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**NATO ON THE BALKANS: PATTERNS OF PEACE-KEEPING
IN THE POST-COLD WAR ERA
(THE CASES OF BOSNIA AND HERZEGOVINA AND KOSOVO)**

FINAL REPORT

Dr. Nadia Boyadjieva

BULGARIA

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EXECUTIVE SUMMARY*

Peace operations in their broadest definition¹ and mandate appeared after 1945 and were an important new tool and innovation into the mechanism of safeguarding international security and peace. They underwent a significant transformation in the post-Cold War era which was a direct product of the changing international security environment. That transformation presented a serious challenge to the United Nations (UN), to The North Atlantic Treaty Organization (NATO) and to all those organizations and structures involved in the preservation of the world peace.

During the Cold War years peace operations had different role because the superpower tensions made it impossible for the Security Council to reach unanimous decisions on the use of force in conflict resolution. In view of that trend the practice of the Cold War included a larger emphasis on bilateral and regional security treaties rather than on UN's role in international security arrangements². Most of them were based on UN Charter's principles and emphasized defense as the main legitimate use of force. Examples worth mentioning were the establishment of the League of Arab States (March 1945 with the Treaty of Cairo), the Organization of American States (its Charter approved in 1948 after the signing in 1947 of the Inter-American Treaty of Reciprocal Assistance, known as the Rio Treaty), the Organization of African Unity (1963) and the Organization of South East Asian Nations (1967).

One similar arrangement that was to become a key element in the peace-keeping operations in the 1990's was NATO. The Washington Treaty of April 1949 established NATO deliberately³ as an organization that provided self-defense to its member-

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states under Article 51 of the UN Charter, rather than as a regional arrangement under Chapter VIII. It acted effectively due to the external threat (the Warsaw Pact and the Soviet Union), the common democratic values of its members and the lack of outside-of-Europe engagements. It was as one expert pointed out 'much more a regional military alliance than a collective security system'.⁴

With the end of the Cold War however, the international community explored in the 1990's different approaches to peace operations thus making them an important element in the functioning of the overall international system. Those changes had a serious impact on the theoretical definitions of peace operations, reflecting issues of conflict prevention and various types of peace operations - peace-keeping, peace-enforcement, peace-making, peace-building, etc.⁵ The very evolution of the concept had its own practical implications for the activities of the international organizations involved.

One of the major challenges to the international community and its capacity for intervention in the post-Cold War era came with the dissolution of the Socialist Federal Republic of Yugoslavia in the early 1990's. The ethnic tensions, the resurgence of old rivalries and the outbreak of violence at the time of democratization in Eastern Europe was a severe test to the adaptability of international diplomacy to the new geopolitics of the period. In due course many international institutions and structures had to dive into non-chartered waters and to follow a course there that was obliged to produce peace. All international actors had their own successes and failures in that direction - the United Nations, the European Community, the OSCE and NATO.

The case of NATO's involvement in the crisis in the Former Yugoslavia area was probably the most peculiar and specific one. The aim of this research project was to study the role of NATO in the peace-keeping operations in the Former Yugoslavia area in the 1990's. Our research was restricted to two case-studies - that of Bosnia and Herzegovina (with NATO's involvement in the UNPROFOR, IFOR and SFOR missions) and with Kosovo (with the KFOR mission). For us those two case-studies were essential in our attempt to elaborate a

working model of the type of international peace-keeping operation that emerged in the concrete security environment in the Balkans in the post-Cold War period. NATO's involvement was examined in the framework of the other international structures and agencies involved in the thematic area of our analyses (the UN, CSCE/OSCE, EU, UNHCR etc.) with a special attention being paid to NATO's specific tasks and achievements.

Our research included the study of both the military and civilian aspects of NATO's involvement in the peace-keeping missions – especially analyzing the accomplishments and effectiveness of the concrete missions in both case-studies. Combining the legalistic approach to the subject matter (associated with the evolving concept of peace operations with international law and the definition of the various types of such missions) with the theoretical analysis from the viewpoint of the evolution of the international order after 1945 we put the peace operations in the Balkans in the 1990's into the broader context of the Cold War legacy and the newly emerging international security architecture on the world arena. Our comparative study of the operations in Bosnia and Herzegovina and in Kosovo pointed out convincingly that the logic of NATO's involvement was one of an increasingly pro-active role in conflict prevention or crisis management in the area targeted at establishing and maintaining a secure environment in military and civilian terms.

The structure of the project's report outlines the methodological approach and the concrete research results:

The first part presents a broad background to the concept of UN mandated peace-keeping that appeared during the Cold War years. Thus the legacy of the Cold War is analyzed in terms of the re-definition of the peace-keeping doctrine – first by the UN, and then by other regional arrangements and security structures like NATO. The theoretical arguments are linked with the changed character of international and inter-state conflicts and the greater emphasis on preventive diplomacy and peace-enforcement techniques and approaches (including that of NATO as well).

The second part of the report deals with the case of Bosnia and Herzegovina. It follows in a chronological fashion the increasing involvement of NATO, tracing it back from the early stages of the war and the support given to the UN and

the EU, through the hard lessons of UNPROFOR to the General Framework Agreement for Peace and the direct military involvement of NATO in an out-of-area military operation (IFOR/SFOR). The conclusions made show the lessons learned and the impact made by NATO's engagement in operations that went beyond traditional peace-keeping and fulfilled various peace-enforcement and peace-building tasks.

The third part of the report analyzes the case of Kosovo in the environment of the on-going Bosnian mission and the escalating conflict in the province. Many of the specifics of the Kosovo operation (the air-campaign of NATO and the subsequent engagement with KFOR) are studied in a comparative perspective with the previous case-study and as an elaboration of the evolving peace-keeping doctrine.

The forth part summarizes the main conclusions of the research in terms of the comparisons made between the two case studies and the model drawn of a UN-mandated, NATO-led peace-enforcement mission that went through several restructuring reflecting the changes in the province, the accomplishments of the civilian implementation and the interactions between the various international actors engaged in the peace process in the area. In this respect the role of NATO was a substantial one but it was a part of a larger web of complimenting international institutions and agencies.

**PART ONE. THE INTERNATIONAL COMMUNITY AND THE EVOLVING
CONCEPT OF PEACE-KEEPING IN THE EARLY 1990'S**

“The sovereignty, territorial integrity and independence of States within the established international system, and the principle of self-determination for peoples, both of great value and importance, must not be permitted to work against each other in the period ahead. Respect for democratic principles at all levels of social existence is crucial: in communities, within States and within the community of States. Our constant duty should be to maintain the integrity of each while finding a balanced design for all.”⁶

**1. Traditional Peace-keeping, the United Nations and the Limitations to Intervention in
Safeguarding International Security and Peace (1945-1990)**

The end of the Second World War in 1945 produced a new geopolitical status quo and a corresponding new international order. The miseries and sufferings of millions of people during two world wars (in less than a quarter of a century) imposed a great challenge to the victorious allies – how to establish a long-enduring mechanism of guaranteeing international security and peace.⁷ Being created in 1945 as an instrument of safeguarding world peace, the United Nations organization (UN) was not fully capable of fulfilling the main goals and objectives, embodied in its Charter. Its successes were evident in the fact that the Cold War faded away without an eventual WW3 and nuclear annihilation becoming a reality. Its main failures derived from the historical trend that transformed soon after 1945 the WW2 allies and victors into Cold War rivals. In such an international environment the permanent members of the Security Council were not capable of using the UN Charter and its tools for achieving active conflict prevention and crisis management. Thus the existing diplomatic and political background made peace-keeping operations low-keyed endeavors, disguising the lack of instruments, means and political will for international interventionism and conflict resolution.

According to Adam Roberts, the UN was initially established with the idea of becoming by itself a collective security system. Due to Cold War restraints the organization did not manage to achieve in full that high goal, but nevertheless it gave a serious impetus to

the emergence of three significant collective security types of activities – actions and trends promoting regional alliances and multilateral military interventions, UN authorization of military enforcement actions of sovereign states and last, but not least in importance – peace-keeping operations under UN auspices⁸. In due course even during the Cold War years peace-keeping operations became the public face of the UN's work and exhibited its function as the principal institution for the maintenance of world peace.

It was very indicative for the evolving concept of peace-keeping that at the very beginning of the UN activities in the late 1940's-early 1950's, such operations were not foreseen as a tool for the maintenance of world peace. As such, peace-keeping was not included in the text of the UN Charter. In retrospect, it may be argued that peace-keeping was born largely out of a necessity, emanating from the failure of the UN to establish its own military capability and hence to assume its intended collective security role, as well as from the political restrictions imposed by the onset of the Cold War. In this sense, UN peace-keeping operations up to the early 1990's were presumed to be designed to serve as means of defending the principles of state sovereignty and restraint from territorial ambitions. They followed a traditional, primarily military model of intervention – e.g. in cases of observing cease-fires and force separations after inter-state wars. Thus they were not concerned with such issues that became priorities in the post-Cold War environment – i.e. guaranteeing human security, protecting human rights or serving the goals of humanitarian intervention.

The UN Truce Supervision Organization, established in 1948 in response to the 1948 Arab-Israeli war, was generally classified as the first UN peace-keeping operation. However, the first UN Emergency Force (UNEF I), deployed in response to the Suez crisis in 1956 was the first peace-keeping operation referred to as such and it was that mission that established fundamental peace-keeping guidelines which remained relevant even today. The then-UN Secretary-General Dag Hammarskjöld (widely perceived as the father of UN peace-keeping) defined the principles of peace-keeping⁹. Traditional peace-keeping was often a highly effective means of achieving the goals it was designed for – e.g. UNEF I certainly helped to defuse the Suez crisis. However, its limited nature was also meant that traditional peace-keeping was not applicable to many of the recent armed conflicts, in particular internal conflicts where the consent of the parties cannot be guaranteed.

At the same time, the lack of systematic attempts to classify peace-keeping operations according to their function is obvious in reviewing the huge existing literature on the theme. The brief review of the evolving concept of peace-keeping from the 1950's onward is quite illustrative of both the systematic approach in classifying those operations and of their

changing character as a response to the pressures at the international arena. One of the main incentives behind the development of UN peace-keeping was the Cold War political climate. During that era, the superpowers had an interest in bringing to an end proxy wars before they were themselves dragged into direct confrontation. Thus, peace-keeping tended to be limited to preserving an agreed truce between opposing national armed forces while alternative mechanisms were used to address a conflict's underlying issues.

With the break-up of the Berlin Wall in 1989 the geopolitical situation changed drastically. So did the response of the international community to the newly emerging conflicts on the world arena. The scope, size and number of UN peace-keeping operations dramatically increased. The evolution in the post-Cold War era brought about new elements (both military and civilian) of working together in order to bring peace in the aftermath of civil wars. Or as an expert put it 'peace-keeping has become a general term, entailing different kinds of operations to maintain peace within states and peace among states'¹⁰.

The new era of international co-operation that resulted from the end of the Cold War encouraged agreement in the Security Council over the sanctioning of collective security action. At the end of January 1992 for the first time in its history the Security Council met at the level of Head of States and Government. In the concluding document of that meeting it required from the Secretary-General to explore the current state of peace-keeping operations and the possibilities for expanding their role in the future security environment. Thus in a subsequent report symbolically named *An Agenda for Peace* (1992), the then-UN Secretary-General Boutros Boutros-Ghali defined peace-keeping as: "*The deployment of a United Nations presence in the field, hitherto with the consent of all the parties concerned, normally involving United Nations military and/or police personnel and frequently civilians as well*".¹¹

Thus, the UN became prepared to authorize peace-keeping operations in a broader set of circumstances, including in internal crises where consent was less than well defined. Also, there was a wider scope regarding the functions that new operations could perform. The resulting multidimensional peace-keeping operations incorporated elements of peace-making, peace-building, and other instruments of preventive diplomacy. The broader mandates of multidimensional operations also involved a very wide variety of tasks, including electoral support, humanitarian assistance, observation, and/or verification of cease-fire arrangements, preventative deployments, the demobilization of forces and development initiatives.

The traditional perception of the role of peace-keeping operations was explicitly defined by the UN even in the new international Post-Cold War environment in a special Secretary General report in 1994 as 'United Nations presence in the field (normally including

military and civilian personnel) with the consent of the parties, to implement or monitor the implementation of arrangements relating to the control of conflicts (cease-fires, separation of forces, etc.) and their resolution (partial or comprehensive settlement), and/or to protect the delivery of humanitarian relief.¹² According to this traditional concept the three basic characteristics of peace-keeping were the impartiality of the peace-keeping forces in regard to the conflicting parties, at least the implicit consent from all involved parties towards the implementation of the operation and the non-use of force (except in self-defense). Therefore, the very concept of peace-enforcement in the traditional sense denoted offensive military operations.

It was exactly in the early 1990's when the use of force was rendered as indispensable for the carrying out of the peace-keeping mandate. Even Boutros Boutros-Ghali in his *Supplement to the Agenda for Peace* (1995) questioned the traditional criteria of consent and minimal use of force and advocated for more robust and less consensual approaches. 'Nothing is more dangerous for a peace-keeping operation than to ask it to use force when its existing composition, armament, logistic support and deployment deny it the capacity to do so. The logic of peace-keeping flows from political and military premises that are quite distinct from those of enforcement; and the dynamics of the latter are incompatible with the political forces that peace-keeping is intended to facilitate. To blur the distinction between the two can undermine the viability of the peace-keeping operation and endanger its personnel'.¹³

Considering the evolution of the concept, experts now make a distinction between the traditional, pre-1989 type of operations (known as the 'first generation') and the new - 'second' or even 'third generation' of peace-keeping operations.¹⁴ The third generation operations include involvement in internal conflicts (as opposed to deployment on international borders and truce lines) and being multi-functional (as opposed to monitoring missions). Alongside they point out the evolving character of peace-keeping operations in recent years. However, as Paul Diehl had argued "the standard study of peace-keeping remains one of a single case study, in which description is the primary goal, although there is recently a greater concern for generalizations and the use of multiply case comparisons. There are now such a wide variety of operations that it is difficult to assess whether generalizations about one type are applicable to others, to understand whether training programs can serve multiple peace-keeping functions, and to identify the proper basis on which to evaluate these diverse missions"¹⁵.

The UN was born out of a wartime military alliance that viewed itself as an embodiment of the collective will of states to fight aggression. A basic framework idea in its

Charter was that force might be used only for fundamentally defensive purposes and preferably on a collective basis. Chapter VIII (on Regional Arrangements, Articles 52-54) included provisions on regional arrangements and agencies of maintaining peace thus the UN was not the sole mechanism of implementing and achieving collective security.¹⁶ There came the role of individual states and of their armed forces.

2. Defining Peace Operations: the Challenges to the UN, NATO and the International Community in Post-Cold War Involvement in Crisis Management

In the 1990's with the end of the bi-polar world peace-keeping faced new problems with the rapid expansion in the number, scope and mandate of such operations. Among them we can mention at least some of the problem areas – the UN as an international organization is often asked to address quite many crises; member states are frequently reluctant to provide financial, material and human resources to the operations; inherent limitations exist within the complex multinational system of decision making and operational command; difficulties arise while engaging in enforcement at a time when troops are widely dispersed in peace-keeping or humanitarian assistance mode in a wide geographical area, etc. Those problems need solutions and some of them are linked with the exact definition of the goals, objective and mandate of peace operations in general and of each concrete operation in particular.

Conflict Prevention. Being the most obvious tactics of trying to avoid the unfolding of a major international conflict, this term usually refers to diplomatic efforts (consultations, negotiations, warning and monitoring) to prevent the escalation of tension into an armed conflict or spreading of the conflict to the neighboring areas¹⁷. Broadly interpreted, it includes also such activities as fact-finding missions and the preventive deployment of civilian and/or military forces to avert a crisis. The concept requires from the international community to strive to avoid war by resolving the crisis at the stage that may be named as the prelude to war¹⁸. Preventive deployments normally consist of civilians and/or military forces being deployed to avert a crisis.

The present international discourse on the efficiency of UN conflict prevention activities after the well-publicized failures of the UN in the former Yugoslavia, Somalia, Rwanda, Angola, and Sierra Leone which damaged the credibility of the organization made the UN to promote the need for transition from a "culture of reaction" to one of prevention¹⁹. "There is near-universal agreement that prevention is preferable to cure," notes the UN Secretary-General Kofi Annan, "and that strategies of prevention must address the root causes of conflicts, not simply their violent symptoms."²⁰ In this sense in recent years attention has been concentrated on such tools as limiting the access to and availability of lethal weapons in the area of potential conflict by stemming the uncontrolled and illegal transfer of small arms and light weapons, that have had a tragic impact on civilian population caught up in armed conflicts.²¹

Peace-keeping. There is no single, generally accepted definition of peace-keeping.²² There is a need to develop a common understanding of peace-keeping, proceeding from the definitions and concepts of peace-keeping contained in the relevant UN and Conference for Security and Co-operation in Europe (CSCE)/Organization for Security and Co-operation in Europe (OSCE) documents, including the UN Secretary General's *Agenda for Peace*. Traditionally, peace-keeping has been used to describe operations based on Chapter VI ("Pacific Settlement of Disputes") of the UN Charter. Operations similar to those conducted under Chapter VI may be carried out under the authority of the CSCE on the basis of its 1992 Helsinki Document. Operations based on recent extensions of the concept of peace-keeping, aimed at the protection or establishment of peace and based on Chapter VII ("Actions with respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression") of the UN Charter, have been carried out under the authority of the UN Security Council.

From a historical and theoretical perspective, it should be kept in mind, that there exists no definition of peace-keeping in the UN Charter.²³ The term as a concept was endorsed at the time of the Korean War (1950-1953) in the *Uniting for Peace Resolution* adopted by the General Assembly in 1950²⁴. It was technically applied for the first time regarding the implementation of the truce at the end of Suez War (October-November, 1956).

One possible working definition which we will follow as basic in our analysis is presented in a NATO document from 1993: “Peace-keeping, narrowly defined, is the containment, moderation and/or termination of hostilities between or within States, through the medium of an impartial third party intervention, organized and directed internationally; using military forces, and civilians to complement the political process of conflict resolution and to restore and maintain peace”.²⁵ In the broad literature on this subject²⁶ the term is explained in the context of the activities of the UN after 1945. As a unique international organization in the historical and geopolitical environment of the post-Second World War environment, the primary task and responsibility of the United Nations was the maintenance of international peace and security. Hitherto, the meaning of the term “peace-keeping” was restricted to the analysis of operations based on Chapter VI of the UN Charter. **Such** peace-keeping operations based on Chapter VI of the UN Charter had traditionally involved the deployment of a peace-keeping force in the field, with the consent of the parties, including supervising demarcation lines, monitoring ceasefires and controlling buffer zones, disarming and demobilising warring factions and supervising borders.

Originally, the techniques of a peace-keeping operation included the separation of the opposing sides in a conflict by the deployment of lightly armed forces under the UN flag (“blue helmets”) between the parties that had already agreed to an armistice. Such an action presupposed the consent of parties or the permission of at least one of the opposing sides, and the peace-keepers were expected to be withdrawn from the area of conflict if asked by the contestant who gave them the permission to be there or when the conflict would be settled up. The buffering activity of UN forces helped to defuse misunderstanding and to prevent incidents between adversaries from escalating.

Since 1950’s the scope of the term widened, and in the present international environment it refers to different kinds of operations aimed at restoring and maintaining peace: from preventive diplomacy to peace consolidation operations including peace enforcement, traditional peace-keeping and non-traditional operations²⁷. They include the supervision of cease-fire agreements; regrouping and demobilization of belligerents; destruction of weapons surrendered in disarmament exercise; reintegration of former combatants into civilian life; designing and implementation of de-mining programs; facilitating the return of refugees and displaced persons; provision of humanitarian assistance; training of new police forces; monitoring respect for human rights; support for implementation of constitutional, judicial and electoral reforms; election monitoring; administrative functions and support for economic rehabilitation and reconstruction to

facilitate the transition from war to peace²⁸. The essence of peace-keeping, therefore, in the modern interpretation of the term is the integration of political, military and humanitarian missions to maintain international peace and stability.

Peace-enforcement. Alongside peace-keeping is the field of peace-enforcement. The term refers to actions carried out under Chapter VII of the UN Charter using military means to restore peace in an area of conflict. They can include dealing with an inter-State conflict or with internal conflict to meet a humanitarian need or where state institutions have largely collapsed²⁹. In its broader sense the term “peace-enforcement” means different UN actions, ranging from economic sanctions to military actions against the country, to ensure that states comply with the internationally accepted norms and Security Council decisions concerning the given conflict. In the late 1990’s the Security Council established the war crimes tribunals for the former Yugoslavia and Rwanda, clearly demonstrating that a set of UN enforcing measures includes instruments based international law as well. According to Johansen, the distinguishing feature of UN enforcement is that, unlike peace-keeping, it does not wait for the consent of a lawbreaking state or other party to take action against those committing misdeeds; whereas peace-keeping traditionally was authorized under Chapter VI of the Charter (which deals with pacific settlements), enforcement has been authorized under Chapter VII³⁰.

Under Chapter VII of the Charter, in extreme circumstances, the Security Council can authorize "such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security"³¹. The most obvious demonstration of such enforcement action was the allied response to Iraq's 1990 invasion of Kuwait. That was the first time an enforcement operation had been undertaken since the Korean crisis in 1950. The end of the Cold War gave more solid grounds to peace-enforcement.

There are however some aspects of these trends worth mentioning. The increasingly complex peace-keeping functions demanded the deployment of peace operations in the more unclear environment of recent internal conflicts which periodically led to the use or threat of force in pursuit of a peace-keeping operation's mandate. Force has been authorised to protect humanitarian aid convoys or civilian populations. However, in *Supplement to An Agenda for Peace* (1995), Boutros-Ghali warned that: “the logic of peace-keeping flows from political and military premises that are quite distinct from those of enforcement ... to blur the distinction between the two can undermine the viability of the peace-keeping operation and its personnel”³².

Operations similar to those conducted under Chapter VI may be carried out under the authority of the CSCE on the basis of the 1992 Helsinki Document. Operations organized on aforementioned recent extensions of the concept of peace-keeping, aiming at the protection or establishment of peace are based on Chapter VII of the UN Charter, have been carried out under the authority of the UN Security Council.

Peace-making. The term “peacemaking” became internationally recognized in 1992 when *An Agenda for Peace* was released. It was a reaction to the exigency of new interpretation of Chapters VI and VII of the UN Charter as the basis for intervention. The term refers to certain types of international, diplomatic actions aimed at establishing a peaceful settlement in an on-going conflict. Peacemaking is considered as a long-term process that ranges from diplomatic efforts at the pre-deployment stage to a troops withdrawal and conflict’s political settlement at the ending stage of the process. The actions taken may include the provision of good offices, mediation, conciliation and such actions as diplomatic isolation and sanctions.

We can agree that peacemaking is most difficult term to define. Its complexity derives from the fact that it applies to the three basic phases in a conflict (escalation, culmination and resolution phases). Moreover it is applicable to all types of peace-keeping operation. Therefore, peacemaking is a generic term that reflects the existence of the process of negotiations running in parallel or in tandem with the military intervention, organized by the UN to maintain peace and security in the particular region³³. An array of civilian organizations is always involved in the peacemaking process, collaborating with the military and diplomats.

Peace-building. In the 1990’s, in contrast to Cold War peace-keeping operations, troops were often being sent to countries afflicted mostly by civil wars or ethnic clashes. The UN also undertook interventions in these countries in response to starvation and atrocities brought on by the internal struggles. And it became obvious that conflict resolution can no longer be seen as a discrete activity culminating in peace agreement but as a process that accompanies, if not follows, successful peace-building³⁴.

The term “peace-building” is an indicator of a set of specific actions carried out during the post-armed-conflict phase to identify and support structures which will tend to strengthen and solidify a political settlement in order to avoid a return to conflict, to consolidate peace, advance a sense of confidence and well-being and support economic reconstruction, etc. Peace-building may require international military as well as civilian involvement³⁵.

PART TWO. NATO'S ROLE IN THE PEACE OPERATIONS IN BOSNIA AND HERZEGOVINA (1992-2002)

'When the Bosnian war began in 1991, NATO had never fired a shot in anger. It had never conducted an operation outside its own territory. It had never even considered taking on robust peacekeeping operations. It had never had significant relations with other institutions. Indeed, in the minds of many, NATO had less and less reason to stay in business at all. Bosnia and Herzegovina made it clear why NATO had to remain in business'.³⁶

1. NATO in UN Peacekeeping in Bosnia and Herzegovina (1992-1995)

The war in Bosnia and Herzegovina (1992-1995) was a great challenge to the world community and its capacity for crisis management and preventive actions in the new post-Cold War international security environment.³⁷ A peace settlement was achieved there at the end of 1995 but at a very high price – after serious diplomatic and military setbacks and much bloodshed. The lessons for the international community regarding the potential for conflict resolution and the limitations to its intervention in an escalating crisis were harsh and not optimistic at all. For NATO as an European regional arrangement for safeguarding peace and defending its member states from outside aggression the unfolding crisis in Bosnia and Herzegovina made it very clear that NATO had to change the way it did business, if it were to continue to make an effective contribution to international peace and security.

The challenges for change within NATO and the European Community came at a time when the United States of America were also reconsidering their role in the world arena, being aware that as the lonely remaining superpower in the post-Cold War era they had certain (and becoming even greater with every passing day) obligations for safeguarding world peace and regional stability. Very soon NATO, led by the United States embarked on a pro-interventionist track, strongly convinced as a lesson from the early stages of the War in Bosnia and Herzegovina that it could not remain disengaged from the rest of Europe. Many experts spoke in the early 1990's about the phenomenon, criticized by then-NATO Secretary General Manfred Wörner as "the NATO's out-of-area syndrome" – the idea that NATO could not act outside the borders of its members. Wörner considered the Yugoslav wars as a moral challenge of the highest order and advocated a fuller engagement in Bosnia and Herzegovina.

After Wörner's death in August 1994 his colleagues realized that conflicts outside-of-territory were inflicting damages on Euro-Atlantic security (including their own) and therefore the security interests in the area were requiring a military response.

Tracing very briefly NATO's involvement in the peacekeeping operations and the other related activities in the Former Yugoslavia area and especially in Bosnia and Herzegovina (up to the end of 1995), we should acknowledge that they were just a one distinctive layer in a very complex and multi-layered, web-like involvement on the part of the international community in the region. We can evaluate NATO's engagement during those years mainly as a supporting one, complimentary to the peacekeeping efforts of the UN and the OSCE. Thus it was restricted to supplying mainly military support and other related services. That role is analyzed in much more details by Steven Burg³⁸, Jane Boulden³⁹, Dick Leurdijk⁴⁰, as well as in the memoirs of prominent personalities, actively involved in the actions on the field (Michael Rose⁴¹, Carl Bildt⁴², David Owen⁴³ and others).

NATO's involvement in the peace efforts in the area began in the second half of 1992 with the assistance given, in coordination with the West European Union (WEU) to the enforcement of the UN embargo against Yugoslavia and the equipment and staff, given to the UN Protection Force (UNPROFOR) headquarters in Bosnia. In its Communique of 17 December 1992, the North Atlantic Council (NAC) stated its "preparedness...to support, on a case-by-case basis and in accordance with our own procedures, peacekeeping operations under the authority of the UN Security Council, which has the primary responsibility for international peace and security". Moreover it declared very strongly that "for the first time in its history, the Alliance is taking part in UN peacekeeping and sanctions enforcement operations"⁴⁴. It is evident here that the initial NATO position regarding peacekeeping was one of support to the UN, while remaining autonomous in terms of decision-making. As a result of the decision to support the UN sanctions NATO secured some ships and airplanes for the conduct of maritime and air-surveillance to *Operation Sharp Guard*⁴⁵.

The next step came with Resolution 781 of the UN Security Council which imposed a ban on all military flights over Bosnia⁴⁶. There were no provisions in the resolution for enforcement of that ban but anticipating it, NATO provided some technical surveillance assistance⁴⁷. After several violations of the ban and serious tensions between the US, some NATO allies and the UN regarding the use of force, the Security Council took a decision at the end of March 1993, authorizing enforcement of the ban⁴⁸. Acting on long-prepared operation's plans, the NAC approved on 2 April 1993 the implementation of *Operation Deny Flight* (starting on 12 April 1993 and lasting till 20 December 1995)⁴⁹. NATO's aircrafts

operated under very restricted rules of engagement because of the great concerns about the safety of the international troops, deployed on the ground. They were not allowed to attack civilian aircrafts or installations on the ground even if fired. Military planes were to be followed and made to leave the zone, in case of no compliance a warning shot was to follow and only in case of further non-compliance NATO's aircrafts could shoot down the intruding plane⁵⁰.

The failure of the various peace initiatives and diplomatic efforts⁵¹ to end the conflict (in the summer and second half of 1993) brought about an internal crisis in NATO over the use of force in Bosnia and Herzegovina. The conflict arose around the idea of establishing the so-called "safe areas" (a zone free of armed attacks) – around Srebrenica first (16 April 1993)⁵², and then (on 6 May 1993, after the recommendations of a special UN mission) - around the cities of Bihac, Gorazde, Sarajevo, Tuzla and Zepa.⁵³ Initially, there were little provisions on how to enforce the safe area concept, because the UN was relying and hoping for finding a quick political solution to the crisis at the on-going diplomatic talks around the *Vance-Owen Plan*. Its rejection by the Bosnian Serbs made the UN Security Council more resolute. Soon it expanded the mandate of UNPROFOR, requiring the peace-keeping mission to deter attacks on the safe areas, monitor withdrawal of military and paramilitary groups and assist the delivery of humanitarian aid.⁵⁴ That resolution explicitly authorized member states, acting nationally or through international organizations (e.g. NATO) to use air power to support UN peacekeeping forces in and around the UN designated 'safe-areas'.⁵⁵

Acting upon the above-mentioned resolutions, the NAC at its Athens meeting on 10 June 1993 offered its support, if requested, to UNPROFOR's actions in the safe areas. In the final communique NATO offered "protective airpower" to UNPROFOR with respect "to its overall mandate" (not just in respect to the safe areas). According to Bolden air-cover in this decision "was not equal to air-strikes and was very specifically a self-defense, not an offensive role⁵⁶.

The next logical step was the shift to air-strikes. Again it was an idea of the US that was heavily discussed at a NAC meeting in Brussels on 2 August 1993. The US advocated stronger actions (air-strikes) while NATO members' states with troops on the ground were far more reluctant to the idea because of fear of Bosnian Serbs counter-actions. The compromise reached included a stronger actions commitment that was to coincide with UNPROFOR's approval for such actions and a higher protection for the troops. The most important innovation dealt with the command and control mechanism over the initiating and implementation of the air-strikes. Thus the dual-key arrangement was established⁵⁷, requiring

an agreement between NATO and the UN on the approval of any air-strikes. The NAC stated that it “underlines again that the air-strikes foreseen by the Council decision of 2 August are limited to the support of humanitarian relief, and must not be interpreted as a decision to intervene militarily in the conflict”.⁵⁸ Eventually this dual-key arrangement created a lot of problems for NATO and its allies.

A new phase in NATO’s involvement in the Bosnian crisis came in February 1994 with the shelling of the Sarajevo marketplace that killed 68 people and wounded over 200 others⁵⁹. That happened at a time when NATO (under pressure from Britain and France) was reconsidering the options about using military force in Bosnia in support of UNPROFOR’s humanitarian actions in the Srebrenica and Tuzla safe areas. The Sarajevo event prompted a strong international reaction and forwarded the idea of establishing a heavy-weapons exclusion zone around the Bosnian capital as an effort to end its siege. In the days that followed, the UN Secretary General asked NATO for support in initiating air-strikes for attacks against the heavy-weapons positions. The NAC gave a green light to that request but only if it was to be accompanied by the creation of an exclusion zone. Moreover, NATO gave a ten-day ultimatum to both the Bosnian Serbs and the Bosnian government for the withdrawal of the weapons and compliance with the exclusion zone. It warned that otherwise in ten days’ time “heavy weapons of any of the parties found within the Sarajevo exclusion zone, unless controlled by UNPROFOR, will, along with their direct and essential military support facilities, be subject to NATO air strike”⁶⁰.

Russia opposed the idea but was not capable of getting a new Security Council resolution about the exclusion zone. However, Russia’s role in the February crisis was very important in view of the overall international intervention in the area. The Russian decision (taken just days before the expiration of the ultimatum’s deadline) to move its UNPROFOR troops from Croatia to Sarajevo was the turning point, that made the Bosnian Serbs agree to the placement of the weapons under UN control. In David Owen’s words “I felt that it was the Russians who had taken the threat of NATO air-strikes seriously and that it was their decision to move their troops to Sarajevo which had forced Mladic to act over his heavy weapons”⁶¹.

In those weeks full of tensions the UN also tried to intervene. Most active there was UNPROFOR’s commander Michael Rose. He negotiated with the Bosnian Serbs an immediate cease-fire, as well as the placement of heavy weapons under UNPROFOR’s control.⁶² Thus his efforts got in line with those of NATO, although the prevailing opinion was that the settlement of the crisis was an outcome of NATO’s ultimatum – the first such ultimatum in NATO’s history.

The implications of NATO's involvement in the February 1994 crisis were quite important. Our reasoning to turn attention to it more thoroughly here is based on the following arguments about its significance. On the first place it was the first case of such an ultimatum about the use of military force in the history of the North Atlantic alliance. Secondly, it was a direct warning that NATO was determined to use air-strikes if presumed necessary after the expiration of the ultimatum. Thirdly, it was the NAC as an institution that took alone the decision about the establishment of the exclusion zone, although it cited some UN Security Council resolutions about it (in vague reference to the safe areas concept, which had a UN mandate). Fourthly, the issue of air-strikes demonstrated alliance unity on the surface, although significant differences of opinions occurred within NATO while discussing the issue. And lastly, the crisis brought as power-brokers and mediators in the field both Moscow and Washington, while the UN and European diplomacy remaining a bit isolated in the final count. Even NATO had to restrain from the use of force as a result of the Russian intervention.

The resolve of NATO to use air-strikes if needed was demonstrated again but this time to its full extent in April 1994. With the new round of artillery fire against the safe area of Gorazde Gen. M. Rose, with the approval of the UN Special Envoy, asked NATO for air-strikes (on 10 and 11 April). The Bosnian Serbs retaliated by detaining over a hundred UNPROFOR troops, as well as by closing the access to Sarajevo and stopping all communication with UNPROFOR. On 15 April they began shelling Gorazde again. In response Russia shifted its position and condemned the Bosnian Serbs, while the UN Secretary General requested from NATO's Secretary General an authorization for air-strikes, to be carried out by NATO at the request of the UN for the five other safe areas. The NAC agreed and designated a new exclusion zone around Sarajevo. NATO put forward a new ultimatum for establishing that zone⁶³ which caused some rifts within the UN on whether the Bosnian Serbs had complied with the ultimatum. At the end the dual-key procedure was modified a bit and from then on either side (NATO or the UN) could ask for air-strikes with the final decision being a joint one.⁶⁴

In late November 1994 came the Bihac crisis ("the second hostage crisis") – around a safe area in Western Bosnia, close to the Croatian border. The crisis had serious repercussions, because of the conflicting interests there of the Serbs from Krajina, the Croats from the nearby area and of the aspirations of almost all parties in the conflict. On 19 November the Security Council with its Resolution 958 extended the authority for the use of air power to Croatia.⁶⁵ On 21 November NATO's aircrafts attacked the Udbina airfield in

Croatia which was used as a base for the attacks on Bihac. In the next few days came attacks over missile sites around the air field. The Bosnian Serbs responded by taking about 400 UNPROFOR troops as hostages.

The late-November crisis brought about a rift in NATO and showed the inability of the UN to defend its own forces. Thus, for the first time, serious discussions occurred within the UN about a withdrawal of UNPROFOR from the areas⁶⁶. The United States pushed for a stronger campaign of air-strikes or even considered a unilateral campaign on their own. The NAC discussed a series of different proposals, but troop-contributing allies pushed towards no actions because of the fear for their troops. Because of the threat to the alliance unity, the Clinton administration did not push further for its plans while the NAC made no decisions on new actions.⁶⁷

NATO moved a step further towards a direct military involvement in the area during the next escalation of the Bosnian conflict in May 1995. The end of the four months-long cease-fire, negotiated (at the end of 1994) by former US President Jimmy Carter brought about a resumption of hostile actions in the field. NATO planners had been working since March 1995 on optional arrangements for actions in 'all eventualities from a peaceful extraction of UN forces to a fighting withdrawal in the face of attacks from Bosnian Muslim and Croat and Bosnian Serb forces'.⁶⁸ After serious non-compliance with the exclusion zone around Sarajevo, NATO issued in late May new ultimatums and after the expiration of deadlines launched air attacks. The targets were ammunition depots and other military sites around the Bosnian Serbs headquarters in Pale, an area very close to Sarajevo. It was a major change - the first time that force was used against military targets other than those specifically enlisted as violations of the UN mandate. The Bosnian Serbs took UN hostages, used them as 'human shields', regained control over heavy weapons from the UN depots and bombed the Tuzla safe area. The UN immediately retrieved from the air-strikes and began negotiations about the fate of the hostages. The concept of the Sarajevo safe area became thus obsolete and the UN turned to searching for other options. NATO began working on contingency plans for helping the withdrawal of UNPROFOR troops, while the NAC condemned strongly the Bosnian Serbs actions.

In July 1995 two safe areas – Srebrenica and Zepa fell under the control of Bosnian Serbs with severe civilian casualties. Bihac was also under attack. The UN Security Council condemned those developments and required the restoration of the safe areas, but its actions had no consequence. According to St. Burg, 'the ineffective use of NATO airpower against the Serbs in May 1995 and the ensuing hostage crisis, followed little more than a month later

by the attack on Srebrenica and its fall to the Serbs, seemed to signal the end of the UN mission's usefulness in Bosnia and Herzegovina'.⁶⁹

NATO, on its part, discussed the rapidly evolving situation and the different options at hand. The UN Secretary General's Special Envoy was criticized for declining requests for air-strikes on several occasions. At the end NATO came forward with a decision to streamline the dual-key decision-making procedure. On 25 July the NAC approved decisions that shifted heavily the decision-making balance away from the Security Council and in the direction of NATO⁷⁰. At the UN, the Secretary General announced that he delegated his dual-key authority to the UNPROFOR commander in the field.⁷¹

Thus over the summer of 1995 the international community gradually accepted the idea of using greater force in Bosnia. That trend coincided with the change of attitudes in both Washington and Brussels. President Clinton appointed Richard Holbrooke as the chief US negotiator while in NATO's headquarters emergency operational plans were prepared for stronger action. The mortar attack on the Markale marketplace in Sarajevo on 28 August 1995 set the military machine in action. The UN established that the Bosnian Serbs had launched the attack. The UNPROFOR commander in Sarajevo requested air-strikes under the dual-key system. The NATO commander agreed to that request and on 30 August 1995 NATO launched *Operation Deliberate Force*.⁷²

During that operation NATO controlled the military aspects of the peace process while R. Holbrooke used the military outcomes as diplomatic arguments on the negotiations' table. There was a halt in the bombings to facilitate the dialogue and a renewal of the bombing campaign. Unlike in previous situations, the UN played at the time a supportive role, while NATO and the US dictated the pace of the campaign in view of the successes and failures on the diplomatic front. *Operation Deliberate Force* continued till 14 September when a new pose in the attacks occurred and after the Bosnian Serbs fulfilled the conditions put forward to them, the operation was suspended on 20 September 1995. During the operation 3515 sorties were carried out with 1026 bombs being dropped.⁷³

Analyzing and summing up NATO's escalating involvement in the international intervention into the conflict in Bosnia and Herzegovina (1992-1995), we render it as having quite significant implications for the evolving nature of the concept of peacekeeping within the framework of NATO. Concluding this paragraph, we should acknowledge the gradual, but logical and meaningful evolution in NATO's peacekeeping engagements. Seeking to redefine itself in the post-Cold War period, NATO as a regional security organization worked together with the UN at a time, when the world organization was too much optimistic about its ability

to prevent conflicts and guarantee peace and international stability in greater co-operation with regional organizations.⁷⁴ Having no adequate military means for enforcing the mandate of its missions in former Yugoslavia, the UN had to rely on the military support of NATO – a fact, most evident with the experience of UNPROFOR.

There were significant stages in that process and each one of them showed the potential for greater involvement and the risks that accompanied it. During all of those stages (the enforcement of the UN embargo, the military flights ban, the establishment of the safe-areas, the exclusion zone, the ultimatums and the hostages crises, etc.) NATO's position evolved according to the military situation on the ground, the outcome of the diplomatic initiatives and the overall interests of its member states. But the trend was obviously directed at the realization of an outcome, that required greater involvement and new approaches towards peace-enforcement types of actions of the peace-keeping troops.

Many lessons were learned in due time and the least part of them derived from successes in the field. At the end of 1995 it became obvious that NATO, alongside with the United Nations, the EU, the OSCE and all those involved had a lot to learn from the diplomatic and military setbacks of trying to intervene in a complex ethnic, religious and political conflict. Or as J. Boulden had convincingly argued “by the time the parties to the Bosnian conflict signed a peace agreement in Dayton, NATO's involvement with the UN had gone from virtually non-existent to having been the source of NATO's first military action since its creation”⁷⁵.

2. NATO – From Peace-keeping to Peace-enforcement in Bosnia and Herzegovina: IFOR, SFOR and the implementation of the General Framework Agreement for Peace (1996-2002)

The Dayton's Peace Accords of November 1995 made the deployment of UN peacekeepers with the support of NATO a crucial element in the restoration of peace in the area⁷⁶. After being negotiated in Dayton, Ohio, *The General Framework Agreement for Peace (GFAP)* was signed in Paris on 14 December 1995 by representatives from The Republic of Bosnia and Herzegovina, The Republic of Croatia and the Federal Republic of Yugoslavia in Paris.⁷⁷ The GFAP represented a significant step towards peace in the region.⁷⁸ The signing of the Accords reached their primary goal – to stop a war, that had already caused great human casualties and enormous material casualties, that had displaced and left homeless nearly half of the population of the area and thus had left huge scars in the flesh of a

multiethnic, multi-confessional and multicultural society. The signatories had a clear idea about the difficult and obviously long period ahead when the reconstruction of the country should lead to the establishment of the structures of a complete new kind of statehood in the region. Being very complex, those tasks inevitably required efforts, financial resources and involvement on behalf of the world community.

The implementations of the GFAP brought about the creation of new and un-tested so far institutions and tools with their specific forms, means and methods of action. In the following months and years the international community took the responsibility of restoring the peace and establishing a new social order in Bosnia and Herzegovina. Acting through the complex web of interlinked institutions, its representatives used the whole spectrum of their previous mandates combined with the newly acquired functions to enforce order in a secure environment and even, when it was considered necessary to take over powers and prerogatives from local authorities in order to make the country a unified multiethnic and democratic actor in international relations (sometimes referred to as ‘one state, two entities and three state-formative peoples’). The efforts of the various institutions and representatives of the international community acting in Bosnia and Herzegovina were in the beginning a bit un-coordinated but the results became more encouraging with the unfolding of their activities in the field and the accomplishments of the first concrete tasks in restoring the peace.

Two of the most important aspects of the GFAP were the extension of recognition by each signatory to the others and the pledge to settle disputes peacefully. The Dayton agreement extended the cease-fire in Bosnia indefinitely and established a zone of separation, which divided Bosnia between the Serbian Republika Srpska, on one side and a Bosniak-Croat federation on the other. The agreement established an inter-entity boundary line with 51 percent of the territory going to the Bosniak-Croat federation and the other 49 percent going to the Bosnian Serb republic (Annex 2)⁷⁹. Despite this division, Bosnia was still to be considered one country, with collective executive authority.

The agreements contained also provisions for the entry into Bosnia of an international Implementation Force (IFOR) of peacekeepers under NATO command with a grant of authority from the UN (Art.VI). Their primary mission included monitoring compliance of the agreement on military matters such as disarmament and withdrawal of forces. IFOR was granted the right to use force as necessary and to have freedom of movement⁸⁰. Consequently the GFAP acknowledged ‘that the conditions for the withdrawal of UNPROFOR...had been met’, except for those parts incorporated into IFOR (Art.VII). The agreement also mandated internationally-supervised free and fair elections (Annex 3) and the right of refugees to either

return home or be justly compensated for property they could not regain. The agreement made provisions for the new constitution, the structure of the new government, and the structure of the central bank and monetary system (Annex 4). The agreement further established a high UN representative to coordinate and facilitate the civilian aspect of the agreement, including humanitarian aid, economic reconstruction, protection of human rights and the holding of free election (Annex 10).

Based on UN Security Council Resolution 1031 NATO was given the mandate to implement the military aspects of the Peace Agreement.⁸¹ Thus on 16 December NATO's the NAC launched the largest military operation ever undertaken by the Alliance - *Operation Joint Endeavour*. It was a NATO-led operation under the political direction and control of the NAC. A NATO-led multinational force - IFOR, started its mission on 20 December 1995. IFOR had a unified command structure with overall military authority in the hands of the Supreme Allied Commander Europe (SACEUR) at that time General George Joulwan. Admiral Leighton-Smith (Commander in Chief Southern Command CINCSOUTH) was designated as the first Commander in Theatre of IFOR (COMIFOR). In November 1996 with the transfer of IFOR Headquarters from Allied Forces Southern Europe (AFSOUTH) to Allied Land Forces Central Europe (LANDCENT) General Crouch became COMIFOR. He was replaced by General Shinseki in July 1997.⁸²

The operation started with the deployment of an *Advance Enabling Force* of 2500 troops in Bosnia and Croatia on 2 December 1995 that established the headquarters and communications and logistical facilities. The deployment of the main force, comprising of about 60000 troops began 16 December. Several UNPROFOR units already on the ground were transferred to IFOR. On 20 December all NATO and non-NATO forces participating in the operation came under the command and/or control of COMIFOR. Several countries contributed troops and resources of their own to the operation.

From a theoretical viewpoint this was a crucial new element showing the potential of cooperation on one hand between NATO and non-NATO states in a peace-enforcement operation, and on the other - between military and civilian institutions in an environment that was apt to producing outbreaks of violence at any moment.⁸³ Thus IFOR became much more than a NATO operation and it turned into a peace operation of the 'willing' states, interested in the stabilization of the region and the democratization of Bosnia and Herzegovina.⁸⁴ Alongside all the NATO countries (Iceland contributed only medical personnel), troops to IFOR were contributed by Partners for Peace countries like Albania, Austria, Czech Republic,

Estonia, Finland, Hungary, Latvia, Lithuania, Poland, Romania, Russia, Sweden and Ukraine as well as by other countries like Egypt, Jordan, Malaysia, and Morocco.

IFOR was given a one-year mandate. Its primary mission was to implement Annex 1A (Military Aspects) of the GFAP. It accomplished its principal military tasks by causing and maintaining the cessation of hostilities; by separating the armed forces of the Bosniac - Croat Entity (the Federation) and the Bosnian - Serb Entity (the Republika Srpska) by mid-January 1996; by transferring areas between the two Entities by mid-March; and, finally, by moving the Parties' forces and heavy weapons into approved sites, which was realized by the end of June. For the remainder of 1996 IFOR continued to patrol alongside the 1400 km long demilitarized Inter-Entity Boundary Line and regularly inspected over 800 sites containing heavy weapons and other equipment. In carrying out these tasks it opened 2500 km of roads (about 50% of the roads in the country), repaired or replaced over 60 bridges, and freed up Sarajevo airport and key railway lines. It participated also in de-mining activities and in the restoration of gas, electricity and water supplies.⁸⁵

Thanks to IFOR's early success, a secure environment was established. Its very existence enabled the High Representative (nominated at the London Peace Implementation Conference of 8-9 December 1995) and other organizations to start their work with regard to the implementation of the civilian aspects of the GFAP, and to create conditions in which the return to normal life could begin in Bosnia and Herzegovina.

Annex 1A, Art.VI:3 of the GFAP provided IFOR with the right 'to help create secure conditions for the conduct by others of other tasks associated with the peace settlement...to assist UNCHR and other international organizations in their humanitarian missions...to observe and prevent interference with the movement of civilian populations, refugees, and displaced persons, and to respond appropriately to deliberate violence to life and person'⁸⁶. It should be pointed out that this right was not an obligatory one and thus the civilian implementation was from the beginning hampered by IFOR relative reluctance to use this power. There was a certain lack of political will in major world capitals because of existing fears for casualties among IFOR troops that left the High Representative without tools and mechanisms for enforcing the peace⁸⁷.

Within the limits of its mandate and available resources, IFOR provided substantial support to the High Representative and to the other organizations. One important element was the priority support given to OSCE in preparing and conducting the September 1996 elections.⁸⁸ After the peaceful conduct of the September 1996 elections, IFOR successfully completed its mission of implementing the military annexes of the GFAP. However, it was

clear that much remained to be accomplished on the civilian side and that the political environment would continue to be potentially unstable and insecure.⁸⁹

IFOR's actions in 1996 showed both the potential for peace-enforcement in the post-Dayton Bosnian environment and the restrictions, due to certain flaws in the mechanism of the early implementation of the agreements. Because of domestic political considerations linked with the incoming November 1996 US presidential elections, President Clinton committed his country's IFOR troops to a one-year term only. As the US was the leader of IFOR, its clear-cut military mission was restricted to a much shorter time-period - a two or three year period would have been much more convincing to bring the former warring factions to the idea of finding a political solution on the road to civilian implementation of the accords. In that short period IFOR had to be deployed, to separate the warring factions, to hold free elections, to establish the democratic mechanisms in society and eventually to withdraw. That put a strain to the key areas of civilian implementation - i.e. the transfer of authority in the Sarajevo area and the first free elections. The different parties on the ground could just retreat and wait till IFOR's withdrawal to resume fighting, while the new international civilian bodies operating in the miserable conditions in the country were quite unable to establish themselves in such a short timeframe. So NATO's commanders on the ground soon acknowledged that the civilian agencies were not capable of carrying out the complex logistical operation of holding the elections without energetic support from IFOR, which was provided on time and in the fashion required.

The deployment of US and other NATO forces into Bosnia and Herzegovina (first in IFOR and then in SFOR) had a large impact upon and changed in a substantial fashion the very concept of peace-keeping, especially regarding the new post-Cold War environment. The urgency of the operation and the expected withdrawal in an year made a strong civilian mandate a prerequisite to the success of the mission. However the case was obviously different. The High Representative (Carl Bildt) was entrusted with the overall civilian implementation (except for the first elections which were entrusted to the OSCE) but he was given few formal powers.⁹⁰ While IFOR had 60 000 troops, the High Representative had to build from nothing an organization capable of running the institutions of the civilian implementation. The successful and peaceful conduct of the September 1996 elections was considered by NATO's political and military leaders as a completion of IFOR's mandate. However, there was much to be desired in terms of the stability and security in Bosnia and Herzegovina and that required further actions in terms of peace-enforcement and eventual transition to peace-building functions.

A process of reassessment of NATO's role began after the Bergen (Norway) meeting of NATO Defense ministers and the NAC decision a month later giving explicit political guidance for a study of the post-IFOR security options. In November and December 1996 a two-year consolidation plan was drafted in Paris and later in London under the auspices of the Peace Implementation Council⁹¹. On the basis of that study and after careful consideration of all security and political options that NATO had, NATO Foreign and Defense Ministers concluded at the end of 1996 that a reduced military presence was needed to provide the stability necessary for consolidating the peace. They agreed that NATO should organize a Stabilization Force (SFOR), which was activated on the date the IFOR mandate expired - 20 December 1996.

Our analysis of the role of IFOR in 1996 has given us ample grounds to conclude that its primary task (to enforce the peace militarily) ended successfully. But the biggest problem confronting the international community was how long-standing that peace will be. Logically that led to the consideration by the international community (NATO included) of establishing a more functional mechanism for strengthening the results achieved. That was exactly the reason that brought about NATO's decision for establishing of a new form for military presence – i.e. the NATO-led UN forces that eventually took over the difficult path from peace-keeping and peace-enforcement to peace-building.

Here we can distinguish and analyze the similarities and differences between the role, functions and results of the IFOR and SFOR missions. The role of IFOR (*Operation Joint Endeavor*) was to implement the peace. The role of SFOR (*Operation Joint Guardian /Operation Joint Forge*) was to stabilize the peace. The difference between the tasks of IFOR and SFOR was reflected in their names. Under UN Security Council Resolution 1088 of 12 December 1996, SFOR was authorized to implement the military aspects of the GFAP as the legal successor to IFOR⁹². Like IFOR, SFOR operates under Chapter VII of the UN Charter and had the same rules of engagement for the use of force, should it be necessary to accomplish its mission and to protect itself.

The transition from peace-keeping to peace-enforcement and later to peace-building was quite obvious in analyzing the activities and accomplishments of SFOR. Unlike IFOR which had peace-enforcement tasks in regard to the implementation of the military aspects of the GFAP, the primary mission of SFOR was to contribute to the safe and secure environment necessary for the consolidation of peace. Its tasks were to deter or prevent a resumption of hostilities or new threats to peace, to promote a climate in which the peace process could continue to move forward and to provide selective support to civilian organizations within its

capabilities.⁹³ Therefore, the main objective of SFOR consisted in practical work upon such hard to achieve issues like the working out of a new defense policy for Bosnia and Herzegovina and the establishment, training and finding the financial provisions for the new, unified army of the country. The difficulties derived from the fact that SFOR had to overcome the resistance of the two entities, both of which were trying hard to preserve their own armed units at a time when Bosnia and Herzegovina had no unified army and no Ministry of Defense (while the armed units of each entity was under the control of each entity's defense agency).

Initially, SFOR's size was around 32,000 troops in Bosnia- Herzegovina - about half that of IFOR. Thereafter significant force reductions were made and since 1997/1998 both the US and other NATO and non-NATO troop contributors accepted the responsibility of an open-ended military commitment in Bosnia and Herzegovina by talking not of 'end-date' but instead of 'end-state'. Subsequent talks by SFOR commanders with the High Representative to set down target time-lines for the events, leading to a 'end-state' were inconclusive.

In implementing this approach, NATO monitored closely the results of the SFOR actions in the field. Every six months the NAC reviewed SFOR force levels and tasks in close consultation with non-NATO contributing countries, SFOR and SHAPE. Based on the assessment in those reviews NATO took decisions on the future force requirements and on the mission accomplishment. Thus on 25 October 25, 1999, the NAC decided, having taken into account the improved security situation in Bosnia and Herzegovina, to implement, between November 1999 and April 2000, a revised structure for the SFOR⁹⁴. According to the new structure SFOR Headquarters continued to reside in the Sarajevo area (with a transfer in 2000 from the Sarajevo suburb of Ilidza to the purpose-built Camp Butmir). Next in the line of command came the three multinational Brigades each of which was commanded by a Brigadier and contained distinct Battle Groups (BGs). These BGs can be multinational and are essentially reinforced battalion task forces with their own organic capabilities. In addition there were the then dedicated Tactical Reserve Forces able to intervene anywhere within the Theatre of Operations. These could in turn be augmented by the Operational Reserve Force, which was principally composed of Over-The Horizon Forces, mainly deployed in Kosovo, and U.S. helicopter assets.

Building on the general compliance with the terms of the GFAP, the smaller-sized SFOR was able to concentrate on the implementation of all the provisions of Annex 1A. SFOR had a unified command and was NATO-led under the political direction and control of

the Alliance's NAC, as outlined in Annex 1A of the GFAP. Overall military authority was put in the hands of NATO's Supreme Allied Commander Europe. From 19 February 2001 onwards, Allied Forces Southern Europe became Joint Force Commander for SFOR (as was the case with the NATO-led operation in Kosovo – KFOR since 18 January 2001). In spring 2003 Lt. Gen. William E. Ward was the current Commander of SFOR (COMSFOR).

NATO continued rationalizing its presence in the Balkans in May 2002, in light of the improving security situation in the region. Following several restructurings SFOR reached in January 2003 a level of about 12 000 troops (down from 19,000 at the beginning of 2002). Thus a process of restructuring into a smaller, but more robust and operationally agile force was completed. The restructured force was divided into ten battle groups of around 750 soldiers each. They are commanded by multinational headquarters located in Mostar, Tuzla and Banja Luka. “The restructured force is forward-based and focused on potential trouble spots identified by past experience and careful analysis of the current situation,” said Lieutenant Commander Yves Vanier, SFOR spokesperson. NATO leaders pointed out that the organization had a tried and tested capability to bring strategic reserve forces into the country very quickly in the event that they were needed.⁹⁵

Similarly to IFOR, every NATO nation with armed forces (Belgium, Canada, Czech Republic, Denmark, France, Germany, Greece, Hungary, Italy, Netherlands, Norway, Poland, Portugal, Spain, Turkey, UK and USA) committed troops to SFOR. Iceland (the only NATO country without armed forces) provided medical personnel. However, SFOR was a multinational peace operation, including the participation of troops from non-NATO members. Among SFOR's troops were units from Albania, Austria, Argentina, Bulgaria⁹⁶, Estonia, Finland, Ireland, Latvia, Lithuania, Morocco, Romania, Russia, Slovakia, Slovenia and Sweden. By special arrangement with the United Kingdom SFOR included also troops from Australia and New Zealand.

Following the IFOR model, non-NATO forces were incorporated into the SFOR operations on the same basis as NATO forces, taking orders from the COMSFOR via their respective multinational Brigade Headquarters.⁹⁷ Those countries were represented by liaison officers at SHAPE. They became involved in planning operations and in the process of generating the necessary forces through the SFOR Co-ordination Center⁹⁸. A very important mechanism of co-operation was established at NATO headquarters, where contributing non-NATO countries were to be consulted at key junctures and were given the opportunity to express their views on NAC decisions. That formula became known as “NAC+N” (North

Atlantic Council meeting with non-NATO contributors). The new practice contributed not only to the success of the SFOR mission but had wider implications for the future of NATO, especially as many of the non-NATO participants were NATO's enlargement candidate countries. As a result all the participating forces from Partnership for Peace countries gained practical experience of operating with NATO forces. It became obvious that NATO and non-NATO countries would work closely together in NATO-led peacekeeping and peace-enforcement operations thus contributing to the enhancement of international security.

Quite important element of the IFOR/SFOR experience was the participation of Russia in both cases. The presence of Russian troops showed in a convincing fashion that NATO and Russia can work together successfully in the field of peacekeeping⁹⁹. After the initial skirmishes during the Bosnian conflict (1992-1995) the implementation of the Dayton Accords was a major step in the evolving NATO-Russia co-operative relationship. Russian forces were deployed within IFOR in January 1996 as a part of the Partnership for Peace program.¹⁰⁰ That participation was made possible through special arrangements between NATO and Russia. In Theatre, the Russian Separate Airborne Brigade (RSAB) came under the tactical control of the US-led Multinational Division (North) and later within Multinational Brigade North (MNB-N). The Russian contingent was directly subordinate to Colonel General Leontii Shevtsov, as General Joulwan's Russian deputy. Later Russian forces became part of SFOR as well. They conducted several joint patrols with Americans and other SFOR's nations. The Russian unit was very successful in de-mining and in collecting weapons. The last of the 350 troops of the Russian SFOR unit left Bosnia and Herzegovina on 14 June 2003.¹⁰¹ That withdrawal was done in close co-ordination with NATO and was part of the last restructuring of the peace-keeping force.

In addition, IFOR and SFOR became instrumental in promoting something quite unique in international peacekeeping - the deep, daily cooperation between security institutions. Unlike in previous operations - e.g. the Persian Gulf War, military and civilian roles and responsibilities in Bosnia and Herzegovina were clearly intermingled. It was no longer possible for the military to win the battle and leave the civilians afterwards to deal with the results and to secure the peace. The final success of the operations was to be judged by the state of the economy of the host country, by the stability of its political system and the self-sustainability of the emerging civil society.

In addition came the new levels of cooperation between civilian agencies and the military. Making the next step towards effective peace-building, NATO through SFOR

underlined the importance of the civilian aspects of the GFAP. With fewer forces at its disposal, SFOR had to prioritize its efforts and to select carefully where they would be applied. Thus the effectiveness of the operations depended on how well could SFOR and the other organisations involved continue to plan together and identify objectives to ensure that SFOR support was applied where and when it was most needed and effective.

In the peace process in Bosnia and Herzegovina after 1995, a variety of inter-governmental and non-governmental bodies were working closely with the NATO-led forces at all levels, on a daily basis, towards achieving the common goals. NATO provided the secure environment the organizations needed to do their work. The UN provided legitimacy to the oversight and overall coordination of the High Representative. The OSCE helped to train police officers and to run elections. The EU provided financial and technical assistance. Among the institutions and organizations implementing the civilian aspects of the GFAP were the Office of the High Representative (OHR) which was an overall co-ordinator of those efforts, the already disbanded UN International Police Task Force (UNIPTF), the EU Police Mission (EUPM), the UN High Commissioner for Refugees (UNHCR), the OSCE and the International Criminal Tribunal for the former Yugoslavia (ICTY). Many other inter-governmental and non-governmental organisations were also playing an important role.

Summing up the concrete work done by SFOR in implementing the civilian aspects of the GFAP we should mention several positive outcomes. Under the Direction of the NAC, SFOR was instrumental in providing a secure environment for the national elections in October 1998, the municipal elections in 1997 and April 2000, the special elections in Republika Srpska in 1997 and the general elections in November 2000. The prime responsibility for those elections was with the OSCE, but SFOR provided support to the OSCE in their preparation and conduct. SFOR helped the OSCE in its role of assisting the Parties in the implementation of the Confidence-and-Security-Building Agreement and the Sub-Regional Arms Control Agreement – mainly working for the overall reduction of heavy weaponry in the area.¹⁰² SFOR was also supporting the UNHCR in its supervising tasks for the return of refugees and displaced persons. SFOR facilitated the establishment of procedures for securing these returns – e.g. ensuring that no weapons other than those of SFOR itself were brought back into the Zone of Separation. SFOR aimed at preventing any conflict with regard to the return of refugees and displaced persons. SFOR worked closely with the UNIPTF in its role of promoting local law and order as a prerequisite to lasting peace. SFOR worked with the Bosnian authorities for ensuring a secure environment for the important Balkan Stability Pact Summit held in Zetra Ice Stadium, Sarajevo, 29 to 30 July 1999. The

Summit was an important meeting place for all those involved in the search of stability in the Balkans.¹⁰³

Another important moment in SFOR activities was the implementation of the Brcko Arbitration Agreement of 5 March 1999. SFOR provided the secure environment in the Brcko area and helped the Brcko Supervisor, the IPTF, UNHCR and other involved agencies in the implementation of their mission. SFOR oversaw the complete de-militarization of the Brcko District. Its success in establishing the secure environment was manifested in the official launching of the Brcko District on 8 March 2000.

SFOR gave a hand to the work also of the ICTY. It detained several dozens of persons indicted for war crimes (PIFWCs) since June 1997 while some of them were killed in the attempts to bring them to justice. SFOR provided security and logistic support to ICTY investigative teams, and surveillance and ground patrolling of alleged mass gravesites. Multinational SFOR soldiers moved to detain Radovan Karadzic on 28 February and 1 March 2002. While Karadzic was not detained, those raids clearly demonstrated SFOR's determination to bring PIFWCs to justice. As Lord Robertson, Secretary General of NATO, said to PIFWCs: "Your time is running out. One day, whether it is tomorrow, next week, next month or next year, SFOR will come to you."¹⁰⁴

* * *

There is one opinion on the trends analyzed here which is shared by leading experts in the field: "The Bosnian experience has fundamentally transformed modern peacekeeping. It has broken down cultural barriers between military and civilians. It has fostered new training and education programs that bring together all parties involved in rebuilding a failed state. It has been a model for entirely new peacekeeping partnership where it matters: on the ground".¹⁰⁵ Concluding here our case study of Bosnia and Herzegovina, we should acknowledge again that both IFOR and SFOR in the framework of the efforts of the international community to stabilize the peace and bring about peaceful reconstruction of the conflict-ridden entities showed the difficulties and challenges to establishing a new, secure environment there.

PART THREE. THE KOSOVO CRISIS AND THE INVOLVEMENT OF NATO

“Kosovo was a unique and unprecedented action by the Atlantic Alliance. A defensive alliance went to war against a sovereign nation – which had not attacked any of the constituent members of the alliance – in the name of humanitarian principles...Inevitably, the process of reconstruction and peace-keeping in Kosovo will draw off resources-military as well as financial-from the still far-from-completed Dayton peace process...Even more ominously, if the final solution to the status of Kosovo results in the redrawing of the borders of sovereign states, the impact on the territorial integrity and stability of Bosnia could be profound.”¹⁰⁶

1. The Internalization of the Kosovo Problem

The Dayton agreements and their implementation in Bosnia and Herzegovina through the active peace-enforcement engagement of the UN, NATO, OSCE and all the other international organizations and actors brought peace to that country but fell short of making peace in the Former Yugoslavia area a lasting success. In the late-1990's the international community and especially the US proved incapable of finding a practical political solution to the increasing problems in yet another troublesome region of former Yugoslavia – the Kosovo province. The conflict in Kosovo between the ethnic Albanians and the ethnic Serbs quite soon brought to the surface some fundamental questions based on the aims and values of the international community and its organizations, as well as on their capabilities for reactions in such conflict situations. Thus to the forefront of public interest and states' actions came issues and questions related to the notions of national sovereignty, the character and functions of international law, the justification to the use of force in international relations in the course of realization and protection of certain moral principles, the ideas about the justification of humanitarian intervention in defense of human rights and prevention of their abuse, etc.

The Kosovo province of Serbia had long been a cause and a subject for political, religious and ethnic controversies within the big Balkan federation - Yugoslavia.¹⁰⁷ Because of the historic memory about the defeat of the Serbian army at Kosovo Polje by the Ottoman Turks in 1389 most Serbs considered Kosovo (with its shrines, cathedrals, and monasteries) as

the “cradle” of the Serbian nation. In the 1990’s, due to various demographic, economic and political factors the majority of the population there was however, Albanian by ethnic origin and Muslim by religion. The Serbs desired the region to remain within Serbia, but the Albanian, Muslim majority looked forward to a sustained and real autonomy and even to independence. The region enjoyed, until 1989, a high degree of autonomy within the Socialist Federal Republic of Yugoslavia but then the Serbian leader Slobodan Milosevic altered the status of the region. In 1989 the autonomy of Kosovo was abolished and it was brought under the direct control of Belgrade.¹⁰⁸

The dissolution of Yugoslavia and the experience of the former Yugoslav republics that had already embarked on the road to independence, gave an example to the Democratic League of Kosovo how to organize in 1991 an underground referendum in the Kosovo region. As a result of that event, in which the majority of the Kosovars expressed a desire for some form of independence, came the extra-legal election on 24 May 1992 of a Kosovo Parliament with the League’s moderate leader Ibrahim Rugova being elected as President¹⁰⁹. After 1992 the peaceful resistance against the supremacy of Belgrade was complimented with acts of violence and protest. The Kosovo leaders aspired towards the creation of an autonomous Kosovo region. Working in that direction, I. Rugova and his League, according to N. Malcolm, followed a three-fold strategy – to prevent violent revolt, to ‘internationalize’ the problem through international involvement (i.e. diplomatic mediation or establishment of a UN Trusteeship of Kosovo) and to deny the legitimacy of the rule of Belgrade by boycotting elections and censuses.¹¹⁰ They were successful in the first aspect of that strategy and were trying hard to convince the international community that the province was something different than Serbia. Their claims, however, for quite some time remained in the shadow of all the other conflicts in former Yugoslavia. That brought about a radicalization in the aspirations of the Kosovar Albanians and in 1996 many of them, led by the rebel Kosovo Liberation Army (KLA), moved from non-violent resistance to violent reprisals against Serbian police for their continued attacks on Muslims. With the increase in fighting, international outrage grew as thousands of Kosovar Albanians refugees were internally displaced.

The international community in the early 1990’s regarded Kosovo as an internal Serbian problem. On that grounds the right of self-determination granted to the former republics was denied to the Kosovo region. However, in December 1992 the United States informed Serbia that it would not tolerate a violent solution to the situation in Kosovo¹¹¹.

Serbia's reaction was to suppress the independence movement, and the Serbian actions gradually became more intense. In our opinion, the internalization of the Kosovo problem and the engagement of the UN there began with UN Security Council Resolution 855 (9 August 1993). It referred to the refusal of Yugoslav authorities to allow the establishment of special CSCE missions in Kosovo, Sandjak and Vojvodina¹¹². Aimed at the same direction was the imposed international pressure that led to the signing of the Milosevic-Rugova agreement on the Kosovo education system (1 September 1996).

The international involvement was targeted mainly at preventive diplomacy. It intensified and reached a new stage in 1998. The main international concerns were about the grave humanitarian crisis, the threat of the escalating violence getting out of control and the possibility of the conflict spreading to neighboring countries. The first attempt to preclude such developments was UN Security Council Resolution 1160 (31 March 1998) that imposed an arms embargo against FR Yugoslavia¹¹³. Then, on 28 May 1998, the NAC set out NATO's two major objectives with respect to the crisis in Kosovo: helping to achieve a peaceful resolution of the crisis by contributing to the response of the international community and the promotion of stability and security in neighboring countries with particular emphasis on Albania and the Former Yugoslav Republic of Macedonia (FYROM).¹¹⁴ On 12 June 1998 the NAC asked for an assessment of possible further measures that NATO might take with regard to the unfolding Kosovo crisis. It led to consideration of a large number of possible military options.

The escalation of violence in the region and its destabilizing effect on the overall situation made the Security Council to adopt on 23 September 1998 its Resolution 1199.¹¹⁵ It expressed deep concern about the excessive use of force by Serbian security forces and the Yugoslav army, and demanded that all parties, groups and individuals immediately cease hostilities and maintain a cease-fire in Kosovo. The resolution set limits on the number of Serbian forces in Kosovo, and on the scope of their operations. Those details were clarified after a separate agreement with NATO Generals Klaus Naumann and Wesley Clark. It was agreed, in addition, that the OSCE would establish a Kosovo Verification Mission (KVM) to observe compliance on the ground while NATO was to establish an aerial surveillance mission. The two missions were endorsed by UN Security Council Resolution 1203.¹¹⁶ Several non-NATO nations that participated in Partnership for Peace (PfP) gave their consent to support and contribute to the NATO's surveillance mission. NATO on its part promised

support to OSCE's units if renewed conflict should put them at risk. So it established a special military task force to assist with the emergency evacuation of members of the KVM and deployed the task force in FYROM under the overall direction of NATO's Supreme Allied Commander Europe¹¹⁷.

On 13 October 1998 in view of the worsening situation, the NAC authorised Activation Orders for air-strikes. The move was designed to support diplomatic efforts to make Belgrade withdraw its forces from Kosovo, cooperate in bringing an end to the violence and facilitate the return of refugees to their homes. At the last moment, following further diplomatic initiatives including visits to Belgrade by NATO's Secretary General Javier Solana, US Envoys Richard Holbrooke and Christopher Hill, the Chairman of NATO's Military Committee, General Klaus Naumann, and the Supreme Allied Commander Europe, General Wesley Clark, President Milosevic agreed to comply and the air-strikes were called off.¹¹⁸

Being a result of the complex influence of different factors (which in its depth is not a subject to our analysis here) the tensions in the region increased in the late 1990's and thus created the pre-conditions for a potential outbreak of a civil war in Kosovo. The KLA with its activities was instrumental in that process. Using the Kosovar Albanians diaspora it received arms supplies and had well-trained soldiers, coming from the training camps in neighboring Albania. Its end-aim was not only the sovereignty of Kosovo but the creation also of a Great Albania - a big unified homeland of all Albanians, including those living in FYROM. Those aspirations were not in tune with the vision for regional stability on the Balkans, shared by most European governments and their US partners. In the search for a peaceful solution to the problem France and Germany insisted before Belgrade for the granting of a special status to Kosovo. All was in vain and the conflict quickly escalated with several KLA arms assaults at Serbian targets. Battles between Serbian government militias and Albanian guerrillas culminated in a massive Kosovar refugee exodus.

Some of these incidents were relieved through the mediation efforts of the OSCE verifiers. But the situation deteriorated further in mid-January 1999 with the escalation of the Serbian offensive against the Kosovar Albanians. The intensity of the Serbian operations was deepened by the movement of extra troops and modern tanks into the region, in defiance of the promises for withholding such action made in the October agreement. As a result tens of thousands of people began to flee their homes in the face of the systematic offensive.¹¹⁹

Renewed international intervention occurred in hope of finding a peaceful political solution to the conflict. The six-nation Contact Group established by the 1992 London Conference on the Former Yugoslavia met on 29 January 1999. There it was agreed to convene urgent negotiations between the parties to the conflict which would be conducted under international mediation. On its part, trying to put additional pressure and intervene on its own, NATO issued a very strong statement (a *de-facto* ultimatum)¹²⁰ on 30 January 1999 with a threat to the use of air-strikes if required, and with issuing a warning to both sides in the conflict. Those coordinated international actions forced Serbia and the Kosovar Albanian leadership to reach a decision for a meeting in Rambouillet, France to negotiate a final settlement. The US through its envoy – the old Bosnian-hand Richard Holbrooke had a strong say at the meetings near Paris (6 to 23 February) with a strict guidance coming from President Clinton in Washington. At the same time, the NAC authorized the NATO Secretary General to use his authority in initiating air-strikes against the Federal Republic of Yugoslavia in case of a failure of the negotiations.

The attempt in Rambouillet to find a political solution to the crisis by making the parties agree to the *Interim Agreement for Peace and Self-Government in Kosovo* failed.¹²¹ Both sides objected to the agreements - the Serbs, because of the international military presence in Kosovo, while the Kosovar Albanians – to some other aspects regarding the status of the province. The proposed accords mandated the withdrawal of Yugoslav forces and the establishment of a three-year interim period during which Kosovo was to enjoy democratic constitutional self-government. An international meeting was proposed to be convened after three years to determine the final status of Kosovo. NATO was the structure to provide the security forces necessary to ensure compliance with the accords and would have been authorized to use force if necessary.¹²²

Thus the international community tried to achieve through diplomatic means a rapid political solution to the Kosovo problem by establishing a model for the future structure of the province and an eventual international involvement there. Analyzing the content of the proposed accords it was obvious that the international mediators considered the Dayton model of imposing the peace as a viable one. They took however, in consideration some negative aspects of its implementation in the four years practice in Bosnia and Herzegovina since 1995 – especially the discord between the civil and military aspects of the peace implementation process. The comparison between Dayton and Rambouillet showed clear parallels between

the two accords regarding the mandate and prerogatives of the international agencies. For us, the most important element was that all military aspects were within the scope of involvement of NATO (in both cases - IFOR/SFOR and the eventual KFOR were NATO-led missions). Moreover the envisaged Head of the Implementation Mission (Chapter V, Article 2) had functions resembling too much those of the OHR in Bosnia.

The talks ended in stalemate and Serbian attacks in Kosovo escalated. A month later a final round of negotiations was held in Paris (15 to 18 March), where the Kosovar Albanians signed the accords while the Serbs still refused. The OSCE withdrew on 20 March its KVM while US Ambassador R. Holbrooke then flew to Belgrade, in a final attempt to persuade President Milosevic to stop attacks on the Kosovar Albanians or face imminent NATO air-strikes. Milosevic refused to comply and on 23 March the commencement was given for the beginning of the air-strikes. The strikes began on the following day and changed drastically the situation, rendering the Rambouillet Accords practically impossible to be implemented. Those accords could have immediately become a reality if the government in Belgrade had complied with NATO's demands (which in Milosevic's view was tantamount to capitulation) and if an agreement was reached with the Kosovar Albanians, simultaneously, mediated by a friendly third party (the United States). However, in the last week of March 1999 nobody was willing to allow to President Milosevic further options for new initiatives and prolonged negotiations on them. Moreover, it was hardly probable that the Kosovar Albanians would agree to such mediated negotiations. .

NATO began on 23 March 1999 its *Operation Allied Force* and thus acted forcefully through the use of air-power while the Serbian forces started a campaign of driving out the Albanian population out of Kosovo. The Yugoslav Army was largely successful in its actions, with an estimated 850000 Kosovar Albanians seeking refuge in Albania, FYROM, and other neighboring countries. During the 78-day air-campaign¹²³ against Serbia (23 March - 9 June 1999) NATO's objectives in relation to the ongoing conflict were specifically expressed on two important occasions - in the Statement issued at the Extraordinary Meeting of the NAC held at NATO headquarters on 12 April 1999, and reaffirmed by NATO's Heads of State and Government when they met in Washington on 23 April 1999 at the EAPC Summit.¹²⁴ Those objectives included a verifiable stop to all military action and the immediate ending of violence and repression; the withdrawal from Kosovo of the military, police and paramilitary forces; the stationing in Kosovo of an international military presence; the unconditional and

safe return of all refugees and displaced persons and unhindered access to them by humanitarian aid organisations; the establishment of a political framework agreement for Kosovo on the basis of the Rambouillet Accords and in conformity with international law and the UN Charter. Thus in the spring of 1999 the achievement of these objectives, accompanied by measures to ensure their full implementation, was regarded by NATO as the factors and conditions that would end the violent conflict in the province.

At the same time during the spring-1999 air campaign NATO tried hard to limit civilian casualties through an unprecedented review of targeting. Military, political and legal reviews were done at NATO headquarters, by member States and also by individual States participating in the campaign. Great effort was made to limit attacks to military targets and reduce collateral damage to civilian population. Those efforts were done within the framework of the European and Transatlantic partnership in the security and defense policies and it had serious implications for that partnership and the possible mutual engagement in peace-keeping operations. That coincided with very important decisions that were taken at the height of the NATO air-campaign on issues of European Security and Defence Policy. Those decisions have affected the role and structure of the Eurocorps¹²⁵. On 29 May 1999 (at the French-German Summit in Toulouse) it was proposed to place the Eurocorps at the disposal of the EU for crisis response operations. This was accepted by the other member states and formally announced at the EU Summit in Cologne (3-4 June 1999) which decided to strengthen EU capabilities and to set a crisis response force.

In early June 1999 the only available diplomatic option for finding a political settlement was the drafting of a UN resolution, which would give internationally recognized legal guarantees for the deployment of foreign civilian and military forces in Kosovo. The great advantage of the UN in expressing such a will of the international community and thus finding a solution to the conflict derived from the fact that the UN did not need any consent from either Belgrade or the Kosovor Albanians' representatives for the adoption of such a resolution. Its adoption had another benefit – if approved by the Security Council it would engage in the peace process countries like China and Russia because they would automatically be bound to the objectives of the resolution. Thus no Great Power would question the notion of the disregard to the sovereignty of FR Yugoslavia with the deployment of foreign units in Kosovo.

After hard negotiations in the first week of June a diplomatic settlement of the conflict over Kosovo and thus an end to NATO's air-campaign was achieved as a result of various and complex in their nature factors. The formal reasoning for the end of the bombings of Yugoslavia was the acceptance by the Serbian Parliament of the *Chernomyrdin-Ahtisaari Agreement*¹²⁶ which were later incorporated as an annex to the corresponding UN Security Council Resolution 1244. It represented a formal consent on behalf of Belgrade to all demands put forward by NATO and the international community - the principles established at Rambouillet and Paris in February and March 1999, including the conditions for the complete withdrawal of all Serbian forces from Kosovo, and the demilitarization and transformation of the KLA. Thus NATO was obliged to end its campaign because the agreements became a basic prerequisite to the establishment of the political and legal framework for the deployment of multi-national peacekeeping forces in Kosovo and for the restructuring of the institutional structure of the province.

In conclusion, the overall arrangements were results of the combination of military pressure and diplomatic initiatives targeted at reaching a mutually acceptable compromise in line with the initial NATO ultimatum and the goals declared by the international community during the crisis. The main factors that intermingled in a complex fashion were NATO 78-days' campaign of air-strikes¹²⁷, KLA ground actions and Russian diplomatic intervention¹²⁸. All of them contributed to the decision of Belgrade to end its activities against the Kosovar Albanians, to withdraw from the province and to sign a *Military Technical Agreement (MTA)* with NATO.¹²⁹ Being an agreement between a NATO-led international security force (KFOR) and the governments of the Federal Republic of Yugoslavia and Serbia, the MTA allowed NATO to put KFOR into Kosovo and defined the conditions under which it would carry out its missions. The MTA also established air safety zones and ground safety zones between Kosovo and the rest of Serbia. KFOR's missions included establishing a cessation of hostilities, ensuring that the forces of the FR Yugoslavia did not re-enter the area, and the contributing to a secure environment for the people as well as for the civilian workers. For these mission, the use of force if necessary was authorized.

Soon after the MTA was signed, the UN Security Council passed Resolution 1244 which established an interim civil administration (UNMIK)¹³⁰. The resolution provided support to the presence of NATO-led KFOR in Kosovo, as well as delineated some KFOR responsibilities. Resolution 1244 assigned to KFOR the duties of deterring renewed

hostilities, demilitarizing the KLA, establishing a secure environment for the return of refugees, ensuring public safety and order, supervising de-mining until a civil presence takes over, and monitoring the provincial borders. The resolution also ensured freedom of movement for the members of KFOR, of the international presence, and other international organizations. In this resolution, UNMIK was charged with organizing and overseeing the development and running of civil institutions until a final settlement was reached.

One of the objectives of the United Nations regime was to re-establish all of the civil rights that must be provided by a legitimate democratic government. The situation in Kosovo was an interim one - a conflict had been ended there, but civilian control had not yet been restored. From a legal point of view it was very difficult to proceed with judicial actions when there was no agreement on the national laws that applied, because Kosovo remained a part of FR Yugoslavia, but the majority (the ethnic Albanian population) was not willing to accept and obey the federal laws.¹³¹

2. NATO and the Peacekeeping Operation in Kosovo (June 1999 –early 2003)

The Kosovo crisis in the spring of 1999 and its aftermath brought about an interim political settlement for Kosovo – one that was vigorously sought by the international community in the preceding year. Enforcing the peace thus reached was a quite difficult task because UN Security Council Resolution 1244 created a totally independent administrative, political and defense structure in Kosovo. The province was turned into a *de facto* independent entity under an international supervision although *de jure* it remained a part of FR Yugoslavia. The foreign military presence in the manner it appeared in Kosovo after June 1999 satisfied the aspirations of China and Russia regarding the peace settlement. The international administration had as its task to govern Kosovo in the practical non-existence of local government structures.¹³² At the same time it was presumed to create such structures which in a future perspective should provide the self-government of the province.

The framework of the peacekeeping operation in Kosovo was given by UN Security Council Resolution 1244.¹³³ The entire text of the resolution was within the framework of Chapter VII of the UN Charter. It delegated to the international community¹³⁴ a broad and challenging mandate to establish democratic self-governing institutions and to ensure conditions for a peaceful and normal life for all inhabitants of Kosovo. The UN Secretary-

General was obliged to appoint a Special Representative to control the implementation of the international civil presence while member states and relevant international organizations were authorized to establish the international security presence in Kosovo within the given mandate.

The Kosovo peace process was presumed to be based on four pillars, each task attached to a different international organization. The humanitarian assistance was to be handled by the UNHCR. The civil administration was assigned to UNMIK. The democratization and institution-building efforts were to be handed over to the OSCE. And lastly, the EU took the responsibility for economic reconstruction. These actions preserved Serbia's territorial integrity (including Kosovo) but eliminated Serbia's power to govern the province. Thus, though officially remaining a province of Yugoslavia, Kosovo became governed by a UN regime, and was patrolled by NATO troops. The UNMIK was the institution running the territory - it had the legislative and executive power over Kosovo, and also administered the judiciary, directed the police, etc. Over time, UNMIK was presumed to turn over those responsibilities to a Kosovar government.

UNMIK started its mission on 10 June 1999. It provided an interim civil administration in Kosovo while establishing and overseeing the development of provisional democratic self-governing institutions that would assume responsibility pending a political settlement. UNMIK's responsibilities included performance of basic civil administrative functions; support of humanitarian and reconstruction efforts; assuring the safe return of refugees and displaced persons; maintenance of law and order; organizing and overseeing development of provisional self-governing institutions; transferring authority to these institutions; facilitating a political process to determine Kosovo's future status; and overseeing the transfer of authority from the provisional institutions to those established under a political settlement.¹³⁵

The immediate problem for both KFOR and UNMIK was the task of entering into the province to restore order in such a fashion that the civilian population could return and then be able to get relief. Many homes were destroyed, many buildings and living areas were to be made safe from the mines placed there during the war. A very interesting legal point was that the provision of relief to civilians outside military conflict situations properly remained a State obligation that might be tasked to military forces, but it was not an obligation imposed by international law upon military forces. The UN in Kosovo took upon itself the task of rebuilding a civilian structure that had been completely destroyed and of providing relief to a population devastated by the recent conflict. A civilian police authority was needed to keep

order, but food, shelter and medical supplies were also to be provided. The NATO military authorities wished to leave this task as much as possible in the hands of the UN and only to provide the security environment which would allow the civilian authorities to do what was necessary. But to a great extent the functions of policing and of civilian relief were in an expedient practical manner taken on by the military forces until a time came when the civilian structures would be re-established¹³⁶.

The implementation in Bosnia and Herzegovina of the Dayton Accords had already showed how wrong it was to separate the civil from the military aspects of the GFAP. That was the reason why the mandate of KFOR in 1999 was very strictly formulated. KFOR had two main task areas – military operational command and control, and the political field of action. They were closely interrelated and this outcome was a direct result of the Bosnian experience. Klaus Reinhardt (SFOR/KFOR Commander from October 1998 to April 2000¹³⁷) wrote that the most essential lessons from his previous experience in UNPROFOR, IFOR and SFOR were how to work with civilian agencies, reduce rivalry and ensure clarity in responsibility. For him of special importance was the political cooperation within the provisional government, the Interim Administrative Council, and the Kosovo Transitional Council (a form of interim parliamentary group encompassing the different religious, ethnic and political factions). KFOR representation in both bodies and voting power there had some weight in the civilian implementation.

As set out in UNSCR 1244 KFOR had several clearly defined missions.¹³⁸ Most important among them was to prevent the return of the Yugoslav armed forces into the area and the resurgence of open hostilities. That was achieved through the deployment of a robust and substantial peacekeeping force. Before the fall of the Miloshevic regime it was crucial (in view of the nature of the KFOR mission) that the government in Belgrade was aware of the presence of 50000 well-motivated, well-trained troops ready to withhold any troop movements into the area. NATO hold regular reinforcement exercises which showed the resoluteness of the international community to protect Kosovo by military action in case of such a need.

Another task of KFOR was the improvement in the personal security of all Kosovars. It was presumed that thus the conditions should be created for the peaceful coexistence of the ethnic groups, as well as for the economic and administrative reconstruction. KFOR was largely successful in this respect, too. The high crime rate was reduced substantially. The third

task - the demilitarization of the irregular KLA was probably the most difficult one as it was about the disbanding of an organized military structure and transforming it into a new, civilian, multi-ethnic and apolitical structure. Thanks to the experience which KFOR commander Lt. Gen. Michael Jackson had from Bosnia and Herzegovina he managed in late June 1999 to reach an agreement with KLA leaders that made possible the implementation of the military aspects of MTA. The former KLA fighters were given civilian jobs in building schools, constructing houses and environmental cleansing. According to Reinhardt¹³⁹ this was 'probably the first-ever conversion of a rebel army into a civilian organization under external control'. The fulfilment of that task required a combined use of diplomacy and tough actions.

KFOR had also as its task to maintain close cooperation with UNMIK in elaborating a joint strategy. They set up bilateral strategy seminars to coordinate their activities, and the commanders of KFOR and UNMIK met regularly on an almost daily basis, trying to find practical solutions¹⁴⁰. Moreover, KFOR had as its mission to provide humanitarian aid within the resources available at their disposal. The CIMIC units within the national military contingents worked extremely hard at their tasks and achieved a great deal. KFOR also undertook the task of de-mining, as well as participated in the reconstruction of schools, houses, bridges, roads, the railway line and the airport.

A very important element in KFOR's command structure and for the partnership with other European security institutions was the co-operation with Eurocorps. In November 1999 HQ Eurocorps were formally offered to NATO as the core headquarters for KFOR. Anticipating the final decision, HQ Eurocorps started an intensive training for an eventual six month deployment. On 28 January 2000, the NAC accepted the proposal. It was an important and symbolic event - the first operational commitment of HQ Eurocorps was also the first operation in which a European headquarters (which is not part of the Alliance's integrated military structure) commanded a NATO force. A month later, the first representatives of Eurocorps arrived in Kosovo (KFOR Rear HQ in Skopje and Main HQ in Pristina). The majority of the keyposts in the newly renamed NATO's "Joint HQ Center" were taken by Eurocorps personnel. On 18 April 2000 full KFOR authority was transferred from General Reinhardt to General Juan Ortuño, commander of the Eurocorps, in the presence of General Clark (SACEUR).¹⁴¹ At that time, 360 Eurocorps personnel were present in Theatre. By contributing about 40% of the overall personnel strength and a majority of key posts of both HQs, HQ Eurocorps provided the core of KFOR III headquarters.

The nature of the mission during KFOR III (with its troops coming from 39 different countries) was as defined in Resolution 1244, but there were certain changes in the focus of the activities. Building upon the results of the previous phases of KFOR, the aim was formulated as restoring of all those basic structures - economic, political and social, that were essential to the resumption of everyday life in Kosovo. It included different concrete tasks - the partisan army of the KLA had to be transformed into a civil protection corps; there was a strong need for fighting violence and organised crime; as legal structures were non-existent there was a need for legislation to be defined; a multi-ethnic police force had to be created; public health was in a very bad shape without any serious healthcare measures taken. An urgent requirement was to re-establish local authorities especially in view of the incoming local and Yugoslav presidential elections. For the success of all those tasks serious security measures were necessary to be taken.

Instrumental to achieving the objectives was the close relationship between KFOR and the international and non-governmental organisations in the field. In order to enable reconstruction of the province, KFOR increased its efforts to maintain a sense of security thus making the tasks of other organizations easier. Around 800 patrols were conducted everyday throughout the province and more than 1000 soldiers were assigned to guard duties in sensitive areas. This close co-operation reached its peak in August 2000, during the conduct of Operation Vulcan which closed down the Zvecan lead factory, the high level of pollution of which had become dangerous for public health. Although keeping a low profile and searching always for a dialogue, when the use of force was necessary (as was the case with the Zvecan factory), KFOR was able to act with determination and execute co-ordinated military operations with other partners in the field. Within the six-months mission of KFOR III e.g. criminality decreased; more than 4,500 illegal weapons were seized and destroyed. In addition, in June 2000, during Operation Leatherman 67 tons of weapons and ammunition were found. KFOR also participated directly in reconstruction activities by repairing some 325 km of roads and assisting the reopening of the railway line linking Kosovo-Polje and Zvecan (the latter provided regular transport to mainly Kosovar Serbs at an average rate of 500 passengers per trip).

As in the case with IFOR/SFOR, KFOR was also entrusted by the NAC with having a supporting role for the work of the ICTY. The authority of the ICTY to investigate and to prosecute war crimes applied equally to Kosovo as it did to Bosnia and Herzegovina¹⁴². So KFOR provided security for ICTY personnel, intelligence information related to its mission,

some logistics support, and most sensitive assistance in detaining persons indicted for war crimes. Unlike in Bosnia and Herzegovina, investigations in Kosovo were quickly started. There was no argument over whether KFOR should be involved in making detentions. In this regard there was no danger of dealing with a still existing military threat, as had been the case in the early days of IFOR.¹⁴³ Also, rules for detention had already been established by IFOR and SFOR and served as a point of departure for similar procedures in KFOR. But the problem was that the responsibility for making the detentions fell, out of necessity, upon military rather than civilian authorities. Military authorities did not possess the legal means to replace civilian authority in arresting civilian offenders, including war criminals which created some ambiguities in carrying out this task.

Another very important aspect of the Kosovo crisis was Russia's position on NATO's involvement in the province. Russia's position on the intervention in Kosovo, which denounced it as an illegitimate one, contrasted with NATO's view that the humanitarian catastrophe justified the use of military force. In protest against NATO's intervention in Kosovo, Russia decided to interrupt contacts with the Alliance in the context of the NATO-Russia Permanent Joint Council for almost a year¹⁴⁴. The tensions were resolved during the visit of NATO Secretary General Lord Robertson in Moscow on 16 February 2000. As Robertson commented 'We have opted for political and military cooperation across the continent. We engaged Russia and Ukraine constructively'.¹⁴⁵

Quite important for the analysis of the NATO's role in Kosovo were some comments about the Kosovo mission made in Rome by Lord Robertson, shortly after he assumed the office of NATO's Secretary General¹⁴⁶. According to him, the conflicts in Bosnia and Herzegovina and in Kosovo made it clear that Europe was "still subject to the political, economic and military pressures that can and do lead to open conflict...Accordingly, all our institutions must prepare themselves to face these new challenges". According to Robertson, Kosovo could serve "as an example both of the complexities of crisis management and of the wide variety of means NATO has applied -- and still is applying" -- including conflict prevention, isolation of the conflict and efforts to stabilize the region, humanitarian assistance, bringing Russia "on board" through dialogue and consultations, a robust peacekeeping force, and economic assistance to the region. He said that that NATO political and military reforms begun long before Kosovo paid off during the campaign. "This Alliance has adapted its political and military tools.... And we changed our strategy and force structures to better respond to the challenge of peace support operations.... In the Kosovo campaign, all these reforms paid off." But acknowledging that "despite all our efforts, we couldn't prevent the

Kosovo conflict," Lord Robertson said that preventive mechanisms, from the OSCE to NATO's Partnership initiatives had to be strengthened.

But the final status of Kosovo remains unclear. Will it become independent, or will it remain part of Yugoslavia? The new institutional framework in Kosovo reminded pretty much the mandate system established by the Paris Peace Conference in 1919 leaving the former German colonies under the trusteeship of the League of Nations (and through it to some of the victorious Great Powers). But the case of Kosovo was different from the pre-Second World War experience because the Kosovo model left unclear the end-status of the territory. In view of the Balkans situation at the start of the 21st century it is obvious that the final decision on that issue will make the province have a statute quite different from its present one.

PART FOUR. SOME BASIC CONCLUSIONS

Peace-keeping operations (under the mandate of the UN) were one of the most important and innovative elements in the concept of using collective military force during the Cold War years. They helped in isolating certain conflicts from superpowers' rivalry and showed the determination of the international community to act resolutely in pursuing world peace and regional stability. At the same time in many cases in the post-1945 period peace operations were handicapped by the inability of the Security Council permanent members (because of their ideological differences and the corresponding geopolitical constraints) to act collectively in preserving world peace.

The end of the Cold War put a great challenge to the international community in terms of crisis management – how to cope with the new conflict environment where conflicts no longer took place among states, but among local war-minded fractions and groups. During the previous decades superpowers' support acted as a restraint at the local, regional level but in the 1990's a vacuum of authority was created that had been filled in by local war leaders. The outbreak of numerous intra-state conflicts called for international intervention. In such a security environment it was presumed that efforts should be made to strengthen the capacities and options for peace support operations because military force alone could not accomplish the job of prevention and conflict resolution. Thus the 1990's became a time when regional security organizations demonstrated increasing interest in international intervention in crisis management through their participation in peacekeeping operations. Previously, such operations were regarded as an area for involvement exclusively for the UN, but the post-Cold War security environment demanded more vivid and effective mechanisms of conflict

resolution and conflict prevention other than the traditional peacekeeping concept. That presumption applied to the UN, to the EU, to NATO and to other regional and collective security structures and agencies.

In the early 1990's NATO also had to adapt to the changing political realities of the post-Cold War period. The evolving strategic concept of NATO and the realities of international security brought about new elements of co-operation with the European security structures and their respective agencies and institutions (the OSCE, the EU and the WEU). The redefining of the new place of the Alliance within the European security system was expressed quite obviously in the transformation and the adaptation of the existing concepts and terminology to the new European environment. The *Rome Declaration on Peace and Co-operation of the Heads of States and Governments* explicitly stated that: 'The challenges we will face in this new Europe cannot be comprehensively addressed by one institution alone, but only in a framework of interlocking agencies tying together the countries of Europe and North America. Consequently, working began toward establishing a new European security architecture in which NATO, the CSCE, the European Community, the WEU and the Council of Europe complement each other. Regional frameworks of cooperation were also very important. This interaction was of the greatest significance in preventing instability and divisions that could result from various causes, such as economic disparities and violent nationalism.'¹⁴⁷

The Yugoslav crisis of the 1990's was an evidence for the implementation of the new doctrine of peace-keeping and of the recently formulated *New Strategic Concept of NATO*. Both in Bosnia and Herzegovina and in Kosovo the UN had lost some of its credibility and as the threats there to civilians as targets of warring factions increased, NATO decided to intervene in order to halt repressions. NATO's motivation for playing the role of a peacemaker and eventually of a policeman derived from its institutional interest in displaying itself as the principal guardian of European stability, security and regional peace.

There were certain doctrinal differences between the UN and NATO concerning the conduct of peacekeeping operations. The main role of the UN in the early 1990's was the traditional approach to such operations that included maintaining neutrality and using force only in self-defense. Occasionally it was not capable of securing enough deterrence to contain the conflicting parties which violated UN Security Council resolutions. At the same time the UN embarked upon the road of redefining the nature of peace-keeping operations and trying to elaborate their new place in the international security system. In this respect, the NATO's approach was a much more flexible but forwarding one in regard to using force for both

deterrence and coercion as an element of a successful intervention strategy. Thus it emphasized the use of force in cases that would undermine the viability of an operation, endanger its personnel, halt atrocities and limit the disaster.

Our analysis of the case-studies of the peace operations in both Bosnia and Herzegovina and Kosovo had shown that the new international security environment with its trans-national threats required international co-operation, role-sharing and operational co-habitation. The missions in Bosnia and Herzegovina and in Kosovo¹⁴⁸ were the largest peace-keeping operations in the history of the UN and at the same time – the first full-scale operations in NATO's history. Their significance came from the fact that they fostered changes in the traditional concept of peacekeeping in Europe as well as had a certain impact on specific elements and wording of the UN and NATO doctrines. Responding to the Yugoslav conflict, the peacekeeping operations in both countries became a part of the international involvement in the area. Thus the world observed the first interaction between NATO and the UN. Being the first experiment in institutional co-operation, those efforts had their successes, setbacks and difficulties on the ground. The outcome could 'further lead us towards a new principle of 'subsidiarity', where the authority of decision is given to the most appropriate body to address the issue'.¹⁴⁹

In the 1990's the UN failed repeatedly to meet the new challenges because of the lack of adequate resources and management to support the drastically increasing number of peace-keeping missions. The UN forwarded the vision of a more effective UN peace-keeping efforts and encouraged member states to provide political, personnel, material, and financial support to those UN missions. In its *Brahimi Report* of 2001 it stated that 'the key conditions for the success of future operations would be political support, rapid deployment with a robust force posture and a sound peace-building strategy'.¹⁵⁰ Other experts, analyzing the failures of the UN in Bosnia and Herzegovina had turned their attention to the manner of application of the three basic principles of an operation – consent, impartiality and the limited use of force (all of which had their setbacks in Bosnia and Herzegovina)¹⁵¹. Still others pointed also to the consent and cooperation of the parties, the existence of a peace settlement, the political support of the five permanent Security Council members for conducting the operation, the secured support of the US (in logistic, financial and political terms) and the involvement or support of regional organizations. It was interesting that in Bosnia and Herzegovina the key-elements were almost absent which led to deteriorating confidence in UN peacekeeping capabilities, while in Kosovo they were present but not under the auspices of UN but under that of a 'regional organization'(NATO).

Our analysis in this study had proven convincingly that in the post-Cold War environment ‘the international division of labor’ in peace operations (especially between the UN, NATO and the EU agencies) was of a primary importance. In this respect we consider the most debated question during the War in Bosnia and Herzegovina and its post-Dayton aftermath (“who is in charge?”) as a problem of pragmatism rather than of principle. Any peace operation should be considered, planned and implemented in a cooperative manner. There existed a certain logic in such operations with the prevention of violent conflict being a foremost priority. When prevention however turned out to be a failure, then the primary task of the international community should be an early process of de-escalation (a form of intervention aimed at reaching compromise between the conflicting parties). The European diplomacy tried hard (through its various peace plans) but failed in reaching de-escalation in Former Yugoslavia in 1991-1993. Thus the next logical step then at a phase of escalating violence was the deployment of a diplomatic/civil/military “de-escalation task force” that actively tries to promote through its unbiased position the consent and cooperation of the conflicting parties.

In the late 1990’s and especially at the start of the new millenium the EU, through being involved in implementing such initiatives, became a possible option for carrying out peace-keeping mandates, given by the UN or the OSCE. The study of EU’s recent experience proved that the Union was gradually shifting from an attitude of reaction to one of prevention. The development of a European security and defense policy points to the desire of the EU to improve its crisis management capabilities. As no single state or institution can meet the challenges and risks of the future on their own, a network of interlocking international institutions needs to be created.

NATO military assets also became very important in view of the evolving joint peacekeeping doctrine which being compatible with international law and the spirit of the UN Charter was desirable to be shared by the main international actors. Close cooperation with NATO was a main priority for the EU. At the same time, the EU recognized the primary responsibility of the UN Security Council in maintaining world peace and security. The history of the UN-NATO-EU cooperation in peace operations described in our case-studies was a very dynamic one, full of conflicting experience and lessons derived out of successes and failures.

The years of the Bosnian war (1992-1995) were especially difficult and problematic in that respect because of the evolving character of the international organizations involved and the changing perceptions of their missions and structures. E.g. the story of UNPROFOR

was full of examples about slow and un-coordinated actions, of cases when such discord threatened the lives of peacekeepers, humanitarian aid-workers and the local civilians on the ground. There were misunderstandings, as well as lack or perverted flow of information and inadequate military planning aimed at maintaining peace amidst an ongoing war. The question of authority brought about issues of hierarchy and institutional interests. There were conflicts over issues like the calls for air-strikes, disputes over their effectiveness and the control over them when initiated. There were cases when air-strikes were called by UN forces on the ground, planned by NATO and vetoed by the responsible UN official. On other cases NATO's proposed actions were overruled which implied that NATO forces were unduly restrained.

Analyzing UNPROFOR's actions in the three war years some experts had argued that they were a failure because they revealed such deficiencies in the peacekeeping operation that only NATO's subsequent involvement with much forceful mandate made full implementation possible. As already pointed out, the Security Council enlarged throughout 1992-1995 the original mandate of the operation implying newer and wider tasks and functions while preserving old rules and procedures. The UN made the fundamental mistake of leaving the events on the ground to lead the tasks of the peace operation, instead of pro-active operation planning with strictly defined objectives and end-goals. The increasing complexity of recent crises (being ethnic, religious, political and social simultaneously) required an integrated crisis management approach. Potential troop-contributing nations should be involved early on in the planning and fact-finding stage, thus achieving interoperability of the forces.

The post-Dayton peace implementation process (especially the activities of NATO-led IFOR/SFOR) and the escalation of the Kosovo crisis with the subsequent air campaign and the KFOR experience taught the international community in general and NATO in particular other lessons about the future of peace operations. Analyzing the experience of Bosnia and Herzegovina and Kosovo it might be concluded that both peace-keeping missions and the efforts of the international community to stabilize the peace and bring about peaceful reconstruction of the conflict-ridden entities showed the difficulties and challenges to establishing a new, secure environment there. As a result in the words of Lord Robertson "we were able to stop the crisis from spreading, we reversed the ethnic cleansing, and we are now working together with the Stability Pact and the wider International Community to offer all of Southeastern Europe the perspective of a brighter tomorrow."¹⁵²

The balance between NATO and the UN and their structures on the ground remained a fragile and delicate one although both organizations tried hard to contribute to each others' peace efforts. As a result in Kosovo (as well in Bosnia and Herzegovina) there was a strict distinction between the military and civilian aspects of the peace implementation. The idea was for the civilian and military implementation to go hand in hand and be of equal importance. The situation on the ground however made KFOR a more substantial and vital factor and thus received a greater opportunity for action and larger prerogatives.

Comparing the manner of NATO's involvement in the Kosovo crisis to that in Bosnia and Herzegovina we should point out several other characteristic features. The Kosovo crisis became much more a coordinated effort on the part of NATO in the defense of certain strategic and political interests that were explained with clear moral imperatives. While in Bosnia and Herzegovina the international community worked for years to achieve unity among the allies, NATO achieved good working *modus vivendi* with its partners in 1999 especially in regard to Kosovo neighboring states. The experience of working with NATO in Partnership for Peace, in the EAPC and on the ground helped in ensuring trust and cooperation between those countries throughout the crisis. Similarly to the case of Bosnia and Herzegovina, the NATO-led force in Kosovo also supported the work of the civilian organizations - of UNMIK, the ICTY, the OSCE and many others. We share Lord Robertson's expert opinion that "in a historically unprecedented display of solidarity, virtually all nations of the Euro-Atlantic area have demonstrated that they share common values, and that they are prepared to defend these values."

As a result of the UNPROFOR, IFOR/SFOR and KFOR experience as well as of some peace-keeping operations in other areas of the world a new post-Cold War model of peace-keeping appeared. It included a multifunctional response to a complex emergency taking place in a failing state where the government could no longer exercise its writ over the whole of its territory. The suddenness, speed, and intensity of the change from the traditional to the multifunctional response outstripped the ability of the international community to design effective responses to conflicts in the new strategic era. All negotiations in Kosovo (that applied to regions of Bosnia and Herzegovina as well) took place in an area where at least two ethnic groups were facing each other as enemies. It was therefore utopian to believe that both sides would be willing to sit at the conference table at once, start negotiating on essential issues and eventually sign agreements. It was only through preparatory individual talks that

progress could be made. Quite often, visible pressure had to be put on the interlocutors to force them to “sell” the outcome to their people as a dictate by the Commander KFOR.

There exists a serious theoretical and pragmatic discussion on who exactly should intervene on behalf of the international community in conflict resolution and what are the exact objectives and the related security risks (whether to prevent the break-up of a failing state, restoring the *status quo ante* or to support and foster the state’s disintegration thus promoting the appearance of new entities which in the future would become new viable states). The latter argument is especially valid and valuable in view of the future of Kosovo. The newly emerging model of peace-operations demonstrated another interesting dynamic. Initially, almost all contributing nations provided strong contingents but after several months in Theatre they discovered the lack of resources to sustain their forces over extended periods of time. As result of that trend came troops’ reductions, withdrawals of contingents without replacements, pulling back of essential elements like helicopters or heavy vehicles. That affected seriously the structure of the peace-keeping force. Exactly in such cases NATO was instrumental in providing the much needed political and technical assistance.

Hand in hand with that came the problem of civil-military relations within the framework of the particular peace mission. The two case-studies under consideration in the Balkans area gave to the military institutions incentives to invite and integrate humanitarian and other civil organizations into the peace process. Thus the relationship between foreign military and civilian units shifted from one of detachment and suspicion towards one of civil-military cooperation which was institutionalized. In Kosovo e.g., the role of such an organization as the Red Cross proved quite valuable. As the mandate of both KFOR and UNMIK applied only to a part of the country (Kosovo), for more than a year the International Committee of the Red Cross was essentially alone in having a structured and permanent presence in both Pristina and Belgrade. That was why it engaged itself with political and military actors, while retaining independence in its operations and preserving its identity.

Strong arguments exist that the military should be involved only in the war and security issues of peace operations. Moreover, there are serious objections to a regional organization like NATO being the main actor in accomplishing UN-mandated conflict prevention, because the authority of the NATO is not recognized as the global repository of humanitarian values. However, our analysis based on the findings of this project points to the contrary – that the joint and inseparable implementation of the civil and military aspects of the peace agreements is an absolute prerequisite for achieving lasting peace in a conflict zone. Such was the opinion of UNMIK’s head Bernard Kouchner who had pointed out on several

occasions that the civilian tasks could not have been managed without the presence and support of KFOR.

In conclusion, our research had shown that the peace-operations in the Balkans in the 1990's had an important impact on the very notion of peace-keeping. As a result of them came on the part of the UN a much clearer distinction between peace-keeping and peace-enforcement. In the Cold War years such operations were characterized by the model of traditional peacekeeping which required a mandate by the UN Security Council and the consent of the warring parties. In such cases the restriction of the use of force for self-defense only was an important principle. In the new generation of peace-operations aimed at enforcing peace and mandated by the UN (e.g. the NATO military engagement in the Balkans), interventions were carried out without the consent of the conflicting parties. Still, in our opinion, traditional UN peacekeeping has a future of its own. The practice has obviously been evolving, but its key-features (the consent-based, non-threatening character) clearly distinguish peace-keeping from other types of military actions.

Regarding NATO's role, it should be concluded that its involvement politically and militarily in the analyzed case-studies had a great impact on NATO's defense posture in Europe and on the re-definition of the Alliance's role in the international arena. When the war in Bosnia and Herzegovina broke out in 1991, NATO had never before conducted an operation outside its own territory. The lessons NATO learned from its aftermath was that it could not be disengaged from the rest of Europe. NATO member states realized that conflicts outside-of-territory were also damaging to Euro-Atlantic security. The most important lesson in our opinion was that robust engagement made a difference. In the case of Bosnia and Herzegovina that involvement came later and at a much higher price than the one which was to be paid if it came earlier. In the case of Kosovo timely intervention precluded a much worse disaster. As a result, the KFOR experience served as a catalyst for a much needed change – for uplifting NATO's defense capabilities as well as of EU's capacity as a security actor.

ENDNOTES

¹ Some experts point out a differences in English language sources - in the USA such operations are named 'peace operations', while other NATO sources use the term 'peace support operation'. See Demurenko, Andrei and Alexander Nikitin, *Basic Terminology and Concepts in International Peacekeeping Operations: An Analytical Review - Low Intensity Conflict & Law Enforcement*, vol. 6, Summer 1997, Frank Cass, London

² Roberts, Adam, *The United Nations: Variants of Collective Security*, in: Woods, Ngaire (ed.) *Explaining International Relations Since 1945*, Oxford: Oxford University Press, 1996, pp.319-320

³ More on the negotiations and the US Secretary of State D. Acheson position see: Reid, Escot, *Time of Fear and Hope: The Making of the North Atlantic Treaty 1947-49*, Toronto, 1977, p.268

⁴ Roberts, A., *Op.cit.*, p. 320

⁵ *Ibidem.*

⁶ *An Agenda for Peace: Preventive Diplomacy, Peace-making and Peace-keeping*. New York: United Nations, 1992, paragraph 19

⁷ Roberts, Adam, *Op.cit.*, pp.309-335

⁸ *Ibid.*, p. 309

⁹ In his report to the Security Council he outlined those as: a mission must have the authorization of the Security Council; UN involvement in a conflict requires the consent of the parties to that conflict; a mission must maintain operational neutrality and so must not influence the political balance of power between warring parties; peacekeepers should not use coercive force, except in self-defense; and personnel for an operation must be recruited voluntarily from UN member states, excluding the five Permanent members of the Security Council and those states that had interests in the conflict. <http://www.una-uk.org/UN&C/Peacekeeping.html>

¹⁰ Lemos-Maniati, Eirini, *Peace-keeping Operations: Requirements and Effectiveness: NATO's role*, EAPC Final Report, June 2001, p. 7 - www.nato.int/acad/fellow/99-01/lemos-maniati.pdf

¹¹ *United Nations Peacekeeping, A Briefing paper* - <http://www.una-uk.org/UN&C/Peacekeeping.html>

¹² *Improving the Capacity of the United Nations for Peacekeeping: Report of the Secretary General*, A/48/403, , New York: United Nations, 1994, paragraph 4

¹³ *Supplement to An Agenda for Peace: Position Paper of the Secretary-General on the Occasion of the Fiftieth Anniversary of the United Nations - UN Document*, A/50/60-S/1995/1, 3 January 1995, paragraph 35

¹⁴ E.g. see Mackinlay, John and Jarat Chopra, *Second Generation Multinational Operations - The Washington Quarterly*, Summer, 1992, p.113-131

¹⁵ Diehl, Paul, *International Peacekeeping*, Baltimore: John Hopkins University Press, 1994, p. 34

¹⁶ Charter of the United Nations - <http://www.un.org/Overview/Charter/contents.html>

¹⁷ *An Agenda for Peace: Preventive Diplomacy, Peace-making and Peace-keeping*. New York: United Nations, 1992, pp.66 -80.

¹⁸ Perhaps, from a general theoretical and methodological point of view it is reasonable to make a distinction between short term and long-term conflict prevention, see Shustov, Vladimir, *Can the UN Fight a War? International Affairs*, Vol. 47, No.1, 2000, pp. 7 - 17.

¹⁹ Malone, David and Thakur, Ramesh, *UN Peacekeeping: Lessons Learned?*, *Global Governance*, Vol.7, No. 1, January.-March 2001, pp. 11 -18

²⁰ Annan, Kofi, *The UN Millennium Report, "We the Peoples": The Role of the United Nations in the 21st Century*, New York: United Nations, 2000, p. 44

²¹ Axworthy Lloyd, *Human security and Global Governance: Putting People First*, *Global Governance*, Vol.7, No. 1, January-March 2001, pp. 19 -24.

²² *Report to Ministers by the NACC Ad Hoc Group on Cooperation in Peacekeeping*, Athens, 11 June 1993 - <http://www.nato.int/docu/comm/49-95/c930611b.htm>

²³ Peacekeeping operations ranging from unarmed military observers missions to armed peacekeeping units are according to A. Roberts 'an ad hoc mechanism developed by the UN'. Although not envisaged in the Charter such operations are within the framework of Article 33 of the Charter, referring to 'other peaceful means'. Roberts, A., *Op.cit.*, p.327

²⁴ *Uniting for Peace Resolution*, UN Document A/RES/377(V), A 3 November 1950 <http://domino.un.org/UNISPAL.NSF/0/55c2b84da9e0052b05256554005726c6>

²⁵ *Report to the Ministers by the NACC Ad Hoc Group on Cooperation in Peacekeeping* - <http://www.nato.int/docu/comm/49-95/c930611b.htm>

²⁶ E.g.: Schmidt, Erwin.(ed.) *Peace Operations Between War and Peace*. London: Frank Cass, 2000; Biermann, Wolfgang and Martin Vadset. (eds.) *UN Peacekeeping in Trouble. Lessons learned from the Former Yugoslavia*. Alershot: Ashgate Publishing, 1998; MacFarlane S.N., and Ehrhart , H.-G. (eds.) *Peacekeeping at a Crossroads*. Clemensport, N.S.: The Canadian Peacekeeping Press, 1997; Gordon, Wendel, *The United Nations at the Crossroads of Reforms*. Armonk, New York: M.E. Sharpe Inc. 1994; Charters, David (ed.) *Peacekeeping and the Challenging of Civil Conflict Resolution*. New Brunswick: University of New Brunswick, 1994; Dobbie, Charles, *A Concept for Post-Cold War Peacekeeping*. Oslo: Institute for Forsvarstudier (Norge), 1994; Durch, William (ed.) *The Evolution of UN Peacekeeping. Case Studies and Comparative Analysis*. New York: The Henry L. Stimson Center, 1993; Rikhye, Indar and Kjell Skjelsback (eds.) *The United Nations and Peacekeeping. Results, Limitations and Prospects: The Lessons of 40 Years of Experience*. Houndmills: Macmillan, 1990.

²⁷ For an overview of the history of the UN peacekeeping operations since World War II up to the beginning of 1990's see: Gordon, Wendel, *The United Nations at the Crossroads of Reforms*, Armonk, N.Y.: M.E. Sharpe, Inc. 1994, p. 38 - 59

²⁸ *Multidisciplinary Peacekeeping: Lessons From Recent Experience*, New York: UN Department of Peacekeeping Operations, 1998

²⁹ *SIPRI Yearbook - 1993*, Oxford: Oxford University Press, 1993, p. 242

³⁰ Johansen, Robert, *Enforcement without Military Combat*. In: Vayrynen , Raimo (ed.) *Globalization and Global Governance*. Lanham, Boulder, New York, Oxford: Rowman & Littlefield Publ. , Inc. ,1999, p. 173 - 196.

³¹ *Charter of the United Nations* - <http://www.un.org/Overview/Charter/chapter7.html>

³² *Supplement to An Agenda for Peace* - <http://www.una-uk.org/UN&C/Peacekeeping.html>

³³ Legault, Albert, *New Norms in the Field of Peace-making*, in: Vayrynen, Raimo(ed.), *Globalization and Global Governance*. Lanham, Boulder, New York, Oxford: Rowman & Littlefield Publ. , Inc. , 1999, pp. 151 -172.

³⁴ *SIPRI Yearbook -2000*, p. 47.

³⁵ About a number of practical measures for a peace-building operation to produce the required result see Shustov, Vladimir. *Op.cit.*, p.13.

³⁶ *Studies in Contemporary History and Security Policy*, Kurt R. Spillmann and Andreas Wenger (eds.) Volume 9, *Peace Support Operations: Lessons Learned and Future Perspectives*, Bern: Peter Lang, 2001, http://www.fsk.ethz.ch/documents/Studies/volume_9/appathurai.htm

³⁷ There exists a vast literature on the War in Bosnia and Herzegovina (1992-1995) and the involvement of the international community in the search for a peaceful settlement of the conflict there. Closely related to the arguments presented in this paper are facts and analyses made by: Burg, Steven, and Paul Shoup, *The War in Bosnia and Herzegovina: Ethnic Conflict and International Intervention*, Armonk, NY: M.E.Sharpe, 1999; Cohen, Ben, and George Stamkowski (eds.), *With No Peace to Keep: United Nations Peacekeeping and the War in the Former Yugoslavia*, London: Grain Press, 1995; Glenny, Misha, *The Fall of Yugoslavia: The Third Balkan War*, New York: Penguin Books, 1996; Gow, James, *Triumph of the Lack of Will*, New

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⁵¹ David Owen, *Op. cit.*, p. 89; Report of the Secretary-General on the International Conference on the Former Yugoslavia, *UN Document S/24795*, November 11, 1992, pp. 1-24; Goodby, James E. (ed.) *Regional Conflicts: The Challenge to US-Russian Cooperation*, Oxford: Oxford University Press, 1995, pp.175-176

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⁵⁵ For the implication of this decision on the collective security role of the UN, see Roberts, A. *Op.cit.*, p.326

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⁶⁰ *North Atlantic Council, Decision taken at the Meeting of the North Atlantic Council in Permanent session, 9 February 1994*
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- ⁶⁵ UNSCR 958, 19 November 1994 - <http://ods-dds-ny.un.org/doc/UNDOC/GEN/N94/458/16/PDF/N9445816.pdf>
- ⁶⁶ *New York Times*, 30 November 1994
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- ⁷⁰ *The Guardian*, 27 July, 1995
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- ⁷⁵ Boulden, Jane, *Op. cit.*, p.10
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- ⁸¹ UNSCR 1031, 15 December 1995 - <http://ods-dds-ny.un.org/doc/UNDOC/GEN/N95/405/26/PDF/N9540526.pdf>
- ⁸² *NATO Handbook*, p. 114
- ⁸³ *Studies in Contemporary History*, *Op.cit.*, http://www.fsk.ethz.ch/documents/Studies/ volume_9/appathurai.htm
- ⁸⁴ Wentz, Larry (ed.) *Lessons from Bosnia: The IFOR Experience* - <http://www.dodccrp.org/bosch01.htm>
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- ⁸⁷ See *Is Dayton Failing? Policy Options and Perspectives Four Years After*, ICG Balkans Report No 80, 28 October 1999, p. 107-108
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- ⁹⁰ For a very detailed account of his position in regard to IFOR/SFOR see Bildt, C., *Op. cit.*
- ⁹¹ *London Peace Implementation Conference, 4-5 December 1996* - http://www.oscebih.org/essentials/pdf/london_peace_implementation_conference_eng.pdf
- ⁹² UNSCR 1088, 12 December 1996 - <http://ods-dds-ny.un.org/doc/UNDOC/GEN/N97/026/19/PDF/N9702619.pdf>

⁹³ *NATO Handbook*, Brussels: NATO Office of Press and Information, 2001, p.116

⁹⁴ Campuzano, Jesus, Restructuring but Remaining Robust - *SFOR Informer Online*, # 74 <http://www.nato.int/sfor/sfor-at-work/robust/t991117g.htm>

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⁹⁷ Wentz, Larry (ed.) *Lessons from Bosnia: The IFOR Experience* - <http://www.dodccrp.org/bostoc.htm>

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¹⁰⁵ *NATO Handbook*, Brussels: NATO Office of Press and Information, 2001, p.116

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¹¹¹ Danchev, Alex and Thomas Halverson, *International Perspectives on the Yugoslav Conflict*, London: Macmillan, 1996, p.11; also Mertus, Julie. *Kosovo: How Myths and Truths Started a War*. Berkeley, CA: University of California Press, 1999.

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¹¹⁷ *NATO Handbook*, p. 125

¹¹⁸ *Ambassador Holbrooke discusses latest troops withdrawals from Kosovo for PBS*, 27 October 1998 - http://www.pbs.org/newshour/bb/europe/july-dec98/kosovo_10-27a.html

¹¹⁹ Some interesting statistics on the human rights situation in spring 1999 can be seen in the findings of the OSCE Kosovo Verification Mission - see *Kosovo As Seen, As Told - The human rights findings of the OSCE Kosovo Verification Mission*,
<http://www.osce.org/kosovo/reports/hr/part1/p0cont.htm>)

¹²⁰ Statement to the Press by NATO Secretary General, Javier Solana, 30 January 1999 -

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¹²² During the negotiations many Western experts made comparisons between the Dayton Accords and the on-going Kosovo negotiations - e.g. see Friedman T., Redo Dayton on Bosnia, and Do a Deal on Kosovo - *International Herald Tribune*, 8 February 1999

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http://www.pbs.org/newshour/bb/international/nato50/communique_4-24.html, also *NATO Handbook*, pp. 126-127

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formally founded on 22 May 1992 during the La Rochelle Summit between François Mitterrand and Helmut Kohl. A few weeks later on 1 July 1992, the Eurocorps Headquarters were established in Strasbourg. On 19 June 1992, the Petersberg Declaration of the Western European Union defined the WEU's role as the defence arm of the European Union and set the different tasks (or "Petersberg missions") that could be carried out under WEU authority (nowadays: EU authority). In Rome, on 19 May 1993, the member states decided to make the Eurocorps available to the WEU. On 21 January 1993, the SACEUR Agreement defined the relationship between NATO and the Eurocorps. It pointed out possible Eurocorps missions within NATO, competencies for contingency planning, the commitment of the Eurocorps under NATO command as well as the relations between NATO commanders and the Commander Eurocorps in peacetime. The Franco-German initiative was an important innovation allowing furthering the work on developing an European Security and Defense Identity while preserving the role of a NATO-member state. The first new partner was Belgium that joined 25 June 1993. Spain joined the Eurocorps on 1 July 1994 and Luxembourg - on 7 May 1996. The first real mission started in 1998 when some 470 personnel from HQ Eurocorps reinforced the SFOR Headquarters in Bosnia-Herzegovina in four consecutive contingents. They made up to almost 37% of this NATO HQ. On the history of Eurocorps see - <http://www.eurocorps.org/site/index.php?language=en&content=history>

¹²⁶ That was an agreement reached on 3 June between the Federal Republic of Yugoslavia and the European Union and Russian special envoys, President Ahtisaari of Finland and Mr. Victor Chernomyrdin, former Prime Minister of Russia. The agreement with President Milosevic included provisions for a Yugoslav withdrawal, a security force with NATO at the core, and the establishment of a UN transitional authority in Kosovo. Under the agreement, Kosovo would remain part of the FR Yugoslavia and a small contingent of Yugoslav troops would be allowed to man border posts. On 9 June 1999, the FR Yugoslavia and NATO signed the MTA outlining a timetable for Yugoslav troops to leave Kosovo. A multinational security force led by NATO replaced the Yugoslav troops. On 10 June 1999 NATO Secretary-General J. Solana suspended bombing missions against the FR Yugoslavia.

¹²⁷ During the campaign more than 38000 sorties were flown (10484 of them strike sorties) without a single NATO's fatality - *NATO's Role in Relation to Kosovo, NATO Fact Sheets* -

<http://www.nato.int/docu/facts/2000/kosovo.html>

¹²⁸ In more details, the exact Russian position on the air-campaign of NATO and its overall strategic interests in Kosovo are analyzed by leading Russian scholars in *Kosovo: International Aspects of the Crisis*, pp. 273-279

¹²⁹ The MTA was signed between NATO and the Federal Republic of Yugoslavia on the evening of 9 June 1999. The signatories were Lt. General Sir Michael Jackson, on behalf of NATO, and Colonel General Svetozar Marjanovic of the Yugoslav Army and Lieutenant General Obrad Stevanovic of the Ministry of Internal Affairs, on behalf of the Governments of the Federal Republic of Yugoslavia and Republic of Serbia. <http://www.nato.int/kosovo/history.html>

¹³⁰ UNSCR 1244, 10 June 1999 -

<http://www.un.org/Docs/scres/1999/99sc1244.html>

¹³¹ The complex and unclear yet legal situation of Kosovo is discussed by Burger, James, *International Humanitarian Law and the Kosovo Crisis: Lessons learned or to be learned - International Review of the Red Cross*, No 837, 31 March 2000, pp.129-145

¹³² For the institutional framework of the established new structures in Kosovo see: Weller, Marc, *Substantial Self-Administration for Kosovo: From Rambouillet to the Adoption of a Constitutional Framework Document*, in: Gal, Kinga (ed.), *Minority Governance in Europe*, Budapest: Open Society Institute, 2002, pp.299-318

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¹³⁴ UNSCR 1244, 10 June 1999 -

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¹³⁵ See the basic tasks of UNMIK on its webpage -

<http://www.unmikonline.org/intro.htm>

¹³⁶ See some arguments on that in Burger, James *Op.cit.*, pp.139-141

¹³⁷ Reinhardt, Klaus, Lessons Learned as Commander KFOR in Kosovo, Chapter 6 of Spillmann, Kurt R., Thomas Bernauer, Jurg M. Gabriel, Andreas Wenger (eds.), Volume 9: Peace Support Operations: Lessons Learned and Future Perspectives - http://www.fsk.ethz.ch/documents/Studies/volume_9/reinhardt.htm

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¹⁴⁰ UNMIK was led by Bernard Kouchner, Special Representative of the United Nations Secretary-General and Kofi Annan's deputy on the scene.

¹⁴¹ The mission of General Juan Ortuno, who acted under SACEUR's direct command, was the same as that of his predecessors COMARRC and COMLANDCENT. It was to implement the military part of Resolution 1244 of the United Nations: that is to monitor the agreements, "provide a safe and secure environment" and assist the United Nation's Mission in Kosovo (UNMIK) to establish civilian administrative structures.

¹⁴² According to the resolution which established the ICTY, its authority applies to the whole territory of former Yugoslavia, see UNSCR 827, 25 May 1993 - http://www.un.org/icty/basic/statut/S-RES-827_93.htm

¹⁴³ According to J. Burger who was a Legal Advisor to the IFOR Commander, the rules included provisions that NATO forces would not hunt out war criminals, but they would detain indicted war criminals if they came across them in the course of their normal military operations, and hand them over to the ICTY authorities, see Berger, J. *Op. cit.*, p.143

¹⁴⁴ About the ultimatum and the role of the Contact Group in the peace process at the end of January 1999 see <http://www.rferl.org/nca/features/1999/01/F.RU.990129152447>.

¹⁴⁵ *Joint statement on the occasion of the visit of the Secretary General of NATO, Lord Robertson, in Moscow on 16 February 2000*- <http://www.nato.int/docu/review/2000/0001-0c.htm>

¹⁴⁶ *Intervention by NATO Secretary General, Lord Robertson at the Conference "The Trans-Atlantic Century", Aspen Institute, Rome, 13 Jan. 2000* - http://www.usembassy.it/file2000_01/alia/a001130a.htm

¹⁴⁷ It was made during the Meeting of the NAC in Rome (7-8 November 1991). See the text: *The Alliance New Strategic Concept* - <http://www.nato.int/docu/comm/49-95/c911107a.htm>

¹⁴⁸ Lemos-Maniati, Eirini, *Peace-keeping Operations: Requirements and Effectiveness: NATO's role*, EAPC Final Report June 2001 P. 3

¹⁴⁹ *Ibid.*, p.6

¹⁵⁰ *The Report of the Panel on United Nations Peace-keeping Operations, 2001* - http://www.un.org/peace/reports/peace_operations/report.htm

¹⁵¹ Bratt, Duane, Explaining Peace-keeping Performance: the UN in internal conflicts - *International Peace-keeping*, vol. 4, No 3, Autumn 1997, p.45-70

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