfor/press/pr/archive.htm [accessed 1 December 2001]

71. KFOR News Update 16 July 2000 by Major Scott A. Slaten
http://www.nato.int/kfor/press/pr/archive.htm [accessed 1 December 2001]

72. KFOR News Update 18 July 2000 by Major Scott A. Slaten
http://www.nato.int/kfor/press/pr/archive.htm [accessed 1 December 2001]

73. KFOR News Update 21 July 2000 by Major Scott A. Slaten
http://www.nato.int/kfor/press/pr/archive.htm [accessed 1 December 2001]

74. KFOR News Update 11 August 2000 by Major Craig T. Snow
http://www.nato.int/kfor/press/pr/archive.htm [accessed 1 December 2001]

75. KFOR News Update 28 August 2000 by Major Scott A. Slaten
http://www.nato.int/kfor/press/pr/archive.htm [accessed 1 December 2001]

76. KFOR News Update 30 September 2000 by Major Steven R. Shappell
http://www.nato.int/kfor/press/pr/archive.htm [accessed 1 December 2001]

77. KFOR News Update 21 October 2000 by Major Steven R. Shappell
http://www.nato.int/kfor/press/pr/archive.htm [accessed 1 December 2001]

78. KFOR News Update 25 October 2000 by Major Steven R. Shappell
http://www.nato.int/kfor/press/pr/archive.htm [accessed 1 December 2001]

79. KFOR News Update 29 October 2000 by Major Steven R. Shappell
http://www.nato.int/kfor/press/pr/archive.htm [accessed 1 December 2001]

80. KFOR News Update 7 November 2000 by Major Steven R. Shappell
http://www.nato.int/kfor/press/pr/archive.htm [accessed 1 December 2001]

81. KFOR News Update 23 November 2000 by Flight Lieutenant Mark A. Whitty
http://www.nato.int/kfor/press/pr/archive.htm [accessed 1 December 2001]

82. KFOR News Update 17 December 2000 by Major Steven R. Shappell
http://www.nato.int/kfor/press/pr/archive.htm [accessed 1 December 2001]

F. United States Department of Defence

1. Department of Defence News Briefing 5 August 1999 with Brigadier General John Craddock, Commander Task Force Falcon
http://www.defenselink.mil/news/Aug1999/t08051999_t080599.html [accessed 7 October 2001]

2. Department of Defence News Briefing 29 June 1999 with Mr. Kenneth H. Bacon, ASD PA, Lieutenant General Mike McDuffie
http://www.defenselink.mil/news/Jun1999/t06301999_t062999.html [accessed 8 October 2001]

3. Department of Defense News Briefing 28 May 1999 with Mr. Kenneth H. Bacon, ASD PA, Lieutenant General Mike McDuffie, and Major General Chuck Wald
http://www.defenselink.mil/news/May1999/t05281999_t0528asd.html [accessed 7 October 2001]

G. Bureau Enquêtes-Accidents

1. *Bureau Enquêtes-Accidents*, Report (translation) on the accident on 12 November 1999 North of Pristina (Kosovo) to the ATR 42-300 registered F-OHFV operated by SI FLY, F-FV991112A, *Ministere de L'Equipment, Des Transports et du Logement Inspection Generale de l'aviation civile et de la Meteorologie France.*
http://www.bea-fr.org/docs/f-fv991112a/pdf/f-fv991112a.pdf [accessed 28 March 2002]

Appendices

A. United Nations Security Council Resolution 1244

RESOLUTION 1244 (1999)
Adopted by the Security Council at its 4011th meeting, on 10 June 1999

The Security Council, Bearing in mind the purposes and principles of the Charter of the United Nations, and the primary responsibility of the Security Council for the maintenance of international peace and security,

Recalling its resolutions 1160 (1998) of 31 March 1998, 1199 (1998) of 23 September 1998, 1203 (1998) of 24 October 1998 and 1239 (1999) of 14 May 1999,

Regretting that there has not been full compliance with the requirements of these resolutions,

Determined to resolve the grave humanitarian situation in Kosovo, Federal Republic of Yugoslavia, and to provide for the safe and free return of all refugees and displaced persons to their homes,

Condemning all acts of violence against the Kosovo population as well as all terrorist acts by any party,

Recalling the statement made by the Secretary-General on 9 April 1999, expressing concern at the humanitarian tragedy taking place in Kosovo,

Reaffirming the right of all refugees and displaced persons to return to their homes in safety,

Recalling the jurisdiction and the mandate of the International Tribunal for the Former Yugoslavia,

Welcoming the general principles on a political solution to the Kosovo crisis adopted on 6 May 1999 and welcoming also the acceptance by the Federal Republic of Yugoslavia of the principles and the Federal Republic of Yugoslavia's agreement to that paper,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other States of the region, as set out in the Helsinki Final Act,

Reaffirming the call in previous resolutions for substantial autonomy and meaningful self-administration for Kosovo,

Determining that the situation in the region continues to constitute a threat to international peace and security,

Determined to ensure the safety and security of international personnel and the implementation by all concerned of their responsibilities under the present resolution, and acting for these purposes under Chapter VII of the Charter of the United Nations,

1. Decides that a political solution to the Kosovo crisis shall be based on the general principles in annex 1 and as further elaborated in the principles and other required

elements in annex 2;

2. Welcomes the acceptance by the Federal Republic of Yugoslavia of the principles and other required elements referred to in paragraph 1 above, and demands the full cooperation of the Federal Republic of Yugoslavia in their rapid implementation;

3. Demands in particular that the Federal Republic of Yugoslavia put an immediate and verifiable end to violence and repression in Kosovo, and begin and complete verifiable phased withdrawal from Kosovo of all military, police and paramilitary forces according to a rapid timetable, with which the deployment of the international security presence in Kosovo will be synchronized;

4. Confirms that after the withdrawal an agreed number of Yugoslav and Serb military and police personnel will be permitted to return to Kosovo to perform the functions in accordance with annex 2;

5. Decides on the deployment in Kosovo, under United Nations auspices, of international civil and security presences, with appropriate equipment and personnel as required, and welcomes the agreement of the Federal Republic of Yugoslavia to such presences;

6. Requests the Secretary-General to appoint, in consultation with the Security Council, a Special Representative to control the implementation of the international civil presence, and further requests the Secretary-General to instruct his Special Representative to coordinate closely with the international security presence to ensure that both presences operate towards the same goals and in a mutually supportive manner;

7. Authorizes Member States and relevant international organizations to establish the international security presence in Kosovo as set out in point 4 of annex 2 with all necessary means to fulfil its responsibilities under paragraph 9 below;

8. Affirms the need for the rapid early deployment of effective international civil and security presences to Kosovo, and demands that the parties cooperate fully in their deployment;

9. Decides that the responsibilities of the international security presence to be deployed and acting in Kosovo will include:
(a) Deterring renewed hostilities, maintaining and where necessary enforcing a ceasefire, and ensuring the withdrawal and preventing the return into Kosovo of Federal and Republic military, police and paramilitary forces, except as provided in point 6 of

annex 2;

(b) Demilitarizing the Kosovo Liberation Army (KLA) and other armed Kosovo Albanian groups as required in paragraph 15 below;

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

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

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

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

(g) Conducting border monitoring duties as required;

(h) Ensuring the protection and freedom of movement of itself, the international civil presence, and other international organizations;

10. Authorizes the Secretary-General, with the assistance of relevant international organizations, to establish an international civil presence in Kosovo in order to provide an interim administration for Kosovo under which the people of Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia, and which will provide transitional administration while establishing and overseeing the development of provisional democratic self-governing institutions to ensure conditions for a peaceful and normal life for all inhabitants of Kosovo;

11. Decides that the main responsibilities of the international civil presence will include:

(a) Promoting the establishment, pending a final settlement, of substantial autonomy and self-government in Kosovo, taking full account of annex 2 and of the Rambouillet accords (S/1999/648);

(b) Performing basic civilian administrative functions where and as long as required;

(c) Organizing and overseeing the development of provisional institutions for democratic and autonomous self-government pending a political settlement, including the holding of elections;

(d) Transferring, as these institutions are established, its administrative responsibilities while overseeing and supporting the consolidation of Kosovo's local provisional institutions and other peace-building activities;

(e) Facilitating a political process designed to determine Kosovo's future status, taking into account the Rambouillet accords (S/1999/648);

(f) In a final stage, overseeing the transfer of authority from Kosovo's provisional institutions to institutions established under a political settlement;

(g) Supporting the reconstruction of key infrastructure and other economic reconstruction;

(h) Supporting, in coordination with international humanitarian organizations, humanitarian and disaster relief aid;

(i) Maintaining civil law and order, including establishing local police forces and meanwhile through the deployment of international police personnel to serve in Kosovo;

(j) Protecting and promoting human rights;

(k) Assuring the safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo;

12. Emphasizes the need for coordinated humanitarian relief operations, and for the Federal Republic of Yugoslavia to allow unimpeded access to Kosovo by humanitarian aid organizations and to cooperate with such organizations so as to ensure the fast and effective delivery of international aid;

13. Encourages all Member States and international organizations to contribute to economic and social reconstruction as well as to the safe return of refugees and displaced persons, and emphasizes in this context the importance of convening an international donors' conference, particularly for the purposes set out in paragraph 11 (g) above, at the earliest possible date;

14. Demands full cooperation by all concerned, including the international security presence, with the International Tribunal for the Former Yugoslavia;

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

16. Decides that the prohibitions imposed by paragraph 8 of resolution 1160 (1998) shall not apply to arms and related matériel for the use of the international civil and security presences;

17. Welcomes the work in hand in the European Union and other international organizations to develop a comprehensive approach to the economic development and stabilization of the region affected by the Kosovo crisis, including the implementation of a Stability Pact for South Eastern Europe with broad international participation in order to further the promotion of democracy, economic prosperity, stability and regional cooperation;

18. Demands that all States in the region cooperate fully in the implementation of all aspects of this resolution;

19. Decides that the international civil and security presences are established for an initial period of 12 months, to continue thereafter unless the Security Council decides otherwise;

20. Requests the Secretary-General to report to the Council at regular intervals on the implementation of this resolution, including reports from the leaderships of the

international civil and security presences, the first reports to be submitted within 30 days of the adoption of this resolution;

21. Decides to remain actively seized of the matter.

B. Communication from KFOR

KFOR MAIN
PIO OFFICE
Film City
Pristina

12 April 2002

Dear Mr Doyle

Please find the paragraph below reference the question you asked on the Code of Conduct in Kosovo

I will have left by the time you receive this but please feel free to contact the PIO office at <u>pio@main.kfor.nato.int</u> if you need any thing else. My replacement is a British Sailor by the name of WWTR Gillian ORR. There are two people in this office so I am sure you will not have a problem receiving an answer. You will receive an answer regarding the SOFA as soon as we know the situation.

KFOR includes personnel from many different nations. Each of these nations brings its own unique national legal and military discipline policies to the operation. Troop Contributing Nations (TCNs) to the KFOR mission retain exclusive jurisdiction over their forces throughout deployment in the KFOR theatre of operations. Discipline is an entirely National Matter. COMKFOR has requested that Commanders and Senior National Representatives of TCNs, publish national policies which reflects the guidance and is enforceable through their national disciplinary channels.

Regards
LWWTR Michele Carty
PIO Admin

C. Correspondence with UNMIK POLICE

(Emails in order of latest first)

----- Original Message -----
From: "UNMIK POL-PRESS" <pol-press@un.org>
To: <dermot.doyle5@mail.dcu.ie>
Sent: Thursday, June 27, 2002 3:02 PM
Subject: Re: Date of MOU between KFOR and UNMIK

Hello,

I don't know of any instances when a MOU was violated. However, I expect that any conflicts would be resolved at the Police Commissioner-COMKFOR or SRSG-COMKFOR level. The objective of a MOU is to get the agreed positions in writing to reduce the potential for conflict. A MOU isn't like a treaty or legal contract. There is a presumption of a desire to cooperate on both sides.

Best regards,

Barry Fletcher

"Dermot Doyle" <dermot.doyle5@mail.dcu.ie on 06/27/2002 03:26:38 PM

To: "UNMIK POL-PRESS" <pol-press@un.org
cc:
bcc:
Subject: Re: Date of MOU between KFOR and UNMIK

Hi Barry,

Sorry to bug you again but I have just two more questions on the MOUs.

What happens if either party (KFOR or UNCIVPOL) doesn't respect the principles laid out in an MOU, is there any recourse for the other party? If for any reason it is found by one party to be impractical or otherwise, would the SRSG and COMKFOR negotiate a new one, or would it be referred upwards to the Security Council or resolved through diplomatic channels?

Thanks,
Dermot Doyle
+353 1 700 5069

----- Original Message -----
From: "UNMIK POL-PRESS" <pol-press@un.org
To: <dermot.doyle5@mail.dcu.ie
Sent: Friday, June 07, 2002 3:58 PM
Subject: Re: Date of MOU between KFOR and UNMIK

Hello,

There are seperate MOUs between UNMIK and KFOR regarding "primacy" for each Region (5 Regions). They are all similar with the following outline:

1. General - Transfers Investigative and Tactical Primacy from KFOR to UNMIK Police effective on the appropriate date. Note that KFOR retains overall Operational primacy throughout Kosovo in accordance with the "all necessary means" provisions of 1244, The situation continues to evolve toward a situation more like the relationship between the British police and military in Northern Ireland today.

2. Status of Forces - Confirms the immunity of KFOR personnel from civil criminal prosecution. Note that UNMIK Police are covered by the standard diplomatic immunity that UN personnel have around the world.

3. Cooperation - Establishes a Joint Operations Center and describes general principles for joint operations and joint use of facilities (such as detention centers and combination UNMIK Police/KFOR stations).
- Defines responsibilities of the respective organizations with regard to certain issues, such as guarding "patrimonial sites".
- Establishes obligations for communication, such as advising each other of planned/ongoing operations and operating policies
- Confirms UNMIK Police as the relevant authority for public order and crime investigations except in "cases of special KFOR interest". In those cases, the two organizations "will commonly agree on the way ahead and the point of transfer of authority".

I hope the above helps.

Best regards,

Barry Fletcher

"Dermot Doyle" <dermot.doyle5@mail.dcu.ie on 06/07/2002 12:33:52 PM
To: "UNMIK POL-PRESS" <pol-press@un.org

cc:
bcc:
Subject: Re: Date of MOU between KFOR and UNMIK

Hi Barry,

Here's the reminder you asked me for regarding the MOU's.

Thanks,

Dermot Doyle

----- Original Message -----
From: "UNMIK POL-PRESS" <pol-press@un.org
To: <dermot.doyle5@mail.dcu.ie
Sent: Tuesday, June 04, 2002 4:59 PM
Subject: Re: Date of MOU between KFOR and UNMIK

Hi,

I will check to see how much info can be released . It will take a
few days. Remind me if I don't get back to you by Friday AM.

Barry Fletcher

"Dermot Doyle" <dermot.doyle5@mail.dcu.ie on 06/04/2002 04:21:40 PM
To: "UNMIK POL-PRESS" <pol-press@un.org
cc:
bcc:
Subject: Date of MOU between KFOR and UNMIK

Hello again Barry,

About the MOU between KFOR and UNMIK, can you tell if it was the one signed by
General Cabigiosu and Bernard Kouchner on 21 November 2000? Is there more than
one memorandum for different operations, or are all of the details contained within one?
Would it be also possible to know the broad areas detailed in the memorandum, or must
it stay strictly confidential?

Thanks
Dermot Doyle
+353 1 700 5069

----- Original Message -----
From: "UNMIK POL-PRESS" <pol-press@un.org
To: <dermot.doyle5@mail.dcu.ie
Sent: Wednesday, May 29, 2002 4:04 PM
Subject: Re: Transfer of powers from KFOR to UNMIK Police

Hello,

It has been a very busy day for us and I may have been on the phone. The mobile phone system is also often overloaded and several tries are needed to get through (My mobile phone is +377-44-233-092).

Questions 1 & 2 would be best discussed on the phone. Regarding # 3, there are Memorandums of Understanding between UNMIK and KFOR that define the divisions of responsibilities. However, they are not public documents and are not available for inspection (sorry).

Best regards,

Barry Fletcher
"Dermot Doyle" <dermot.doyle5@mail.dcu.ie on 05/29/2002 03:17:42 PM
To: "UNMIK POL-PRESS" <pol-press@un.org
cc:
bcc:
Subject: Re: Transfer of powers from KFOR to UNMIK Police

Dear Mr Fletcher,

Thanks for your speedy reply. I tried to call you a moment ago but I couldn't get through. I have some more specific questions for you, but if you think they would be better discussed on the phone, please send me a good time of the day to catch you at.

Thanks again,
Dermot Doyle

1. In joint operations, such as arrest warrant operations, are UNMIK police the final authority on operational procedure? Are their regulations in place that give UNMIK police final authority in this type of police operation?

2. If KFOR is responsible for overall security, and UNMIK Police are responsible for crime fighting, local security etc., can this lead to friction between the two organisations? If a dispute on authority does arise, who decides which organisation has primacy?

3. What regulations or rules are in place to determine the division of responsibility between military and police forces? Would it be possible for me to receive a copy of these regulations?

D. Undertaking of Demilitarisation and Transformation by the UCK

Undertaking of demilitarisation and transformation by the UCK

Signed 20 June 1999

This Undertaking provides for a ceasefire by the UCK, their disengagement from the zones of conflict, subsequent demilitarisation and reintegration into civil society. In accordance with the terms of UNSCR 1244 and taking account of the obligations agreed to at Rambouillet and the public commitments mady by the Kosovar Albanian Rambouillet delegation.

The UCK undertake to renounce the use of force to comply with the directions of the Commander of the international security force in Kosovo (COMKFOR), and where applicable the bead of the interim civil administration for Kosovo, and to resolve peacefully any questions relating to the implementation of this undertaking.

The UCK agree that the International Security Presence (KFOR) and the international civil presence will continue to deploy and operate without hindrance within Kosovo and that KFOR has the authority to take all necessary action to establish and maintain a secure environment for all citizens of Kosovo and otherwise carry out its mission.

The UCK agrees to comply with all of the obligations of this Undertaking and to ensure that with immediate effect all UCK forces in Kosovo and in neighbouring countries will observe the provisions of this Undertaking, will refrain from all hostile or provocative acts, hostile intent and freeze military movement in either direction across International borders or the boundary between Kosovo and other parts of the FRY, or any other actions inconsistent with the spirit of UNSCR 1244. The UCK in Kosovo agree to commit themselves publicly to demilitarise in accordance with paragraphs 22 and 23, refrain from activities which jeopardise the safety of international governmental and non-governmental personnel including KFOR, and to facilitate the deployment and operation of KFOR.

For purposes of this Undertaking, the following expressions shall have the meanings as described below :

The UCK includes all personnel and organisations within Kosovo, currently under UCK control, with a military or paramilitary capability and any other groups or individuals so designated by Commander KFOR (COMKFOR)

« FRY Forces » includes all of the FRY and Republic of Serbia personnel and organisations with a military capability. This includes regular army and naval forces, armed civilian groups, associated paramilitary groups, air forces, national guards, border police, army reserves, military police, intelligence services, Ministry of Internal Affairs, local, special, riot and anti-terrorist police, and any other groups or individuals so designated by Commander KFOR (COMKFOR).

The Ground Safety Zone (GSZ) is defined as a 5-kilometre zone that extends beyond the Kosovo province border into the rest of FRY territory. It includes the terrain within that 5-kilometre zone.

Prohibited weapons are any weapon 12.7mm or larger, any anti-tank or anti-aircraft weapons, grenades, mines or explosives, automatic and long barrelled weapons.

The purpose of this Undertaking are as follows :

To establish a durable cessation of hostilities.

To provide for the support and authorisation of the KFOR and in particular to authorise the KFOR to take such actions as are required, including the use of necessary force in accordance with KFOR's rules of engagement, to ensure compliance with this Undertaking and protection of the KFOR, and to contribute to a secure environment for the international civil implementation presence, and other international organisations, agencies, and non-governmental organisations and the civil populace.

The actions of the UCK shall be in accordance with this Undertaking. « The KFOR » commander in consultation, where appropriate, with the interim civil administrator will be the final authority regarding the interpretation of this Undertaking and the security aspects of the peace settlement it supports. His determinations will be binding on all parties and persons.

Cessation of Hostilities

With immediate effect on signature the UCK agrees to comply with this Undertaking and with the directions of COMKFOR. Any forces which fall to comply with this Undertaking or with the directions of COMKFOR will be liable to military action as deemed appropriate by COMKFOR.

With immediate effect on signature of this Undertaking all hostile acts by the UCK will cease. The UCK Chief of General Staff undertakes to issue clear and precise instructions to all units and personnel under his command, to ensure contact with the FRY force is avoided and to comply fully with the arrangements for bringing this Undertaking into effect. He will make announcements immediately following final signature of this Undertaking, which will be broadcast regularly through all appropriate channels to assist in ensuring that instructions to maintain this Undertaking reach all the forces under his command and are understood by the public in general.

The UCK undertakes and agrees in particular :

To cease the firing of all weapons and use of explosive devices.

Not to place any mines, barriers or checkpoints, nor maintain any observation posts or protective obstacles.

The destruction of buildings, facilities or structures is not permitted. It shall not engage in any military, security, or training related activities, including ground or air defence operations, in or over Kosovo or GSZ, without the prior express approval of COMKFOR.

Not to attack, detain or intimidate any civilians in Kosovo, nor shall they attack, confiscate or violate the property of civilians in Kosovo.

The UCK agrees not to conduct any reprisals, counter-attacks, or any unilateral actions in response to violations of the UNSCR 1244 and other extant agreements relating to Kosovo. This in no way denies the right of self-defence.

The UCK agrees not to interfere with those FRY personnel that return to Kosovo to conduct specific tasks as authorised and directed by COMKFOR.

Except as approved by COMKFOR, the UCK agrees that its personel in Kosovo will not carry weapons of any type :

Within 2 kilometres of VJ and MUP assembly areas ;

Within 2 kilometres of the main roads and the towns upon them listed at Appendix A ;

Within 2 kilometres of external borders of Kosovo ;

In any other areas designated by COMKFOR

Within 4 days of signature of this Undertaking :

The UCK will close all fighting positions, entrenchments, and checkpoints on roads, and mark their minefields and booby traps.

The UCK Chief of General Staff shall report in writing completion of the above requirement to COMKFOR and continue to provide weekly detailed written status reports until demilitarisation, as detailed in the following paragraphs, is complete.

Cross-Border activity

With immediate effect the UCK will cease the movement of armed bodies into neighbouring countries. All movement of armed bodies into Kosovo will be subject to the prior approval of COMKFOR.

Monitoring the Cessation of Hostilities

The authority for dealing with breaches of this Undertaking rests with COMKFOR. He will monitor and maintain and if necessary enfore the cessation of hostilities.

The UCK agrees to co-operate fully with KFOR and the interim civil administration for Kosovo. The chief of the General Staff of the UCK will ensure that prompt and appropriate action is taken to deal with any breaches of this Undertaking by his forces as directed by COMKFOR.

Elements of KFOR will be assigned to maintain contact with the UCK and will be deployed to its command structure and bases.

KFOR will establish appropriate control at designated crossing points into Albania and the FYROM.

Joint Implementation Commission (JIC)

A JIC will be established in Pristina within 4 days of the signature of this Undertaking. The JIC will be chaired by COMKFOR and will comprise the senior commanders of KFOR and the UCK, and a representative from the interim civil administration for Kosovo.

The JIC will meet as often as required by COMKFOR throughout the implementation of this Undertaking. It may be called without prior notice and representation by the UCK is expected at a level appropriate with the rank of the KFOR chairman. Its functions will include :

Ensuring compliance with agreed arrangements for the security and activities of all forces ;

The investigation of actual or threatened breaches of his Undertaking ;

Such other tasks as may be assigned to it by COMKFOR in the interests of maintaining the cessation of hostilities.

Demilitarisation and transformation

The UCK will follow the procedures established by COMKFOR for the phased demilitarisation, transformation and monitoring of UCK forces in Kosovo and for further regulation of their activities. They will not train or organise parades without the authorithy of COMKFOR.

The UCK agrees to the following timetable which will commence from the signature of this Undertaking :

Within 7 days, the UCK shall establish secure weapons storage sites, which shall be registered with and verified by the KFOR ;

Within 7 days the UCK will clear their minefields and booby traps, vacate their fighting positions and transfer to assembly areas as agreed with COMKFOR at the JIC. Thereafter only personnel authorised by COMKFOR and senior Officers of the UCK with their close protection personnel not exceeding 3, carrying side arms only, will be allowed outside the assembly areas.

After 7 days automatic small arms weapons not stored in the registered weapons storage sites can only be held inside the authorised assembly areas.

After 29 days, the retention of any non automatic long barrelled weapons shall be subject to authorisation by COMKFOR.

Within 30 days, subject to arrangements by COMKFOR, if necessary, all UCK personnel, who are not of local origin, whether or not they are legally within Kosovo, including individual advisors, freedom fighters, trainers, volunteers, and personnel from neighbouring and other States, shall be withdrawn from Kosovo.

Arrangements for control of weapons are as follows :

Within 30 days the UCK shall store in the registered weapons storage sites all prohibited weapons with the exception of automatic small arms. 30 per cent of their

total holdings of automatic small arms weapons will also be stored in these sites at this stage. Ammunition for the remaining weapons should be withdrawn and stored at an approved site authorised by COMKFOR separate from the assembly areas at the same time.

At 30 days it shall be illegal for UCK personnel to possess prohibited weapons, with the exception of automatic small arms within assembly areas, and unauthorised long barrelled weapons. Such weapons shall be subject to confiscation by the KFOR.

Within 60 days a further 30 per cent of automatic small arms, giving a total of 60 per cent of the UCK holdings, will be stored in the registered weapons storage sites.

Within 90 days all automatic small arms weapons will be stored in the registered weapons storage sites. Thereafter their possession by UCK personnel will be prohibited and such weapons will be subject to confiscation by KFOR.

From 30 days until 90 days the weapons storage sites will be under joint control of the UCK and KFOR under procedures approved by COMKFOR at the JIC. After 90 days KFOR will assume full control of these sites.

Within 90 days all UCK forces will have completed the processes for their demilitarisation and are to cease wearing either military uniforms or insignia of the UCK.

Within 90 days the Chief of General Staff UCK shall confirm compliance with the above restrictions in writing to COMKFOR.

The provisions of this Undertaking enter into force with immediate effect of its signature by the Kosovar Albanian representative(s).

The UCK intends to comply with the terms of the United Nations Security Council Resolution 1244, and in this context that the international community should take due and full account of the contribution of the UCK during the Kosovo crisis and accordingly give due consideration to :

Recognition that, while the UCK and its structures are in the process of transformation, it is committed to propose individual current members to participate in the administration and police forces of Kosovo, enjoying special consideration in view of the expertise they have developped.

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

This Undertaking is provided in English and Albanian and if there is any doubt as to the meaning of the text the English version has precedence.

Appendix A:

Roads

Pec - Lapusnik - Pristina

Border- Djakovica - Klina

Border - Prizren - Suva Reka - Pristina

Djakovica - Orahovac - Lapusnik - Pristina

Pec-Djakovica - Prizren - Urosevac - Border

Border - Urosevac - Pristina - Podujevo - Border

Pristina - Kosovska Mitrovica - Border

Kosovska Mitrovica - (Rakos) - Pec

Pec - Border with Montenegro (through Rozaj)

Pristina - Lisica - Border with Serbia

Pristina - Gnjilane - Urosevac

Grijlane - Veliki Tmovac - Border with Serbia

Prizren - Doganovic