

**Whose line is it anyway? Understanding the military role in delivering  
rights based policies in post-conflict territories**

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## **Abstract**

The post-conflict territories of the Western Balkans have been subjected to an unprecedented level of international attention since the mid-1990s. The EU, NATO and OSCE in particular converged on the region intent on redefining their image - if not purpose - in the first major crisis of the post-Cold War era. Responding to the horrific inter-ethnic violence that defined conflict in the region, International Organisations continually emphasised the importance of upholding standards regarding the protection of, and respect for, ethnic minorities. While literature acknowledges that military forces were deployed to establish and maintain a safe and secure environment for post-conflict peacebuilding to emerge, few scholars have explored the substance of the military role beyond the separation of former warring factions and provision of a secure humanitarian space. This research demonstrates that military actors adapted their approaches to contribute across the spectrum of the peacebuilding effort, including on rights based issues; specifically ethnic minority returns and participation.

On the basis of case studies in Kosovo and Bosnia Herzegovina, the thesis adopts an empirical approach to exploring the reasons for military engagement on these issues and their respective successes and failures. It examines the sources that projected ideas on ethnic minority issues – international policy development, peace treaty composition, and domestic acceptance – and how they influenced military decision making processes. Through post-conflict phases it analyses the domestic footprint of international intervention – international administration and civil-military actors – and discusses thematically the means of military engagement, the receptiveness of domestic actors at multiple levels and the nature of compliance. Acknowledging the overarching civilian framework for intervention, where from the outset the prospective of NATO and EU membership were held forth as the 'prize' for a successful return to 'a Europe of integration, democracy and ethnic pluralism', it establishes the utility of strategic mechanisms – conditionality and normative pressure – in military hands acknowledging the potential for linkage to enlargement frameworks. It argues that in spite of principled objections, military operations can and do have influence in delivering policy on rights based issues.

## Contents

<b>Declaration.....</b>	<b>2</b>
<b>Abstract.....</b>	<b>3</b>
<b>Contents .....</b>	<b>4</b>
<b>List of Tables .....</b>	<b>9</b>
<b>List of Appendices .....</b>	<b>10</b>
<b>Abbreviations.....</b>	<b>11</b>
<b>Acknowledgements.....</b>	<b>14</b>
<b>Map of Bosnia &amp; Herzegovina .....</b>	<b>15</b>
<b>Map of Kosovo.....</b>	<b>16</b>
<b>Image: KFOR Negotiations with the KLA.....</b>	<b>17</b>
<b>Chapter 1: Introduction.....</b>	<b>18</b>
1.1 Exploring the Potential of Military Forces’ Delivery of Rights-based Policies.....	18
1.2 Features of the Civilian-military Space: Key Actors and Institutions .....	21
1.21 Characteristics of the Domestic Sphere .....	24
1.3 Post-conflict Ethnic Minority Issues .....	25
1.31 Minority Returns .....	26
1.32 Minority Participation .....	27
1.4 Analytical Approach .....	28
1.41 Conditionality, Normative Pressure and the Military Approach.....	30
1.42 Nature of Compliance .....	33
1.43 Evaluating Compliance and Research Hypothesis.....	35
1.5 Case Studies .....	37
1.6 Sources and Information Management .....	38
1.61 Primary and Secondary Sources.....	38
1.62 Interviews.....	39
1.7 Structure.....	40
1.8 Summary: Research Parameters .....	40
<b>Chapter 2: Post-Conflict Intervention and the Rise of Military Utility .....</b>	<b>41</b>
2.1 Introduction.....	41
2.2 Understanding the Military Position in Post-conflict Intervention .....	41
2.3 Perspectives on Civilian and Military Activity in Post-conflict Territories.....	44
2.31 The ‘Humanitarian’ Perspective: Military ‘Aid’ and Rights-based Approaches .....	45
2.32 Rights-based Approach .....	47

2.33 CIMIC .....	50
2.34 International Governance, Defence and Security Reform, and Rights Diffusion.....	54
2.4 Conditionality, Norms and Compliance in Post-conflict Contexts .....	59
2.41 Conditionality: Concepts and Impact .....	59
2.42 Development and Membership Conditionality.....	60
2.43 Projecting Norms on Ethnic Minority Issues .....	63
2.44 Compliance.....	64
2.5 Minority Rights: Theory and Practice in International Intervention.....	65
2.51 Ethnic Minority Issues: Returns and Participation .....	69
2.6 Conclusions: Consideration of the Military Role on Ethnic Minority Issues .....	72
<b>Chapter 3: Mapping a Moving landscape: External Influences and Policy Development .....</b>	<b>74</b>
3.1 “Something Must be Done”: Experimentation, Exposure and Personalities.....	74
3.11 Discourse and Experimentation in International Security .....	74
3.12 Personalities Matter.....	76
3.13 Media Discourse and Agenda Setting .....	78
3.2 The Evolution of the Normative Basis for Intervention: Responding to the New World Order .	79
3.21 The Recognition of the Yugoslav Republics: EC Conditionality and NATO’s Path to Intervention.....	80
3.22 UN Intervention: Discourse and experimentation .....	83
3.3 Articulation of Norms during Conflict in the Western Balkans.....	84
3.4 Founding Treaties and Documents: A Minority Rights Vacuum? .....	88
3.41 Dayton Agreement and UNSCR 1244 (Including the Rambouillet Accords) .....	90
3.5 Conclusion: A New Environment for the Application of Membership Conditionality and Normative Pressure?.....	91
<b>Chapter 4: The Civil-Military Balance: Examining Post-conflict Transition and Domestic Influences .....</b>	<b>94</b>
4.1 Understanding the Application of Strategic Mechanisms in Post-conflict Western Balkans: Opportunities and Challenges .....	94
.....	96
4.2 Phases of Post-Conflict Interaction: Security and Reconstruction.....	96
4.21 The Price of Stability and Security: Military Intervention and the Humanitarian Rush ...	96
4.22 Complex Division of International Organisation’s Labour: Reconstruction and Donor Priorities .....	100
4.23 Operational Planning and the Military Decision-Making Process.....	102
4.3. State and Nation-building .....	103

4.31 The approach of International Administrations to State and Nation Building .....	104
4.32 Networks of Interaction .....	106
4.33 Strategic Oversight of Interim Administrative Structures.....	109
4.34 The Emergence and Evolution of Domestic Institutions .....	111
4.35 Summary .....	112
4.4 International (Re)integration: Peacebuilding and Striving for Sustainable Outcomes.....	113
4.5 Relevant Features of Post-conflict Transition .....	113
4.51 Returns and Property Rights .....	114
4.52 The Evolution of Civil-military Interaction: The Space for Military Contributions.....	114
4.6 Summary .....	117
<b>Case Study 1: Bosnia &amp; Herzegovina 1995-2005.....</b>	<b>119</b>
<b>Chapter 5: Military Engagement with Ethnic Minority Issues in Bosnia Herzegovina 1995-2005: Framework and Context .....</b>	<b>120</b>
5.1 Introduction.....	120
5. 2 The Dayton Framework: Policy on Ethnic Minority Issues.....	120
5.21 The Evolution of International Administration 1995-2005 .....	123
5.22 IFOR to the Fore .....	124
5.23 The Role of the OHR: between Conditionality and Coercion.....	126
5.24 The Role of the UNHCR .....	129
5.25 The Role of the OSCE and CE.....	131
5.26 The Growing Role of the EU and NATO.....	132
5.3 The Domestic Context for Military Engagement.....	133
5.31 The Politics of Returns: Intransigence, Agitation and Hope .....	134
5.32 Characteristics of Domestic Politics .....	138
5.4 The Military Role under Dayton .....	140
5.5 Summary .....	142
<b>Chapter 6: The Military Application of Conditionality and Normative Pressure on Ethnic Minority Issues in Bosnia Herzegovina 1995-2005.....</b>	<b>144</b>
6.1. Application of Conditionality and Normative Pressure by Military Forces on Ethnic Minority Returns: 1995-2005 .....	144
6.11 Stabilisation and Reconstruction 1995-1997: Humanitarian Aid.....	144
6.12 State and Nation-building 1997-2003: CIMIC .....	146
6.13 The Impact of Military CIMIC on Returns.....	152
6.14 Liaison Networks and Military Leadership 2003-2005: LOT Houses.....	153

6.15 Liaison Networks and Military Leadership 1995-2005: The role of Military Commanders .....	154
6.2 Application of Conditionality and Normative Pressure by Military Forces on Ethnic Minority Representation and Participation: 1995-2005.....	156
6.21 The Dayton Framework for Minority Representation and Participation .....	156
6.22 Countdown to the First Elections: 1995-1996.....	157
6.23 Features of Domestic Politics and Minority Participation: 1997-2004 .....	160
6.24 State and Nation Building: CIMIC 1997-2004.....	162
6.25 State and Nation Building: LOT Houses, Key Leader Engagement and Defence Reform 2003-2005 .....	165
6.3 Conclusion: Policy Outcomes and the Nature of Compliance.....	172
<b>Case Study 2: Kosovo 1999-2009 .....</b>	<b>175</b>
<b>Chapter 7: Military Engagement with Ethnic Minority Issues in Kosovo 1999-2009: Framework and Context.....</b>	<b>176</b>
7.1 Introduction.....	176
7.11 The UNSCR 1244 Framework and Policy on Ethnic Minority Issues .....	177
7.2 Constitutional Framework for Provisional Self-Government in Kosovo and Parallel System of Serbian Governance .....	180
7.3 Standards for Kosovo .....	182
7.4 The Evolution of International Administration: 1999-2009.....	185
7.41 KFOR to the Fore .....	186
7.42 The Role of UNMIK in Post-conflict Governance: Joint Interim Administrative Council, Provisional Institutions of Self-Government and the Unilateral Declaration of Independence .....	188
7.43 The Role of the UNHCR .....	191
7.44 The Role of the OSCE.....	194
7.45 The Growing Role of the EU .....	200
7.5 The Domestic Context for Military Engagement: Reconstruction and Institutionalising the Politics of War .....	202
7.51 The Politics of Minority Participation and Returns: Revenge, Accommodation and Benign Attrition .....	205
7.52 Characteristics of Domestic Politics .....	210
7.6 The Military Role under UNSCR 1244 .....	212
7.7 Summary .....	213
<b>Chapter 8: The Military Application of Conditionality and Normative Pressure on Ethnic Minority Issues in Kosovo 1999-2009 .....</b>	<b>215</b>

8.1 Application of Conditionality and Normative Pressure by Military Forces on Ethnic Minority Returns 1999-2009 .....	215
8.11 Stabilisation and Reconstruction: Humanitarian aid 1999-2000 .....	215
8.12 KFOR Policing Role.....	218
8.2 State and Nation Building 2000-2008: CIMIC.....	219
8.21 Liaison Monitoring Teams .....	226
8.22 Key Leader Engagement and the Role of Military Commanders .....	227
8.3 Application of Conditionality and Normative Pressure by Military Forces on Ethnic Minority Representation and Participation 1999-2009 .....	231
8.31 State and Nation-building 2000-2008: CIMIC .....	231
8.32 Liaison and Monitoring Teams .....	234
8.33 Key Leader Engagement and the Role of Military Commanders .....	236
8.34 Institution Building and the Military Role in Police Reform.....	239
8.35 Security Reform in Kosovo .....	242
8.4 Conclusion: Policy Outcomes and the Nature of Compliance.....	245
<b>Chapter 9: Conclusion .....</b>	<b>249</b>
9.1 Overview of the Dissertation .....	249
9.11 Evaluating the Military Contribution.....	249
9.2 Emerging Themes of Military Engagement on Rights-based Issues .....	251
9.3 Explaining Military Engagement and Impact .....	253
9.31 Reasons for Military Engagement .....	253
9.32 Means of Military Engagement.....	255
9.33 The Military Effect on Compliance: Successes and Failures.....	257
9.4 Research Contribution: A military 'Right' of Passage? .....	262
9.5 Future Research .....	263
<b>Appendices.....</b>	<b>265</b>
<b>References.....</b>	<b>306</b>



## **List of Tables**

1.1 Methodological Framework

4.1 Phases of Post-conflict Transition

## **List of Appendices**

- I. Membership Progress
- II. Operationalising the Independent Variables
- III. Operationalising the Dependent Variables
- IV. NATO Planning Approach
- V. Kosovo Projects Sample
- VI. Bosnia Projects Sample

## Abbreviations

AAK	Alliance for the Future of Kosovo*
AJP	Allied Joint Publication
AOR	Area of Operations
BiH	Bosnia and Herzegovina
CARDS	Community Assistance for Reconstruction, Development and Stabilisation
CE	Council of Europe
CEEC	Central and Eastern European Countries
CFSP	Common Foreign and Security Policy
CIMIC	Civil-Military Cooperation
COMIFOR	Commander IFOR
COMKFOR	Commander KFOR
COMSFOR	Commander SFOR
CONOPS	Concept of Operations
CSCE	Committee for Security and Cooperation in Europe
DCOMOPS	Deputy Commander Operations
DFID	Department for International Development
EAF	Entity Armed Forces
EAR	European Agency for Reconstruction
EC	European Commission
EPC	European Political Cooperation
EU	European Union
EUFOR	European Union Force
EULEX	European Union Rule of Law Mission
EUMM	European Union Monitoring Mission (Also ECMM)
EUPOL	European Union Police
FRY	Former Republic of Yugoslavia
FWF	Former Warring Factions
FYROM	Former Yugoslav Republic of Macedonia
HDZ	Croatian Democratic Union of Bosnia and Herzegovina*
HLP	Housing, Land and Property
HR	High Representative
HVO	Croatian Defence Council *
ICA	Institute for Civil Administration
ICRC	International Committee of the Red Cross
ICTY	International Criminal Tribunal for Yugoslavia
IDP	Internally Displaced Person
IFOR	Implementation Force
INFO OPS	Information Operations
IO	International Organisation
IPAP	Individual Partnership Action Plan
IPTF	International Police Task Force
JCC	Joint Civilian Commission
JCO	Joint Combined Operations
JCR	Joint Committee on Return
JIAS	Joint Interim Administrative Structure.
JIC	Joint Interim Commission
JMC	Joint Military Commission
KEK	Kosovo Energy Corporation*

KFOR	Kosovo Force
KLA/UCK	Kosovo Liberation Army
KLE	Key Leader Engagement
KPC	Kosovo Protection Corps
KPS	Kosovo Police Service
KSF	Kosovo Security Force
KVM	Kosovo Verification Mission
LEC	Locally Employed Contractor
LMT	Liaison and Monitoring Team
LOT	Liaison and Observation Team
MAP	Membership Action Plan
MNB	Multi-national Brigade
MND	Multi-national Division
MND-N	Multi-national Division – North
MNTF	Multi-national Task Force
MPS	Minority Protection system
MSF	Médecins Sans Frontières
NAC	North Atlantic Council
NATO	North Atlantic Treaty Organisation
NGO	Non-governmental Organisation
OCA	Office for Community Affairs
OHCHR	Office of the High Commissioner for Human Rights
OHR	Office of the High Representative
OIG	Office of the Inspector General
OLAF	<i>Office Européen de Lutte Antifraude</i>
OMI	Local Housing Office*
OMIK	OSCE Mission in Kosovo
OPLAN	Operational Plan
OSCE	Organisation for Security and Cooperation in Europe
PDK	Democratic Party of Kosovo*
PEC	Provisional Elections Commission
PfP	Partnership for Peace
PIC	Peace Implementation Council
PISG	Provisional Institutions of Self-government
POLAD	Political Advisor
PRRP	Priority Reconstruction and Recovery Programme
PSYOPS	Psychological Operations
R2P	Responsibility to Protect
ROEC	Representation Office of the EC
RRTF	Reconstruction and Return Task Force
RS	<i>Republika Srpska</i>
SAA	Stabilisation and Association Agreement
SAP	Stabilisation and Association Process
SDA	Party of Democratic Action*
SDS	Serb Democratic Party*
SEE	South Eastern Europe
SFOR	Stabilisation Force
SHAPE	Supreme Headquarters Allied Powers Europe
SRSG	Special Representative of the Secretary General
SSR	Security Sector Reform

STM	Stabilisation Tracking Mechanism
TCC	Troop Contributing Country
UN	United Nations
UNAMIR	United Nations Assistance Mission for Rwanda
UNDP	United Nations Development Programme
UNFICYP	United Nations Force in Cyprus
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNIFIL	United Nations Interim Mission in Lebanon
UNIPTF	United Nations International Police Task Force
UNMIBH	United Nations Mission in Bosnia and Herzegovina
UNMIK	United Nations Mission in Kosovo
UNMIK-P	United Nations Mission in Kosovo - Police
UNNY	United Nations New York
UNPROFOR	United Nations Protection Force
UNSCR	United Nations Security Council Resolution
USAID	United States Aid
WFP	World Food Programme
WHO	World Health Organisation
ZOS	Zone of Separation

\* Translated.

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Jonathan Marley, Shrivenham, 04 January 2016.

# Map of Bosnia & Herzegovina



# Map of Kosovo





## KFOR Negotiations with the KLA



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## Chapter 1

### Introduction

...the respective roles of politicians, generals and humanitarian actors are not clear anymore.<sup>1</sup>

...it is difficult to get people to trust each other and live together after horrendous violence has been done. That is not a new feature of these conflicts; it is always true of any conflict.<sup>2</sup>

The appearance of this overtired and destitute procession dampened the gaiety on the kapia. The older people remained seated on the stone benches, while the younger stood up and formed living walls on both sides of the kapia and the procession passed between them. Some of the townsmen only looked compassionately at the refugees and remained silent, while others greeted them with “merhaba”, tried to stop them and offer them something. They paid no attention to the offers and scarcely responded to the greetings...<sup>3</sup>

#### *1.1 Exploring the Potential of Military Forces' Delivery<sup>4</sup> of Rights-based Policies*

Post-Cold War military interventions have transformed the roles assigned to, and expectations of, military forces. Over 15 years have passed since NATO's deployment into Kosovo effectively brought the conflict in the former Yugoslavia to an end, halting a sequence of violent regional power struggles, where ethnic differences were ruthlessly exploited for political gain.<sup>5</sup> It also marked the consolidation of engagement by international civilian and military organisations in a manner unseen in the rest of Europe. The Kosovo Force (KFOR) deployment in 1999, and that which predated it in 1995, in Bosnia,<sup>6</sup> Implementation Force (IFOR), were essentially designed to establish and maintain “safe and secure environments” to allow for post-conflict recovery.<sup>7</sup> In achieving that aim, both were largely effective. How they achieved it evolved significantly. Whether stimulated by the rise of humanitarian intervention – a responsibility to protect; the

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<sup>1</sup> Peter Fuchs, the Director General of the ICRC, quoted in Chandler, (2001), p. 698.

<sup>2</sup> Finnemore, (2000), p.20.

<sup>3</sup> Andrić, (1959), p. 98.

<sup>4</sup> Delivery is understood as any form of military engagement on activities relating to rights-based issues.

<sup>5</sup> The Albanian National Liberation Army insurgency in FYROM commenced a year later, but lacked the scale and intensity of previous engagements experienced throughout the region. See also Gow, (2003), p. 119.

<sup>6</sup> Throughout the text Bosnia is used *in lieu* of Bosnia and Herzegovina.

<sup>7</sup> It should be noted that several non-NATO members contributed to these missions. For expediency NATO is used throughout.

projection of universal values or norms for human rights – rights-based approaches; or more pragmatic geo-political logic, sustained demand for interventions in fragile and conflict affected states has more often than not placed military forces at the centre of international efforts. Alongside the traditionally understood roles of combat, peace enforcement, peacekeeping and limited humanitarian support, the last 15 years in particular have seen military forces become more closely aligned, influenced and, in some cases, integrated with the civilian structures created to meet the challenges of post-conflict territories; a non-coercive aspect to the military role in peacebuilding has emerged.

Within that context, this research aims to enhance our understanding of the military role in the delivery of rights-based policies. The empirical goal is to establish the extent to which the predominantly NATO-led international military forces in Bosnia and Kosovo engaged in activities intended to address the post-conflict ethnic minority issues of returns and participation. Considering the military role within the wider international effort, the research will identify the main factors that informed and stimulated military engagement: external normative influences, the prominence of minority rights rhetoric, relevant policy frameworks, multi-level internal socialisation, changes in military culture, adoption and adapting of “civilian strategies” (conditional incentives and normative pressure), and the evolution of demands on military actors through phases of post-conflict interaction. Specifically this research investigates: *Why did military actors engage in activities relating to ethnic minority issues? And Why were the military successful or unsuccessful in achieving compliance with policies for ethnic minority issues in the post-conflict territories of Bosnia Herzegovina and Kosovo?* In answering these questions, the research aims to highlight the extent and substance of military engagement with ethnic minority issues, and thereby offer insight into the transformation of military practice in post-conflict intervention and the utility and adaptability of military means for delivering rights-based policies.

Consideration of the impact and effectiveness of military actors on ethnic minority issues potentially contributes to a number of bodies of literature, including: international institutions, international security, intervention, security-sector reform, enlargement, and minority rights. While the importance of international organisational endeavour in post-conflict settings is well established in that literature, few academics have sought to systematically analyse the policy implications of military approaches to ethnic issues.<sup>8</sup>

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<sup>8</sup> Smith, (2008), p. 2.

From Bosnia to Afghanistan, scholarship on military activity has primarily focused on questions concerning the legitimacy of military action, the conduct of combat operations, and the propriety of military support for humanitarian activities. Nuanced examinations of non-combat operations are rare beyond internal (and generally classified) military assessments of their own performance. Underpinned by a cross-disciplinary approach, this research identifies and addresses a specific and relatively unexplored gap – a military role in delivering rights-based policies. The findings identified add to existing literature on peacebuilding, military studies, CIMIC, and SSR while the examination of the utility of conditionality, variations in approaches for the delivery of rights-based policies – minority rights in particular – deepen understanding of the purpose, function of military forces in post-conflict intervention.

Acknowledging the multi-dimensional character of recent international interventions, four arguments are presented in this research. First, that international military forces in Bosnia and Kosovo were often actively engaged at multiple levels in projecting policy and related standards on ethnic minority issues. Second, through formal, informal and at times subconscious means they adapted ‘civilian’ approaches in applying non-coercive conditional incentives and normative pressure. Third, that sufficient evidence exists to demonstrate that military actors were capable of achieving policy compliant outcomes regarding ethnic minority issues. Finally, that the nature and implications of these findings raise questions as to whether this is an appropriate role for the military to assume: a subject for further research.

Though military doctrine and approaches such as CIMIC have been seen to evolve considerably in conflicts in Iraq and Afghanistan, it is important to stress that the particular consideration of the post-conflict experience of the Western Balkans remains a useful and appropriate reference point, both for those who consider the role of the military in post-conflict intervention, and those who advocate specific engagement with rights-based issues. The rest of this chapter will briefly introduce the civil-military framework for post-conflict intervention, the relevance of conditional incentives and normative pressure, the nature of ethnic minority issues faced, and the methodological approach taken. It will then state the main arguments and findings of the research, and the structure for the remainder of the thesis.

## *1.2 Features of the Civilian-military Space: Key Actors and Institutions*<sup>9</sup>

The scale and significance of international engagement in the Western Balkans should not be understated: NATO's first bombing campaign and operational deployment of troops in a non-article 5 context; the testing of the EU's fledgling foreign and security policy structures, and its first significant deployment of troops; and the largest field missions undertaken by the OSCE. Their combined involvement in the former Yugoslavia informs contemporary understanding of international interventions, transition and institutional enlargement. While the contribution of military actors was primarily overseen and directed by NATO, and to a lesser extent the EU, military behaviour was influenced by the policy positions and means of engagement of all international organisations. For example, the OSCE had "repositioned itself to address some of the variety of 'security challenges' evident in Europe after 1989".<sup>10</sup> By 1993 it had established itself as "an inclusive pan-European forum and a key norm-setting agency"<sup>11</sup> with clear policies on ethnic minority issues and minority rights; continuously articulated by the High Commissioner on National Minorities. Similarly, the CE developed specific documents relating to minority rights, recommendation 1201 (Additional protocol on the rights of minorities to the European Convention on Human Rights) was listed as a 'commitment' for members since 1993 in addition to two treaties, the 1992 European Charter on the Protection of Minority Languages and the 1993 Framework Convention for the Protection of National Minorities.

Constrained by the political differences of its member states, the EU tended to refer to OSCE policy on minority matters as it could not agree a clearly defined position of its own, beyond reference to the requirement for "respect for and the protection of minorities" in the Copenhagen criteria.<sup>12</sup> Through the periods analysed, the EU's influence is seen to increase steadily as the post-conflict effort allowed for the application of pre-accession instruments. The EU's awareness of the attractiveness of membership became central to its approach as post-conflict engagement progressed. The extent to which military activities were influenced by an enlargement narrative is difficult to gauge, though the EU's assumption of a leadership role reflected in the deployment of EUFOR in Bosnia, and the

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<sup>9</sup> For the purposes of this research the term civil-military relations is used to refer to the spectrum of activities and relationships that take place between military forces and civilian actors. See Rukavishnikov and Pugh, (2006), pp. 131-132. CIMIC is understood as the formal means through which militaries attempt to manage and influence relationships with civilian actors.

<sup>10</sup> Smith, M (1996), p. 289.

<sup>11</sup> Lynch, (2009), p. 140.

<sup>12</sup> European Council in Copenhagen, (1993), [http://www.europarl.europa.eu/enlargement/ec/pdf/cop\\_en.pdf](http://www.europarl.europa.eu/enlargement/ec/pdf/cop_en.pdf) (accessed 10 April 2013).

EULEX mission in Kosovo, consolidated its position as a key reference point for international military forces deployed in the region. A further layer of connectivity existed through NATO, as many EU member states were prominent TCCs to IFOR, SFOR and KFOR.

An enlargement prospective is also evident in NATO's engagement with the region (if not Kosovo). Similar to the EU, NATO developed its own pre-accession strategy that clearly linked conditionality on specific issues to eventual membership, through a series of stepping stones from PfP, through the 'Intensified Dialogue' process, IPAP, MAPs, to eventual membership of the alliance. In considering this, it is worth noting that NATO is a political as well as a military alliance, equally concerned that the political structures of prospective members are as robust as their military capability. For example, NATO expects a "willingness to settle ... ethnic disputes by peaceful means" as a condition for fulfilment of a MAP.<sup>13</sup> The Bucharest Summit of 2008 expanded on this 'condition' by stating:

We expect continued full implementation of their commitments to standards, especially those related to the rule of law and regarding the protection of ethnic minorities and communities, as well as the protection of historical and religious sites, and to combating crime and corruption.<sup>14</sup>

As shall be demonstrated in the case studies, such pronouncements feature prominently in military commanders' mission analysis, allowing 'conditional logic' to permeate to the lowest operational levels. Like the EU, NATO had other means at its disposal, such as its development of SSR approaches to oversee the complete reorganisation of Bosnia's armed forces – effectively amalgamating "three armies into one" – and the establishment and training of the KSF in Kosovo. In turn these activities fostered opportunities for close socialisation with domestic elites, allowing for a distinct normative dimension to emerge. If one accepts, as Alexandra Gheciu argues, that NATO shares "western values", particularly with the EU, then the potential for normative pressure to be applied on minority issues is considerable – particularly where states appear to prioritise their relations with the alliance.<sup>15</sup>

At the operational level, NATO and EU commanders developed extensive networks of engagement with local communities, pivoting on the deployment of LOT

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<sup>13</sup> NATO Press Release, (1999), <http://www.nato.int/docu/pr/1999/p99-066e.htm> (accessed 12 March 2013).

<sup>14</sup> NATO Press Release, (2008), [http://www.nato.int/cps/en/natolive/official\\_texts\\_8443.htm](http://www.nato.int/cps/en/natolive/official_texts_8443.htm) (accessed 12 March 2013).

<sup>15</sup> Gheciu, (2005), pp. 973–1012.

houses in Bosnia and LMTs in Kosovo. Their use of CIMIC funds is of particular interest to this research, as in many cases the release of funding to a community hinged on compliance with stated conditions, ranging from simple agreements not to disrupt forthcoming ‘go and see’ visits by displaced members of an ethnic minority, to more complex agreements seeking the participation of representatives from municipal administrations, international organisations such as the OSCE or EU, and domestic NGOs.<sup>16</sup>

The international administration of war-torn territories may be costly and imperfect, but less interventionist measures, in some cases, and unilateralist measures, in other cases, can be worse alternatives.<sup>17</sup>

Assuming many of the responsibilities of state, international administrations were established to be the primary drivers of post-conflict peacebuilding. Both the OHR and UNMIK served as focal points for all other actors in their respective territories, including the military. In theory, the presence of such civil-military structures increased the options and opportunities to influence domestic policy processes, allowing for more intensive and sustained socialisation – international administration staff have direct access to domestic political elites – and the ability to deploy a range of ‘area specific’ agencies and programmes, such as the European Agency for Reconstruction. Richard Caplan’s research demonstrated that that potential was tempered by a range of factors, including: conditions on its inception; the clarity and appeal of its operational aims; and the structure and authority of the operation (relationship with key institutions).<sup>18</sup> In Bosnia and Kosovo, these factors were compounded by polarised domestic politics that fanned popular frustration regarding the efforts of international administration, often exposing the credibility of its actions.

The civil-military structures of post-conflict Bosnia and Kosovo undoubtedly provided “opportunities” for innovative engagement with a range of issues – including the option of leveraging the appeal of membership. However the long-term legitimacy of both the retention of power by internationally-led transitional authorities, and their dictation of policy on ethnic minority issues influenced their effectiveness and that of their military counterparts. This dynamic is examined in chapter 4 and the cases studies.

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<sup>16</sup> Author’s personal experience from the Lipljan and Stimlje municipalities, Kosovo, 2004 and 2007.

<sup>17</sup> Caplan, (2005), p. 256.

<sup>18</sup> Ibid., pp. 251-254.

### 1.21 Characteristics of the Domestic Sphere

Due to the international presence, domestic actors were confronted with a bewildering range of actors and issues, from economic reform and human trafficking to customs law and environmental protection. The complexity of this operating environment placed significant pressure on often immature and fragile institutional structures. Such pressure manifested itself in a number of ways: frustration at apparent lack of input to decision-making processes, and questions concerning the credibility, and at times legitimacy, of international activity compounded by intra-institutional and domestic competition to avail of financial support packages.<sup>19</sup>

Throughout the periods considered, the political outlook and discourse remained predominantly nationalistic, with representatives of all ethnicities apparently reluctant to change, in spite of international engagement. For example, domestic cooperation with the ICTY persisted as a contentious issue. Related to this, the common political heritage of these territories, and the disposition of many displaced minorities, fostered conditions for pronounced kin-state influence on minorities' issues. Tim Judah's, generally positive, assessment of societal trends in the Western Balkans region identifies key elements that combine to influence domestic understanding both of the issues they face and external attempts to direct their policy action – acknowledging that it is often “outsiders who hold up progress for their own nationalist or electoral reasons...”<sup>20</sup> While he rightly points to the lethargy of the enlargement process,<sup>21</sup> it is the persistence of nationalism – the particular linkage of ethnicity with politics and power – that most affects the issues addressed in this research. In spite of an almost universal desire to achieve membership of NATO and the EU, the reality of daily existence for both majority and minority communities in weak post-conflict economies, with complex and evolving state structures, is defined by survival. However, his premise that networks of regional engagement broken during the 1990s are being restored suggests a capacity for change that is perhaps not always appreciated by external observers. How this impacts on ethnic minority issues remains to be seen, but the potential to depressurise ethnic issues is clearly inherent in his findings, as is the risk that –

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<sup>19</sup> Scott-Flynn, (1999), pp. 7-9. “There are accounts of some beneficiaries being courted by these NGOs on the basis that some offer ‘better deals’ than others. In the worst instances this has led to falsely raising the expectations of local communities to a point that cannot be realised as the INGO has been far too optimistic about its capacity to provide.” Ibid., p.8.

<sup>20</sup> Judah, (2009).

<sup>21</sup> Ibid., p. 35. Judah sites political intransigence in Greece, Germany, Holland and particularly Slovenia.



given their persistence to date – they may be side-lined as the guilty conscious of a Yugosphere that seeks to escape aspects of its recent history.

### *1.3 Post-conflict Ethnic Minority Issues*

In a short article written in 1997, Mark Mazower presented the idea that the key to understanding the causes of the Bosnian war, and the salience of the issue of ethnicity, lay not in the relationship of ethnicity to history or society – as is often suggested – but in the relationship of ethnicity to politics and power: “it is in the struggle for power following Tito's death that ethnicity assumes a central role [...] the fighting has changed people's sense of their identity in remarkable ways. It has, to put it simply, created new realities.”<sup>22</sup> The scale and diversity of international intervention in the former Yugoslavia, both during and after the conflict, directly impacted on the political balance of the territories affected, and further altered the ‘realities’ created by war – new political boundaries and international administrations stand out – but these new realities emerged within an all too familiar post-conflict landscape.

The decision to prioritise ethnic minority returns and political participation is based on the view that the ethnic dimension was the defining characteristic of conflict in the region, and that changes on ethnic issues are often key indicators of post-conflict progression or regression.<sup>23</sup> At the time of writing, and despite over a decade of exposure to various forms of multilateral engagement by international organisations, thousands of people remain displaced. Their access to their property often impeded by a myriad of obstacles from obtaining citizenship in ‘new’ states, to the questionable application of planning laws; their access to political recourse persistently smothered by conflicting local, national and in some cases international political agendas – multi-level power struggles. The challenge presented to the actors and institutions examined here was to foster stability and constructive ethnic relations, by ensuring that the rights and position of the minority populations were secure. In part, therefore, this research responds to the dichotomy between the high rhetorical importance attached by international civilian and

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<sup>22</sup> Mazower, (1997), <http://nationalhumanitiescenter.org/publications/hongkong/mazower.htm> (accessed 4 Sept 2013).

<sup>23</sup> This is not a study of ‘minority rights’ *per se* – the focus is on international civil-military ability to influence policy compliance – but accepting Jennifer Jackson-Preece's argument that “minorities are political outsiders...[and]...one of the central premises of [the minority rights approach] is that minorities who are recognized and supported by the state are less likely to challenge its authority or threaten its territorial integrity”, it is clear that much of the content of this study will have purchase for minority rights literature. Jackson-Preece, (2005). p. 8.

military actors to progress on ethnic issues, and the fact that some of the early actions and processes initiated by international actors were counterproductive or even complicit – a criticism of the Dayton Agreement<sup>24</sup> – in sustaining the linkage between ethnic issues, politics and power and therefore the belligerent stagnation of minority displacement, disruption and political detachment. While it is unrealistic to expect a solution to ethnic conflict – it is an ‘imperfect process’<sup>25</sup> – arguably, were these issues to persist as prominent sources of political leverage and instability, then the quality and sustainability of progress made in other areas remains vulnerable.

### 1.31 Minority Returns

On the cessation of conflict in Bosnia alone, it is estimated that 2.2 million people, of all ethnicities, were displaced either through voluntary evacuation or forcible expulsion.<sup>26</sup> Conscious of the fact that borders were, and in some cases still are disputed, and acknowledging the definitional distinction that exists, reference here to a “returns process” is intended to accommodate both IDP and refugee returns.<sup>27</sup> While this research does not seek to directly engage in a debate on the appropriateness of classification *per se*, these categories of classification point to further layers of complicating factors that may both shape domestic understanding of the legal status of various minority groups, and influence institutions’ ability to develop and apply policy.<sup>28</sup> For example Kosovo raises particular questions because its status (currently recognised by 108 UN member states)<sup>29</sup> is still openly questioned.<sup>30</sup>

Given that international organisations by and large view the returns process as a vital step early on in rehabilitation, it is apparent that if they are to effectively address the issues involved they must be prepared to deploy a variety of approaches to meet the needs

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<sup>24</sup> Dahlman & O’Tuathail. (2005), pp. 569-599.

<sup>25</sup> Lake & Rothchild, (1996), p.42.

<sup>26</sup> Cutts, (1999). p. 1.

<sup>27</sup> IDPs are understood as “... persons or groups of persons who have been forced or obligated to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects or armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border”, while refugees are those who find themselves “outside the country of their nationality, and are unable to or, owing to such fear, unwilling to avail themselves of the protection of that country...”. Cited respectively from UNOCHA, (2003), p. 2, and UNHCR (2010), pp. 14-16.

<sup>28</sup> Heimerl, (2005), pp. 387-389.

<sup>29</sup> Accurate as of 20 May 2015.

<sup>30</sup> In response to an International Court of Justice opinion, issued on 22 July 2010, the then Serbian President, Boris Tadic, stated “Serbia will never recognise the unilaterally proclaimed independence of Kosovo”. BBC News, (2010), <http://www.bbc.co.uk/news/world-europe-10734502> (accessed 25 July 2014).

of the various circumstances of the ‘returnees’, while retaining cognisance of the layers of complicated issues encountered, such as security and human rights guarantees, property rights, domestic agendas, minority rights, economic circumstances, as well as the potential for unintended outcomes. For definitional clarity, property rights are understood as “the legally defined and enforced rules of ownership, especially as pertaining to land and whatever may be situated on, above, and below it...”<sup>31</sup>

### 1.32 Minority Participation

The power-sharing arrangements put in place under the terms of the Dayton Agreement in Bosnia and UNSCR 1244 in Kosovo prioritised the promotion of ‘ethnic diversity’ by ensuring proportional representation of minorities in state, entity, county, and municipal administrations.<sup>32</sup> However, as Florian Bieber, Bogdan Ivanisevic and others have noted, this ambitious aim greatly restricted the options available to the institutions in the immediate aftermath of the conflict, and the initial pride in hosting ‘early elections’ to fill representative positions soon gave way, as nationalist parties consolidated their positions and minorities were isolated or refused to participate.<sup>33</sup>

A prominent characteristic of these structures was the decentralisation of power and autonomy to regional and local levels. Outcomes have varied significantly, most notably with substantial discord between the entities in Bosnia, or the continued existence of parallel structures in Kosovo, contrasting with the considered successes of municipalities such as Gračanica in Kosovo, or Brčko in Bosnia. As the case studies reveal, unintended and counterproductive outcomes have also emerged: for example, in order to consolidate their ethno-political powerbase, some nationalist parties in RS attempted to ‘resettle’ displaced members of their own ethnicity to localities with which they had no previous connection.<sup>34</sup> Similar divergence is evident when analysing police and military structures, and even where ‘diversity successes’ are claimed, such as the KPS in Kosovo or the military in Bosnia, the case studies demonstrate that concerns remain over their sustainability.

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<sup>31</sup> Deardorff, (2010), <http://www-personal.umich.edu/~alandear/glossary/p.html> (accessed 23 August 2015).

<sup>32</sup> Ivanisevic, (2004). p. 10.

<sup>33</sup> Bieber, (2004), pp. 229-246.

<sup>34</sup> Harvey, (2006) p. 97. Also Stubbs, (1996), pp. 1-26.

#### *1.4 Analytical Approach*

In considering the diversity of engagement in Bosnia and Kosovo, it is clear that potential existed for the military to influence policy application on ethnic minority issues. This section sets out the analytical framework to evaluate the extent to which that potential was realised, outlining why the framework was deemed appropriate for analysis, and how it explains the successes and failures of military activity on ethnic minority returns and participation.

The state of play pertaining to the ‘ethnic minority issues’ on the cessation of conflict is used as the starting point for analysis, thus Kosovo from 1999 and Bosnia from 1995.<sup>35</sup> Drawing from the approach used by Judith Kelley<sup>36</sup>, in her study of ethnic politics in Europe, the methodology applied is intended to capture and explain the military application of conditional incentives and normative pressure relating to ethnic minority returns and participation (See Table 1.1). Acknowledging that the concepts of conditionality and normative pressure are closely intertwined, the decision to separate them here is based on a desire to break down and evaluate the components of military activities in order to test for distinguishing features. It is also based on the assumption that by virtue of their role and presence, socialisation by military actors – even in the absence of incentives – necessarily involved normative pressure. This approach should shed light on the function of liaison teams and key leader engagement in particular.

Adapting this approach arguably pushes the boundaries of application envisaged by Judith Kelley, who contended, “practices that use military threats or other direct interventions as coercion to supersede the sovereign nation are [...] inconsistent with the definition of conditionality”.<sup>37</sup> Scholarly consideration of the relationship between conditional and coercive means in many ways mirrors that of hard and soft power, with potential for various forms of application within that spectrum.<sup>38</sup> Accepting the argument of Philippe Schmitter, that the hallmark of conditionality is “the deliberate use of coercion... attaching specific conditions to the distributions of benefits...on the part of multilateral institutions”,<sup>39</sup> then for the approach applied here context matters. On one level, the deployment of international military forces to post-conflict territories can be understood as establishing a coercive presence. At more tactical levels, examples of overtly

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<sup>35</sup> The analytical period will extend up to 2005 for Bosnia and 2009 for Kosovo.

<sup>36</sup> Kelley, (2004).

<sup>37</sup> *Ibid.*, p.38.

<sup>38</sup> Peshkopia, (2005), pp. 45-46.

<sup>39</sup> Schmitter, (1996), p.30.

coercive activity by international military forces can be identified during the periods researched.<sup>40</sup> However as their role evolved from one of stabilisation to that of deterrent presence the prevailing character of the military presence in Kosovo and Bosnia became predominantly benign; the coercive aspect of their activity becoming less pronounced. The methodology applied here is adapted with that transition in mind.

In considering the extent and nature of compliant outcomes, the approach recognises that where international administration is present, policy adoption at state levels is not always a useful barometer of change – compliant policies are most often de facto imposed by interim constitutional arrangements. Recognising that most military activity took place at sub-state levels, the examination of compliant outcomes focuses on identified instances of local compliance, most often associated with the decisions of village leaders or municipal councils. Quantitatively analysing these outcomes is challenging due to the diversity of causal factors, and difficulty in accessing domestic sources in a post-conflict context, where institutional structures are weak, and where populations are often slow to discuss their experience with external researchers. That challenge is addressed here through three interconnected means: a macro-level examination of the external factors influencing policy composition (Chapter 3); identification of the features of post-conflict territories most likely to impact on the application of policy linked to ethnic minority returns and participation (chapter 4); and interviews with domestic actors, such as village leaders and politicians (investigating the specific impact of the military) which inform the case studies of Chapters 5 to 8. Through these means, this research garnered sufficient information to explore the nature of compliance. The findings are further evaluated by adapting the External Incentives Model used in research on CEEC and elsewhere, as a means to explain the substance of compliant and non-compliant outcomes.

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<sup>40</sup> From detention operations in support of ICTY to operations to limit freedom of movement.

**Table 1.1 Methodological Framework**

<u>Policy</u>	<u>Strategic Mechanism &amp; Application</u>	<u>Military Delivery</u>	<u>Domestic Factors</u>	<u>Outcomes (Compliance)</u>
<ul style="list-style-type: none"> <li>• <b>Returns</b></li> <li>• <b>Participation</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Normative Pressure</b></li> <li>• <b>Conditional incentives</b></li> </ul>	<ul style="list-style-type: none"> <li>• Humanitarian Assistance</li> <li>• CIMIC</li> <li>• Key Leader Engagement</li> <li>• Defence Reform</li> <li>• Membership</li> </ul>	<ul style="list-style-type: none"> <li>• Institutional Capacity</li> <li>• Kin-state influence</li> <li>• Rationalist logic</li> <li>• Socialisation</li> </ul>	<ul style="list-style-type: none"> <li>• Full</li> <li>• Partial</li> <li>• None</li> </ul>
	<ul style="list-style-type: none"> <li>○ Humanitarian Aid</li> <li>○ Development finance</li> <li>○ Transfer of Power</li> <li>○ Technical Support</li> <li>○ Membership of EU and NATO</li> </ul>			<p style="text-align: center;"><b>Analysis</b></p> <p>Nature of Compliance</p>

1.41 Conditionality, Normative Pressure and the Military Approach

For the purposes of this research, conditionality is understood as explicitly linking a change advocated to an incentive – a particular benefit provided by the institution.<sup>41</sup> Allowing for the influence of the military to be evaluated, five areas were identified where the potential for military contributions coexisted with opportunities for the application of conditional incentives, including: humanitarian aid; development finance; incentives associated with the transfer of power; the provision of technical support (administrative, training, logistical etc.); and incentives linked to membership of either the EU or NATO.<sup>42</sup>

In the immediate post-conflict response, financial assistance is often closely related to humanitarian aid, particularly in the generation of institutional capacity (such as

<sup>41</sup> Kelley, (2004), pp. 37-39.

<sup>42</sup> Membership conditionality incorporates incentives linked directly or indirectly to policies emerging from pre-accession processes such as PfP or MAP with NATO, or SAAs with the EU.

schools) at municipal levels. As the post-conflict effort gathers pace, approaches are seen to part into distinct areas of interaction and practice. As demonstrated in chapters 6 and 8, the military involvement in these areas divided into the provision of humanitarian assistance (including the direct and indirect delivery of humanitarian aid) and then a transition to the application of financial incentives predominantly through CIMIC projects. The incentivisation of financial aid was not a feature of the former, but was prominent in the latter.

The progression to transfers of power from international administrations to new domestic institutions afforded military actors the possibility to link policy compliance on identified issues (not just ethnic minority issues) to phased or complete transfers of authority and power. In this regard, the provision of technical support by military actors is most evident in SSR, where direct military assistance was afforded, incorporating temporary capacity-building measures such as support to policing and the rule of law, provision of transport assistance, training, information collection for local municipalities, elections and educational support. A distinction is drawn between localised initiatives agreed in the absence of an overarching policy framework, and centrally coordinated approaches linking technical support to more ambitious agendas such as the pre-accession processes of NATO and the EU.

The potential to link incentives to the membership ambitions of the Bosnian and Kosovan populations was evident at multiple levels, and across a variety of policy areas. With the exception of Kosovan membership of NATO, the prospect of membership was implied from the outset, though formal processes did not emerge until the initial phases of post-conflict stabilisation and reconstruction had been completed. Additionally, when considering the military role, the case studies demonstrate that the utility of membership incentives emerges in an ad hoc fashion, cross-cutting CIMIC and defence reform initiatives often without clear formal linkage to more recognised platforms such as the STM in Kosovo or the SAA and PfP processes in Bosnia. This examination of the military role in delivering incentives linked to membership is a new departure for literature, which has exclusively considered the interaction of civilian institutions. It also facilitates the consideration of the military as a normative actor.

Normative pressure occurs when external institutions rely solely on the use of norms to persuade, shame, or praise actors into compliant actions.<sup>43</sup> For civilian and

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<sup>43</sup> Kelley, (2004), pp. 32-37.

military actors, such behaviour – linked to ethnic minority policies – was a consistent feature of the period analysed. However, this presented a problem for analysis, in that it can be difficult to isolate the impact of normative pressure *vis a vis* the application of conditional incentives – compounded in this instance by the additional pressures associated with post-conflict environments. Kelley acknowledged this difficulty in her research, noting that, “... statistically, I can test if normative pressure is sufficient, but I cannot test if it is necessary. Conversely, I can test if conditionality is necessary, but I cannot test if it is sufficient...”<sup>44</sup> However, for the reasons identified above, this research shifts emphasis away from the relative contribution of each mechanism towards a more pragmatic focus on the practice of application – in this case by military actors.

Consideration of military activity in this way allows for the examination of alternative means of military influence in instances where incentives may not be present –, to see if the military can play a role as a ‘normative intermediary’.<sup>45</sup> In this way, the present research should also add to the findings of Ikenberry and Kupchan’s examination of hegemonic power and the conditions under which socialisation can work most effectively, as they specifically identified post-conflict periods as offering opportunities for socialisation to take place:

It is principally in the aftermath of war or colonial penetration that the hegemon articulates a new set of norms and that domestic political conditions make elites most susceptible to socialization.<sup>46</sup>

In considering the nature of the relationship between conditional incentives and normative pressures, this paper concurs with their argument that “socialization comes about principally through external inducement or internal reconstruction and that normative persuasion is insufficient to drive the socialization process”.<sup>47</sup> Given that the prominence of rhetoric on ethnic minority policy is observed to decrease over the periods analysed, the distinction applied here should also help to clarify the normative basis underpinning the incentives employed.

The application of conditional incentives and normative pressure related to ethnic minority issues is examined through five categories of military engagement, including: the delivery of humanitarian assistance; the various applications of CIMIC policy; the practice of key leader engagement at multiple levels; defence and security sector reform; and

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<sup>44</sup> Ibid., p.23.

<sup>45</sup> Ratner, (2000), pp. 591-698.

<sup>46</sup> Ikenberry & Kupchan, (1990), pp. 283-315.

<sup>47</sup> Ibid., p. 314.



delivery of membership conditionality. The first four of these were formally recognised as areas for military engagement, reflected in the emergence of military guidance policies and doctrine during the period. The latter area – membership conditionality – never has been an area where military actors have defined an approach. However, the decision to examine its purchase is motivated by both the prominence of military actors in the wider civilian effort (most notably in their close relationship to international administrations) and the clear emergence of an overarching framework that promoted membership of the EU and NATO<sup>48</sup> (see Appendix II).

#### 1.42 Nature of Compliance

In discussions of compliance related to rights-based policies, the focus in literature – transition, europeanisation and enlargement – has tended to be on rule adoption contrasted with or complemented by rationalist or constructivist perspectives of behavioural change. The application of such models in a post-conflict context is problematic. In the first instance, elements or all of a state’s institutional structure may not be in place until a significant period after the cessation of conflict. Even where legislative structures are in place, consideration of rule adoption linked to legislation can give a false impression of a post-conflict territory’s actual recognition of the rights involved. This is particularly true of territories with international administrations that play a direct role in developing legislative capacity, or in the oversight of parliamentary operation. From an SSR perspective, national parliaments and governments do not really ‘own’ their governance structures, resulting in the disproportionate influence of international actors on domestic issues.

Both territories analysed in this research are on record as to their intention to attain membership of various international organisations (priority given to the EU and NATO), thereby setting the conditions for rationally motivated “logic of consequentialism to apply as actors appear to be rational, goal-orientated and purposeful”.<sup>49</sup>

We once had a dream, a vision, and it was an independent Kosovo.  
Today, we have another dream, and that is a Kosovo in the EU and  
NATO - President of Kosovo.<sup>50</sup>

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<sup>48</sup> Acknowledging that NATO membership was not and is not an option for Kosovo.

<sup>49</sup> Börzel & Risse, (2003), p. 2.

<sup>50</sup> Fatmir Sejdiu speaking in the Kosovo Parliament on 17 February, 2010. See Marzouk, (2010), <http://www.balkaninsight.com/en/article/kosovo-president-bumpy-road-to-eu-and-nato> (accessed 3 January 2014).

The choice of dependent variable – policy behaviour and implementation – is intended to balance the limited scope for quantifiable outcomes with the diversity of qualitative information, in order to capture the impact of military activity at multiple levels. It is assumed that through the presence of international civilian and military personnel, the domestic equilibrium of post-conflict territories is significantly altered by the presence of incentives at multiple levels. As new state structures emerge, so too does a form of ‘inter-institutional bargaining’ with international organisations, potentially including military actors – depending on the roles assigned to, or assumed by, the military in the post-conflict effort. Consideration is also given to idea of differential empowerment of domestic actors and the potential for the military to act as a source of ‘independent incentives’ to those of the EU or NATO.<sup>51</sup> In Chapter 9, the outcomes identified with this approach are tested against hypothesis adapted from Frank Schimmelfennig and Ulrich Sedelmeier’s external incentives model developed for their research on Europeanisation in CEEC. This approach is used to explain variation in the effects of incentives, focusing on “the determinacy of the conditions, the size and speed of rewards, the credibility of threats and promises, and the size of adoption costs”.<sup>52</sup>

Additionally outcomes are analysed at the point of interaction by military actors, assuming (1) that a clear link can be established between a military action and policy related to returns and participation; and (2) that military records of the impact of their activity both official and semi-official facilitates an analysis of the outcomes in specific locations at specified times. This is particularly relevant for CIMIC projects, where, depending on the unit involved, detailed reports were written on the extent and quality of compliant outcomes. While the analysis of CIMIC does allow for a certain quantification of outcomes, analysis of key leader engagement and defence reform is necessarily more qualitative in emphasis, drawing on references to compliance in interviews, in media and, where available, from official sources in emerging post-conflict institutions. The responses of domestic actors from political parties to village leaders, partly captured through interviews, were also analysed in order to provide a domestic perspective of compliance relating to military activity. Incorporating these features, the operationalisation of the dependent variable is outlined in Appendix III. Finally, this approach also allows for the identification of trends in application and compliance through periods of transition. Similar temporal analysis – recognising phases of post-conflict transition – has been applied to

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<sup>51</sup> Ibid., pp. 16-18.

<sup>52</sup> Schimmelfennig & Sedelmeier, (2005), p. 12.

good effect in research by Iain King and Whit Mason in Kosovo, and is outlined in greater detail in Chapter 4.<sup>53</sup>

The determinacy of conditions is understood here as the clarity of the standard identified relating to returns or participation, and the formality of the approach utilised by the military, i.e. the terms upon which incentives are delivered to the domestic point of contact. The size and speed of rewards refers to the substance and scale of incentives offered by military actors, either unilaterally or collectively with a third party, and consideration of the timeliness of the incentives (rewards) delivered. In considering the military application of threats or promises, the case studies demonstrate that some military actors used subtle threats as a tactic to encourage compliance: for example, refusal to assist with road repairs, or the withdrawal of support to schools or other community services, were a not infrequent feature of military-host nation interaction. That the military might use force as a threat to stimulate compliance was not a factor identified in this research. However, military promises – formal and informal – delivered through CIMIC, key leader engagement or defence reform initiatives, were the predominant feature of engagement and the focus for analysis. Finally in considering the explanation of domestic responses, the examination of the presence of veto players and adoption costs is intended to capture the role of kin-state influence as a determinant in domestic majority and minority compliance with policies specified by military actors.

#### 1.43 Evaluating Compliance and Research Hypothesis

Broadly, the military role is considered in respect of two connected aspects of returns: actual returns to locations vacated prior to or during conflict (incorporating access to appropriate property rights for returnees) and the extent to which these returns were sustained. Acknowledging that military actors were exposed to a myriad of positions, policies and programmes on returns issues, the research recognises that military units either referenced policies or standards formally articulated by other international actors, or set their own standards on returns, which may have correlated with official policy but were not recognised or acknowledged as part of any official policy process (see Appendix III). Evidence of compliant behaviour is considered against identifiable instances, whereby domestic actors either agree to facilitate returns or demonstrate evidence of working to that

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<sup>53</sup> King & Mason, (2006).

end, delivering on their part of an agreement either unilaterally with military actors, or as part of a civilian-military initiative. Compliant implementation is considered, based on instances of actual returns and the sustainability of returns identified.

The analysis of minority participation focuses on the extent to which state government and security institutions – police and armed forces – are designed to accommodate ethnic minorities, and the reality of participation in these structures over the period under review. Given the prominence of international administrations, it is to be expected that governance structures will be largely reflective of externally-accepted norms on ethnic minority representation and participation. However, as power is returned to the indigenous population, the nature and integrity of participation in those structures, and the resources made available to ensure their operation, are open to question. As with returns, the evolution of the role played by the military within the wider international civilian effort is critical to understanding the nature of compliant policy behaviour and implementation. Evidence of compliant behaviour is considered against identifiable instances, whereby domestic actors either agree to facilitate minority participation or demonstrate evidence of working to that end, delivering on their part of an agreement either unilaterally, with military actors, or as part of a civil-military initiative. Compliant implementation is considered, based on instances of actual participation and the sustainability of participation identified (see Appendix III).

Acknowledging the approach outlined above, the following hypotheses were identified in order to add clarity and depth to the findings regarding military successes and failures in achieving compliant outcomes.<sup>54</sup> They address the nature of engagement and compliance over time: First, *that the military application of conditionality combined with normative pressure enhances the likelihood of compliant policy behaviour and implementation*. Second, *that financial and policy incentives are more effective than membership incentives on ethnic minority issues in post-conflict territories*. Third, *that over time international civilian and military organisations were less likely to link conditional incentives or apply normative pressure to compliance on ethnic issues*. And Fourth, *that a territorial institution (or actor) will comply with and implement policy if the benefits of the reward exceed domestic adoption costs*.

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<sup>54</sup> Schimmelfennig & Sedelmeier, (2005), pp. 12-24.

### *1.5 Case Studies*

Bosnia and Kosovo provide a rich source of comparable data and the possibility of considerable variation in both the independent and dependent variables, thereby facilitating the adaptation of existing models of analysis, and in some cases the replication of those models in a new (post-conflict) context.<sup>55</sup> Both shared an experience of conflict that entailed the exposure and exploitation of inter-ethnic tension, raising points of contention that remained to be effectively addressed over the period of the study. Both were subjected to an influx of international civilian and military organisations, including international administration. Likewise, over time, both have articulated a popular and official desire to attain membership of the international institutions, notably the EU and NATO, but also in particular circumstances, the OSCE and CE (See Appendix I). Variations emerge across these areas, in terms of their respective experiences of international administration, transitional governance, kin-state influence, prospects for accession to EU and/or NATO, and the purchase of conditionality as sub-state levels, to name but a few.

To aid comparison, both case studies focus on the 10 years following conflict in each territory and are structured to highlight both the specific role of military actors and the significance of the military contribution within the wider international civilian effort. A multi-level approach was adopted allowing for the collation of empirical detail on the substance of military activity on ethnic minority issues at multiple levels: state, entity and municipal, including provision for parliamentary committees or agencies where they have a particular responsibility for a given issue: for example the Freedom of Movement Task Force in Bosnia. Using this structure, the experiences of minority groups – predominantly the Serbian minorities in Kosovo and a cross section of Bosniak, Serbian and Croat minorities in Bosnia<sup>56</sup> – were tracked on the respective issues of returns and participation.

Assessment of progress on participation was conducted with reference to representative structures and domestic institutions such as Bosnian Armed Forces as the unit of analysis at the macro level, while using selected military activities (humanitarian, CIMIC, specific defence reform programmes etc.) at the micro level. Acknowledging that in both cases domestic-led institutions were slow to emerge, and struggled to develop the necessary capacity and capabilities to operate as intended, the examination of the development of policing and security structures explores the extent to which policy on

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<sup>55</sup> Van Evra, (1997). pp. 89-95.

<sup>56</sup> It should also be noted that the Brčko district has a significant Croatian minority.

minority participation was adopted and implemented in defence and security reform initiatives. Similarly for the assessment of the management of the returns process, the approach preferred here is to identify specific “returns” cases at the point of military engagement. This analysis of individual military-led projects will add further substance to the findings of the research, uncovering micro-level details as to why policy initiatives succeeded or failed. These can then be considered alongside other identifiable factors, such as access to property rights, domestic politics or kin-state pressure.

## *1.6 Sources and Information Management*

### 1.61 Primary and Secondary Sources

Many of the sources of information for this research have been identified above, including institutional and other official documents, legislation, and policy guidelines for both international civilian and military bodies, and their agencies. These include the handbook of the EAR, and the field operations guidelines of the OSCE and NATO. The analysis of military involvement in humanitarian assistance, CIMIC activity and, to a lesser extent, key leader engagement, was compiled based on a review of articles in the respective in-house magazines of SFOR and KFOR – the *SFOR Informer* and *KFOR Chronicle*.

Relevant material was sourced in domestic institutions (including police and military strategy statements) on a variety of issues. However, reports and documents from domestic institutions were often difficult to access, though they increasingly became available as research progressed; this allowed for a limited examination of processes in respect of each issue to be traced through domestic institutions. Conversely, the presence of the OHR and UNMIK allowed for easier access to domestic material relevant to ethnic issues.<sup>57</sup> Each of the institutions analysed regularly compiled a wide variety of reports and assessments on at least an annual basis. With regard to the availability of statistical data the UNHCR was a particularly useful source of information on both returns and participation.

Complementing analysis of formal institutions, political parties’ statements and media material, from newspaper interviews and public surveys to opinion pieces, all offered value when considering the resonance of a given issue. This was complemented by an array of reports, both statistical data and empirical analysis, compiled by specialist organisations such as Human Rights Watch, the International Crisis Group, Transparency

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<sup>57</sup> The OHR, UNMIK and KFOR have extensive records of domestic press outlets, most of which are available in English.

International, CEPS, the Belgrade Centre for Security Policy, and domestic NGOs such as the Kosovo Women's Network. This research also availed of new sources from each of the territories including the Peace Support and Training Centre in Sarajevo, and the Institute for Development Policy in Pristina. Finally as seen in Chapter 2, a wide range of academic material is available across disciplines, including: history, political science, international relations and economics. There is also a growing volume of biographical and autobiographical literature that can add insight to both the period and processes in question.<sup>58</sup>

### 1.62 Interviews

In total, 80 interviews and meetings were conducted in Brussels, London, Geneva, Vienna, Sarajevo, Pristina, Belgrade and Lebanon.<sup>59</sup> They were conducted between January 2011 and April 2014. All interviews were conducted under Chatham House rules on the understanding of anonymity. Accordingly, only interview place, status and time are outlined in the supporting appendices. Interviews were semi-structured, allowing interviewees to expand on their respective experiences. At the same time, in order to address gaps in the quantitative analysis, interview questions were cross-referenced with the findings of the analysis of military activities on humanitarian, CIMIC and defence reform. Notes were taken during the interviews and subsequently typed transcripts were produced. With four exceptions, where a translator was used, all interviews were conducted in English. The purpose of the interviews was to add value to the existing sources of information, and in particular to investigate approaches to implementation from both international and domestic perspectives. Interview assertions were cross-checked with the quantitative sample compiled for this research and with other official sources as deemed appropriate. Acknowledging the author's military background, the interview set was balanced to accommodate views from multiple sources: civilian and military, domestic and international in order to limit the potential for biased outcomes. Additionally domestic sources were balanced according to ethnic background.<sup>60</sup>

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<sup>58</sup> See biographical accounts such as Patten, (2006); Rose, (1998); Holbrooke (1999), etc.

<sup>59</sup> The Lebanese-based interviews were conducted throughout 2012, when the author was deployed with the UNIFIL, during which time he had access to a number of civilian and military personnel with experience of operating in Kosovo and Bosnia. Reference is also made to meetings conducted in Kosovo in 2007, when the author was serving with KFOR.

<sup>60</sup> King, Keohane & Verba, (1994), pp. 128-138.

### *1.7 Structure*

Chapter 2 will analyse the scholarship that informs the spheres of engagement outlined above, marking the areas to which this research seeks to contribute. Chapters 3 and 4 respectively will consider the questions and hypotheses posed at the macro level, by analysing the evolution of international civil-military engagement in the post-conflict territories of Bosnia and Kosovo, the parallel development of domestic institutions, and the development of incentivised approaches for policy delivery. The case studies, Chapters 5 through 8, present the details of research conducted on Bosnia and Kosovo respectively. It is intended that these chapters will present original material and analysis to complement and develop the findings of Chapters 3 and 4. The final chapter draws conclusions on the nature of compliance, the factors motivating military engagement, and the utility of military forces in delivering policy on ethnic minority issues. It also discusses the importance of the research in the light of existing literature, and the findings' implications for future research.

### *1.8 Summary: Research Parameters*

Broadly, the analytical model developed for this research marries the approaches used by Kelley, and Schimmelfennig and Sedelmeier in CEEC, underpinned, where relevant, by SSR concepts. The decision to adapt Judith Kelley's independent and dependent variables has two key advantages: first, it allows for a tested approach, designed to address similar ethnic minority issues, to be adapted for use in a new context; and second its design is flexible enough to accommodate the distinctive military aspect of this research. The context selected (post-conflict Western Balkans) extends the application of their approaches to post-conflict states accommodating the internalised presence of international civilian and military representatives, and focusing on a specific set of minority issues, rather than on the broader theme of minority rights. The size of the samples analysed in Chapters 6 and 8 offers sufficient quantitative material which, together with an extensive interview set, provides for a reasonable basis for comparison with other works in the area. For the purposes of this study, notably the isolation of the means and impact of international military actors, this model is best suited to provide the required analysis.



## Chapter 2

### Post-Conflict Intervention and the Rise of Military Utility

#### 2.1 Introduction

This chapter seeks to explore scholarly understanding of the utility of military actors and the application of conditionality and normative pressure in post-conflict territories. It will also consider the theoretical and empirical literature on minority rights policy, and the extent to which analysis has addressed policy delivery in all its applications to date. Drawing from relevant literature on international intervention, development, peacebuilding and minority rights, it will demonstrate that scholarship, in addressing rights-based issues in post-conflict contexts, has not fully considered the utility of military actors or the adaptability of strategic mechanisms.

#### 2.2 Understanding the Military Position in Post-conflict Intervention

Within a contemporary international context characterised by “the end of the Cold War; the process of globalisation; and the challenge to the Westphalia state system represented by the doctrine of humanitarian intervention (*le droit d’ingérence*)”,<sup>61</sup> the events in the former Yugoslavia, and subsequent events in Iraq and Afghanistan, have stretched both the conceptual and practical application of military forces. Broadly, the academic response can be divided into two streams of analysis: one concerned with the justification and legality of international military intervention epitomised by the debate on humanitarian intervention; the other concerned with the practice of intervention, from peace enforcement to peace building.

The debates associated with the motives stimulating predominantly western intervention in the Balkans and ‘whether intervention can ever be justified’ provides a continual source from which to question the credibility of military deployments. This research does not seek to add its voice to that debate *per se*, but it recognises its impact on perceptions of military activity at multiple levels, from sovereign states to village councils. The dichotomy between what James Mayall describes as pluralist and solidarist divisions on international order, and the justification of intervention, leave scholars and practitioners, alike, struggling to respond in situations where “people’s allegedly fundamental rights are

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<sup>61</sup> Hill, (2003) p. 11.

systematically abused not by other states but by their own government”.<sup>62</sup> This was and remains relevant in territories such as Kosovo, as it provides one base (others will be addressed below) from which external and internal actors can question the legality and credibility of international civilian and military efforts. This dynamic is often compounded by political expedience; despite their recent citing of the ‘Kosovo precedent’ to justify their actions in Crimea, Russia was initially opposed to international intervention in Kosovo, questioning, among other things, its legality in international law.<sup>63</sup> That position appeased Kosovo Serbian disquiet at the time and emboldened the Serbian population of Mitrovica, in particular, to pursue a path of resistance to intervention. Over time, the credibility of intervention was also seized upon by Kosovo Albanian groups such as the Vetëvendosje! Party, who argued that the international presence impeded Kosovo’s (referring to the Kosovo Albanian population) right to self-determination. Similar arguments emerged in Bosnia, most notably in Republika Srpska.

Related to these events, scholars, such as Michael Pugh, have questioned the manner in which liberal norms and values have greatly expanded the complexity of ‘peace operations’ imposing standards and conditions relating to a wide variety of western agendas; a perspective that offers a compelling perspective on the emergence of a ‘minority rights agenda’ for the former Yugoslavia.<sup>64</sup> At best, this questioning of the legitimacy of international presence, and the credibility of international actors, served to agitate the discursive framework within which conditionality and normative pressure were applied; what might be viewed as an attempt (albeit somewhat diffuse) to keep the actors involved honest.<sup>65</sup> At worst, it could be combined with other lacunae in the international approach – such as the insistence on minority rights’ standards over and beyond those applied elsewhere (most notably in the EU) – to attack a particular policy stance, or simply be used as a zero sum tactic to halt interaction on a given issue. Within that spectrum, this research has found that space nonetheless existed for international civilian and military actors to distance their actions (though never fully detach) from questions of legitimacy. The practical realities of day-to-day interaction between international and

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<sup>62</sup> Mayall, (2007), p. 5. Mayall presents the pluralist and solidarist perspectives based on his evaluation of the realist and rationalist foundations of the works of Martin Wight, in Gabrielle Wight and Brian Porter (eds); Hedley Bull; and Michael Donelan.

<sup>63</sup> Why Russia Opposes Intervention in Kosovo”, BBC News, 13 October, 1998, <http://news.bbc.co.uk/2/hi/europe/111585.stm> (accessed 17 November 2013) and Ilya Somin, “Why the Kosovo ‘Precedent’ Does not Justify Russia’s Annexation of Crimea”, *Washington Post*, 24 March, 2014.

<sup>64</sup> Pugh, (2013), pp. 393-408.

<sup>65</sup> Buchanan, (1999), pp. 71-87. Ayoob, (2002), pp. 81-102. See also Wheeler, (2000).

domestic actors on a variety of post-conflict issues often left little room for such debate. For example, military engagement with local actors initially prioritised basic issues of concern from refuse collection to freedom of movement. Questions regarding the legitimacy of military activity became more prevalent as domestic recovery progressed.

In this context, it is therefore important to make the distinction between the point of intervention, where the use of force is often essential and therefore most contentious (as it was in Bosnia and Kosovo at the outset), and the conduct of the intervening presence – civilian and military – thereafter. Finnemore presents the idea that questions of legitimacy extend both to domestic institutions in terms of the “demands” placed on them by interveners, and alternatively to the tension found in ‘the kinds of legitimate responses we as outsiders feel we can take – tensions between self-determination and humanitarianism, between self-determination and intervention, between peace and justice, between humanitarianism and accountability.’<sup>66</sup> If Finnemore identified a “new array of political options for outsiders (and potential interveners)”,<sup>67</sup> this thesis adds a further layer to her analysis by exploring the new options developed by the military within that spectrum of “demands”.

If the premise of humanitarian intervention in the former Yugoslavia (fuelled by media focus on displacement and genocide)<sup>68</sup> was predominantly based on a desire to address the ethnic minority dimension, it was not the sole stimulus. Related to the views noted above that intervention was driven by western liberal concepts, strong arguments have been presented that humanitarian intervention also amounted to a conceptual vehicle, “a new cooperative approach” that international organisations used to revitalise their purpose in post-Cold War international society.<sup>69</sup> In his examination of military purpose, Timothy Edmunds identified a post-Cold War process, whereby European militaries in particular have “increasingly identified and taken on new roles in order to legitimate their institutional existence and budgetary demands”.<sup>70</sup> Regardless of their motives, the reconceptualisation of the limits of sovereignty and intervention in third states required international civilian and military organisations to rethink their purpose, structure and

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<sup>66</sup> Finnemore, (2000), p. 5.

<sup>67</sup> *Ibid.*, p. 22. See also Hill (2003).

<sup>68</sup> Thussu, (2000), pp. 345-361.

<sup>69</sup> Solana, (1999), p. 115. See also Falk, (1999), pp. 847-857.

<sup>70</sup> Edmunds, (2006), p. 1061.

modus operandi amidst significant uncertainty as to what shape international order was assuming.<sup>71</sup>

That dynamic helps to explain the spirit of experimentation that characterised much of their respective efforts during the period. The idea that international forces operating under a UN mandate had a responsibility to protect – later known as R2P – stimulated discussions within militaries as to how missions could be achieved through ‘non-kinetic’ (non-violent) means. While such discussions primarily focused on the importance of robust mandates and appropriate military capabilities, they also provided for more expansionist views as to how security could be delivered by military actors. The experience of Dutch UNPROFOR peacekeepers at Srebrenica underlined a determination among NATO staff that their personnel would not find themselves impotent in similar situations. However, in both Kosovo and Bosnia, NATO forces were in a position to establish a secure space relatively quickly, with the result that commanders’ attention quickly turned to supporting the civilian effort. Within that effort, the conceptual boundaries of R2P were pushed even further to allow a more expansive role for the military.

### *2.3 Perspectives on Civilian and Military Activity in Post-conflict Territories*

Disagreement concerning the justification of military intervention based on humanitarian principles was symptomatic of much broader discord within the humanitarian community during the 1990s. In examining the humanitarian ‘identity crisis’, Thomas Weiss identified two broad groups. On one side, “classicists” such as the ICRC, who advocated that humanitarian activity should be completely insulated from politics, upholding the traditional principles of neutrality, impartiality and operating procedures based on consent. Opposing the classicist view, he identified various groups of “political humanitarians”, including “minimalists,” who “aim to do no harm” in delivering relief; “maximalists,” who have a more ambitious agenda of employing humanitarian action as part of a comprehensive strategy to transform conflict, including many proponents of military intervention; and the “solidarists”, exemplified by MSF, who choose sides and abandon neutrality and impartiality as well as rejecting consent as a prerequisite for intervention.<sup>72</sup> Weiss’s argument that debate needed to move to consider “how this intersection of humanitarian perspectives can be managed to ensure more humanized politics and more

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<sup>71</sup> Hill, (2003), p.14.

<sup>72</sup> Weiss, (1999), pp. 1-22.

effective humanitarian action” opens the door for a more nuanced examination of the military role.

### 2.31 The ‘Humanitarian’ Perspective: Military ‘Aid’ and Rights-based Approaches

For many within the humanitarian community, the idea that the military should play a role in delivering humanitarian aid or rights-based policies is paradoxical.<sup>73</sup> Nonetheless, that the military do play a role is acknowledged. For example, Hugo Slim suggests that militaries “can operate as humanitarian agencies if they pursue humanitarian activities as prescribed in international law in an impartial manner”.<sup>74</sup> Indeed this paradoxically ‘classicist’ interpretation of the military role is not without substance, with evidence in both Kosovo and Bosnia of military units acting in a manner consistent with his description (see Chapters 5 and 7). Slim creates the conceptual space for this interpretation by drawing a distinction between organisations which are “by nature” humanitarian, such as the ICRC, and those, including the military, which are capable of “being humanitarian”. This logic can be extended to allow for a military role in delivering conditional incentives, thereby moving military behaviour towards the realm of “political humanitarians”. This distinction is both helpful and appropriate in accounting for military activity in Bosnia and Kosovo, as it can be used to chart various kinds of military activity, and their effectiveness within the collective international effort.

While it could be argued that military “humanitarian” activity in the earliest stages of intervention was selective in its exclusion of certain armed groups and their supporters, in the case of Bosnia and Kosovo, this was seen to quickly dissipate, as the domestic armed forces within Bosnia, and the KLA in Kosovo, moved to general compliance with the respective peace agreements. This is significant in that it marks the point at which the coercive actions of NATO forces starts to diminish in favour of ‘softer’ approaches to community engagement.

For those humanitarian agencies which were open to cooperation with the military, this also created opportunities for joint or at least coordinated approaches to addressing humanitarian issues, including engagement in delivering or reinforcing policy on rights-based issues.<sup>75</sup> Though not addressing or examining the specific contribution of the

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<sup>73</sup> Stromseth *et al.*, (2006).

<sup>74</sup> Slim, (2001), p. 5.

<sup>75</sup> This view distinguished between those humanitarian agencies solely concerned with humanitarian work, such as the UNHCR, and those described by Hugo Slim (*op.cit.*) as “multi-mandate” agencies which combine their humanitarian work with broader often rights-based agendas.

military in this regard, several scholars have noted the tension caused by military efforts in this area. For example, Abbey Stoddard noted that, “during the Kosovo campaign, MSF USA was so concerned by the blurring of the lines between the military and humanitarian spheres, and the seeming acquiescence of their counterparts, that it quit InterAction’s Disaster Response Committee in protest.”<sup>76</sup> However, the question as to how far the military ventured into the ‘humanitarian sphere’ remains to be fully explored.

Stoddard considered three roles for military forces in humanitarian intervention. First, providing a secure space for humanitarians to operate; second, the passage of information for the purposes of protection, in order to facilitate humanitarian logistics; and third, the provision of direct assistance to populations themselves, in parallel with humanitarian groups.<sup>77</sup> Taylor B. Seybolt argues for four roles: providing logistical assistance, protecting aid operations, protecting the population and defeating the perpetrators of violence.<sup>78</sup> Neither extends the analysis to the military as a rights actor, though arguably Stoddard allows for the possibility through the provision of direct military assistance, and Seybolt’s assertion that “aid has always been more political than humanitarian practitioners care to admit”, as it is “valuable and therefore has a political and economic impact in zones of conflict”, can be interpreted as creating the space for ideas on conditional linkage to develop.<sup>79</sup> However, his argument that militaries cannot do certain things perhaps underestimates the complexity, diversity and professional dexterity that military personnel can demonstrate in post-conflict contexts.

Soldiers are not trained to provide police services: on patrol they are inclined to use deadly violence; they cannot investigate a crime scene; and they have very limited capacity to hold suspects in custody... In non-security areas it is readily obvious that neither military actors nor emergency relief organizations are prepared to deliver what is needed: consider the diverse, non-military skills needed for civil administration, reconstruction of political institutions, and economic reconstruction and development.<sup>80</sup>

More importantly, it also fails to take account of the resource deficits that affect many, if not all, international interventions, to the extent that though military actors might not want to fulfil policing or humanitarian type roles, in the absence of sufficient appropriate civil

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<sup>76</sup> Stoddard, (2003), p. 31.

<sup>77</sup> Ibid., pp. 25-36.

<sup>78</sup> Seybolt, (2007), pp. 226-227.

<sup>79</sup> Ibid., p.279. Though not connected to the role of the military, Seybolt also argues that if “making aid conditional on the behaviour of the belligerents advances the cause of peace, then it should be done”. Op.cit., p. 279.

<sup>80</sup> Ibid., p. 277.

assets, they often find themselves in a position of interim support. Furthermore, the provision of such support in the early stages of a post-conflict intervention is vital for creating the conditions for organisations such as the UN to “pull together and coordinate civil and military experts to help local actors to rebuild, or build for the first time, stable political, social and economic institutions”.<sup>81</sup>

In part, this lacuna of understanding regarding the potential of military contributions in post-conflict territories can be explained by Timothy Edmund’s view, that realist and means-based ideas on military purpose “fail to capture the sheer diversity of military roles as they have evolved under different circumstances in different parts of the world”.<sup>82</sup> It is important to emphasise that, though the military may find themselves in positions where they are fulfilling ‘civilian’ tasks and functions, this thesis does not argue that they should. However, in adapting Dag Hammarskjöld’s view, that “peacekeeping is not a job for soldiers but only soldiers can do it”, it is equally true to say that, though humanitarian and rights-based activities are not jobs for soldiers, there are times when they are the only ones there to do it, with both successful and unsuccessful outcomes.

### 2.32 Rights-based Approach

Given the central importance of the ethnic dimension during the conflict, reflected in the content of both the Dayton Agreement and UNSCR 1244, it is unsurprising that rights-based approaches would emerge as a prominent part of the post-conflict effort. Reflective of the coming together of development and human rights thinking, there is no agreed definition of what constitutes a rights-based approach. The OHCHR describes it as a conceptual framework that allows for “a process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights...”.<sup>83</sup> Central to this understanding is the idea that a “rights-based approach identifies *rights holders* and their entitlements and corresponding *duty-bearers* and their obligations, and works towards strengthening the capacities of rights-holders to make their claims and of duty-bearers to meet their obligations”.<sup>84</sup> Peter Uvin synthesises the convergence of human rights and development, and its value for “development

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<sup>81</sup> Ibid.

<sup>82</sup> Edmunds, (2006), pp. 1060-1061.

<sup>83</sup> Frequently Asked Questions on the Human Rights Based Approach to Development Cooperation (2006). p. 15.

<sup>84</sup> Ibid.

specialists”, as combining thought regarding the claims and processes of rights and development, and the ends and means of engagement.<sup>85</sup>

Once again the literature does not tend to consider the role of the military beyond that of helping to secure the environment within which rights-based engagement takes place. That the military could assume a role as a “duty-bearer” is not considered. In terms of understanding the extent to which military actors engaged in or adopted rights-based approaches in Bosnia and Kosovo, the post-conflict context was influenced by a number of factors. Firstly, moves towards rights-based approaches were just one of a number of significant push factors that placed specific emphasis on ethnic minority issues: others such as media attention, and minority rights policy development, are considered in greater detail in Chapter 3. Secondly, as noted in the introduction, all international organisations were experimenting with concepts and approaches for a variety of reasons. For many humanitarian organisations, adopting rights-based approaches marked an expansion of their mandate and a move away from ‘needs based’ models, while for more human rights-based organisations, it allowed them to ‘participate’ in more practical arguably less legalistic ways.<sup>86</sup> Thirdly, and related to the above, it is also true to say – particularly of the military – that while they may have been involved in the practice of rights-based approaches, many were unaware of the theory. Instead drawing on the rights rhetoric (particularly regarding minorities) they were exposed to, and individual ideas of ‘what was the right thing to do’, military actors often stumbled into rights-based approaches.

However, as the case studies demonstrate, evidence of military application of rights-based approaches to policy delivery is closely correlated to the delivery of CIMIC programmes, which suggests that in instances where military and civilian actors cooperated within an understood structure, such as CIMIC, rights-based approaches were more likely to occur. In their examination of rights-based approaches, Lisa VeneKlasen *et al.* argue that the defining feature of the rights-based approach is the convergence “between strands of rights and participation”.<sup>87</sup> Certainly, their assertion that rights do not come in “neat packages, but rather are part of dynamic, sometimes messy, processes of resistance and change that work to engage and transform relations of power”, captures many of the features associated with military engagement observed in this research. Their (VeneKlasen *et al.’s*) broad understanding of ‘participation’ is also relevant in that it contributes to our

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<sup>85</sup> Uvin, (2007), pp. 596-606. Uvin attributes the idea to Senegalese jurist M’Baye.

<sup>86</sup> Vene Klasen, *et al.*, (2004).

<sup>87</sup> *Ibid.*, p.1.



understanding of multi-level decision-making, in this case involving military actors. Of the ten areas they identify as contributing to participation “that advances more equitable development”, this research provides grounds to suggest that the military can contribute to some degree or other in almost all areas: from their ability to influence and transform power dynamics at local levels, to linking rights efforts to “concrete, relevant problems and solutions”.<sup>88</sup> Furthermore their contention that ‘rights’ should be understood beyond legalistic assumptions to capture “the dynamic aspect of the political process that shapes the extent to which rights are enforced and realised in people’s daily lives”<sup>89</sup> can be adapted to post-conflict contexts where military forces closely interact with domestic political processes.

Abby Stoddard identifies the relevance of the rights-based approach as signifying:

... concurrence among a growing number of NGOs that the motives of humanitarian aid – an attempt to protect people’s fundamental rights, rather than a voluntary act of charity – matter a great deal to its success.<sup>90</sup>

This is relevant in Bosnia and Kosovo, as not only did various international agencies evolve their operations to reconceive the situation from one of minority protection to minority rights projection, but they were facilitated, if not prompted, to do so by the Dayton Agreement and the Constitutional Framework for Kosovo. That rights issues held such prominence in ‘international thinking’ was not without contention, and is closely linked to the discussion of humanitarian intervention identified at the outset of this chapter. For example, David Chandler, Thomas Weiss and David Rieff have argued that “rights-based strategic ends” jeopardise the very concept of humanitarianism.<sup>91</sup> Focusing on the role of humanitarians and the justification of humanitarian intervention, Chandler observes that the lobbying by the ICG and others for economics aid to be conditioned “on the implementation of Dayton Accords and utilised as the main source of leverage for the international community [...] challenged every principle that demarcated the traditional framework of humanitarian action”.<sup>92</sup> In what he described in 2002 as a “grand illusion”, Rieff cites a number of issues with humanitarian/military cooperation based on humanitarian – and one assumes military – “wishful thinking”:

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<sup>88</sup> Ibid., p. 5.

<sup>89</sup> Ibid.

<sup>90</sup> Stoddard, (2003), p. 32.

<sup>91</sup> Chandler, (2001), pp. 678-700. See also Weiss, (1999).

<sup>92</sup> Chandler, (2001), p. 693.

Soldiers who are competent enough to fight the Taliban, the Yugoslav federal army, or Somali warlords are not going to do what relief workers want. Rather, they will expect that relief workers listen to them. For all the talk of improved coordination, joint exercises, and declarations of mutual respect, the history of humanitarian military interventions from Kurdistan in 1991 to Afghanistan in 2001-2 has demonstrated just that.<sup>93</sup>

Acknowledging that there is evidence to substantiate his claim – most notably in Afghanistan – Rieff does not accommodate the more positive aspects of civil-military engagement with humanitarian issues – when soldiers do listen. This undermines the conclusiveness of his argument: soldiers do not always make humanitarian situations worse. While this research would support his view that in some cases, “instead of seeing warriors, relief workers too often see little more than armed humanitarian logisticians in the field”,<sup>94</sup> a reconsideration of why Bosnia and Kosovo ‘have not produced consequences terrible enough’ to give many activists pause for thought might well find that the military (at least in those instances) had a more positive, immediate and diverse impact on humanitarian and rights-based issues than envisaged at the time.<sup>95</sup>

### 2.33 CIMIC

Accepting their respective mandates to establish and provide safe and secure environments, this research has found that the international military interaction with domestic and international civilian groups in Bosnia and Kosovo can be divided into two spheres of engagement: ‘needs based’ humanitarian assistance and CIMIC. As concepts of state and nation-building developed, the initial focus on ‘needs based’ humanitarian provision gradually gave way to rights-based approaches, as the attention shifted to achieving sustainable outcomes. However, neither IFOR, SFOR, KFOR nor the individual military units that comprised them formally adopted a rights-based approach to engaging in ethnic minority issues. Rather ‘military rights-based activities’ developed within the emerging framework of CIMIC.

The concept of CIMIC evolved in western militaries during the early 1990s; initially as an attempt to address coordination issues experienced when working with

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<sup>93</sup> Rieff, (2002), p. 119.

<sup>94</sup> Ibid., pp. 119-120.

<sup>95</sup> Ibid., p. 120.

civilian actors.<sup>96</sup> However there is no agreed definition on what CIMIC is or should be.

Christopher Ankersen captured many of the attributes of CIMIC when describing it as:

... a military label used to describe those occasions that see elements of armed forces engaging, and even collaborating, with civilian entities (such as local authorities or other government agencies, nongovernmental organizations, or international/intergovernmental organizations). This collaboration usually takes place during some form of crisis situation [...]. It can take the form of abstract contingency planning or the high level coordination of resources and objectives, but can also manifest itself as aid delivery or reconstruction activity by military forces.<sup>97</sup>

It is worth noting that definitions and understanding of CIMIC practice within militaries vary significantly from country to country. For some, normally larger ‘war-fighting’ militaries,<sup>98</sup> CIMIC cells operate as an quasi-extension of military intelligence and a means for generating force protection; for others, most notably the Scandinavian militaries, CIMIC practice is more rooted in an adaptation by the military of the humanitarian concept of neutrality.<sup>99</sup> Less developed models were also identified that equated to no more than ad hoc attempts to place some form of structure on what was generally understood as ‘winning hearts and minds’, while others still viewed CIMIC activity as a means to simply coordinate space with international NGOs.

Traditionally, the armed forces of countries such as Sweden, Finland, and Ireland deployed on UN missions frequently engaged in ‘winning hearts and minds’ through ‘soft’ humanitarian projects. Such activities were not only intended to address humanitarian issues in local communities, but were also viewed by commanders as a good way to maintain troop morale, and as a source of positive press both in their country of origin and in the host community. NATO did not formally adopt CIMIC doctrine until the publication of AJP-9 in 2003. Prior to that, NATO policy on CIMIC was based on an understanding of CIMIC as “the coordination and cooperation, in support of the mission, between the NATO commander and civil actors, including national population and local authorities, as well as international, national and non-governmental organisations and agencies”.<sup>100</sup>

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<sup>96</sup> Ankersen, (2008), pp. 1-12. See also Gordon, (2006), pp. 339-361.

<sup>97</sup> Ankersen, (2008), p. 1.

<sup>98</sup> A distinction is made here between armed forces that train for war (generally larger states) and those that primarily train for Peace Support Operations (typically smaller states). Their respective conceptual approaches to operating in post-conflict territories can be quite different.

<sup>99</sup> Interview No. 38. Former Swedish LMT officer, Dublin, March 2013. The officer observed that, in spite of the generally accepted position in literature that military actors cannot be neutral in intervention contexts, they tried to adhere to humanitarian principles where possible.

<sup>100</sup> This definition was formalised in AJP-9 but existed in NATO CIMIC policy documents from 2001.

That such diversity existed can be attributed to both the challenges faced, and the uncertainty and disagreement among military and civilian actors as to how best to address them. J. W. Rollins, drawing on research in Bosnia and Kosovo on NATO CIMIC, observed a further layer of complication when noting that the coordination of CIMIC activity across theatres was difficult, not just because of complicated relations with civilian agencies, but also because ‘full transparency’ had not been achieved in respect of the CIMIC activities conducted by NATO members outside of the NATO CIMIC framework.<sup>101</sup> This research has found that that division between NATO ‘theatre level CIMIC planning’ and various ‘national’ CIMIC policies remained a feature throughout the period. Rollins’s hope that the NATO policy document on CIMIC, AJP-9<sup>102</sup> would alleviate the issue was not fully realised in either Bosnia or Kosovo.<sup>103</sup>

Taking a broader perspective, Hugo Slim viewed the context within which these competing strands of CIMIC arose as being epitomised by tension around humanitarian roles and responsibilities and, in the particular case of the Balkans, the apparent encroachment by international military forces “directly in the traditional activities of humanitarian agencies...”. Slim suggested that the idea of a military encroachment raised questions concerning quality, competition and collaboration for humanitarian agencies.<sup>104</sup> Stuart Gordon contextualised that ‘encroachment’ by highlighting the ‘general rejection of an essentially linear model of crisis intervention and its implicit division of responses into essentially civilian and military phases’.<sup>105</sup> Gordon identified a range of factors driving the increased demand for civilian-military cooperation, including the rise of more ambitious political objectives, complex interventions, the convergence of human and state-centric concepts of security, and the rise of political economy approaches and multi-dimensional missions.<sup>106</sup>

Accepting this, it would appear that the pressure for more diverse and expansive military roles was predominantly coming from ‘civilian’ sources, with the military reacting to, rather than attempting (as was suggested by some) to set the agenda.<sup>107</sup> The existence of such pressures helps to explain why confusion and uncertainty were prominent features of engagement; complementing the argument developed by Raj Rana and others of ‘CIMIC at

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<sup>101</sup> Rollins, (2001), pp. 127-128.

<sup>102</sup> AJP-9 NATO Operational CIMIC, (2003).

<sup>103</sup> Rollins, (2001), pp. 127-128.

<sup>104</sup> Slim, (2001), p. 16.

<sup>105</sup> Gordon, (2006), p. 355.

<sup>106</sup> Ibid.

<sup>107</sup> Ibid. Gordon refers to Barry & Jeffreys, (2002).

random'.<sup>108</sup> For this thesis it also provides one explanation for how military actors came to adopt – intentionally or otherwise – conditional and rights-based approaches for CIMIC activity, regarding ethnic minority communities. Others also hint at this potential. For example, Slim's assertion that "professional agencies also feel it important to add the value of their expertise in any situation where the military are engaging directly in relief work to ensure a level of quality in both the process and product of military efforts"<sup>109</sup> suggests that as a civilian-military dynamic developed, civilian actors became more active in attempting to shape military activity. This is substantiated by the actions of groups such as Irish Aid or DFID, which came to directly advise the military in the conduct of 'CIMIC' activity related to ethnic minority communities (see Chapters 6 and 8).

That such interaction led to military engagement in the delivery of rights-based policies regarding ethnic minority issues remains to be fully explored. For example, Bernhard Voget's comprehensive analysis of German CIMIC activity in Kosovo captures many of the features of CIMIC understanding and activity during the period – from a recognition by the German military of the need to develop operational procedures in "close cooperation with other governmental institutions and civil-relief organisations", to the initial practice of CIMIC as a "multitude of uncoordinated actions".<sup>110</sup> Voget observes that the German military adopted a novel, but by no means unique, view of CIMIC as a means to force protection and as a force multiplier, due to its potential to generate good will with the domestic population "winning hearts and minds", and a preparedness to assume non-military roles where civil institutions and structures were deficient.<sup>111</sup>

Voget identifies a number of features of military activity stopping short of an examination of the normative basis of military projects. For example, he notes that coordination was important in instances where civil agencies required NATO to secure space to allow for resettlement projects; how German military practice evolved to allow for short-term CIMIC activities such as 'Quick Impact Projects'; and long-term projects that often involved infrastructural reconstruction, such as the renovation of a school;<sup>112</sup> that the tensions created by the various sources of funding for military CIMIC activity often placed them in competition with civilian NGOs; and how from 2001, German CIMIC efforts to

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<sup>108</sup> Rana, (2008), pp. 225-239.

<sup>109</sup> Slim, (2001), p. 16.

<sup>110</sup> Voget, (2008), p. 146.

<sup>111</sup> *Ibid.*, p. 159.

<sup>112</sup> *Ibid.*, p. 150.

reconstruct housing in Kosovo were motivated primarily by domestic pressure for Kosovan Albanian refugees in Germany to return home.<sup>113</sup>

His analysis of German CIMIC practice between May and December 2004 correlates with many of the findings identified in this research, including the rise of cooperation with local municipalities and government agencies, and various forms of joint funding approaches. However, even though he acknowledges a power asymmetry between domestic and international actors, citing Ignatieff's argument that "the essential paradox of nation-building is that temporary imperialism – empire lite – has become the necessary condition for democracy in countries torn apart by civil-war",<sup>114</sup> he does not consider the normative framework of these activities, and therefore the potential for conditionality and normative pressure to be linked to rights-based or other issues. In part therefore, and accepting the difficulties involved in conducting such research on post-conflict territories, this research is an attempt to address his call for a deeper exploration of the explanatory variables that account for civil-military practice in Kosovo and Bosnia.<sup>115</sup> It is also an attempt to redress the – at times – 'antagonistic and narrowly focused' narrative on military involvement in humanitarian and peace building affairs.<sup>116</sup>

### 2.34 International Governance, Defence and Security Reform, and Rights Diffusion

While not without precedence, the contemporary practice of international protectorates or administrations is seen as part of 'states attaching increased importance to human rights and humanitarian norms as matters of regional and international concern' – a new era of interventionism.<sup>117</sup> These themes have emerged in literature charting the experience of international administrations in the former Yugoslavia over the past fifteen years: once again questions arise concerning the legitimacy and credibility of interim structures, the intrusiveness and accountability of their authority, and their perception of an end-state.<sup>118</sup> Scholarly consideration of the relationship between international administrations and their military 'partners' have, in keeping with the trends identified above, tended to focus on the role of the military as a security guarantor.

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<sup>113</sup> This coincided with a significant increase in the budget available for CIMIC activities. Voget notes that the budget for May to December 2004 was €1,000,000, from both public and private donations.

<sup>114</sup> Ignatieff, (2003), p. vii.

<sup>115</sup> Voget, (2008), p. 163.

<sup>116</sup> Ankersen, (2008), p. 2.

<sup>117</sup> Mayall, (2007), pp. 1-31.

<sup>118</sup> Korhonen, (2001), pp. 495-529. Also Kostovicova, (2008), pp. 631-647; and Betts, et al., (2001), pp. 371-390. On questions of accountability and credibility, see Alexandros, (2001), pp. 31-48. Also Berdal & Caplan, (2004), pp. 1-6.

Taking Richard Caplan's categorisation of international engagement as existing along a spectrum with international supervision at one end, and governance at the other, both the OHR and UNMIK administrations can be considered to be at the governance end of the spectrum. In spite of the prominence of the issue – Gay McDougall, UN Independent Expert on Minority Rights, argued in 2006 that minority rights formed the core of the mandate for international administrations in Kosovo<sup>119</sup> – minority rights were but one of an array of issues international administrators had to address within the full spectrum of governance responsibilities.<sup>120</sup> The difficulties associated with this were manifest and persistent. Clive Baldwin's damning assessment of UNMIK's and KFOR's performance on minority rights, or David Chandler's more general criticism of the OHR in Bosnia, are just two of many such criticisms of international administration.<sup>121</sup>

Common themes to emerge in their respective assessments include: the lack of accountability of international and civilian actors; short-term approaches to policy development and delivery; a failure to learn the lessons from previous interventions; and in the case of the UN, a failure to progress its own policy on minority rights and draw on minority rights expertise from within its organisation. Though addressing Kosovo, Baldwin's observation of military structural deficiencies that saw five different armed brigades, each with its own territory, led by different countries and with very different policies for security and minorities, could equally be applied in Bosnia.<sup>122</sup>

In considering such 'failures', it should be acknowledged that international administrations were in part compromised by inexperience, the fragmented nature of the international civil-military presence, and as a consequence, "their responses were often highly improvised and sometimes ill-considered".<sup>123</sup> These pressures were further compounded by the weight of international and domestic expectation that was at once universal, impatient and at times unreasonable, given the capabilities and capacities at their disposal. From this context, two aspects of the roles of international administrations and their interaction with international military forces are identified as being of particular relevance for this research. First, the role of international administrations as agenda setters and shapers on rights issues; and second the related impact of elite-level interaction between the leadership of international administrations and their military counterparts.

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<sup>119</sup> McDougall, (2006). p 6.

<sup>120</sup> Caplan, (2001).

<sup>121</sup> Baldwin, (2006). Also Chandler, (2006), pp. 17-38.

<sup>122</sup> Baldwin, (2006), p.11.

<sup>123</sup> Caplan, (2005). p. 4.

It is evident from much of the scholarship on the function of international administrations on minority issues that the prioritisation of security limited the scope for the application of rights-based approaches. Both Katie Nobbs and Clive Baldwin argue that the ‘securitisation’ of minority issues led to outcomes characterised by segregation rather than integration, and policies towards minorities that were often “haphazard, confused, and rarely rights-based”.<sup>124</sup> As post-conflict domestic institutions developed, this dynamic was often compounded, or at least complicated, by domestic political practice that in both cases rarely moved beyond a segregationist discourse. For military forces primarily tasked with ensuring “a safe and secure environment” it is therefore unsurprising that a securitised narrative prevailed over others that existed.

Whether the application of rights-based approaches on minority issues – particularly in the early stages of intervention – would have been more successful is questionable. For example, Baldwin’s rights-based criticism that KFOR’s attempts to ‘control’ and in some cases ‘oppose’ returns, were “a serious violation of the rights of all persons to determine when they wished to access and return to their homes”, fails to consider the legitimacy of military concerns.<sup>125</sup> His expectation that the military should have intervened to “deal with the disturbances”, in order to allow for returns, greatly underestimates the nature of the threats posed and the operating restrictions on NATO personnel – their rules of engagement – that limited their ability to engage in the manner suggested. To put it another way, were KFOR to have intervened to effectively force returns in the situation described by Baldwin, the outcome could have been infinitely worse both for returnees and KFOR itself.<sup>126</sup>

However, while authors such as Chandler, Bose, King, Mason, Nobbs and Baldwin make a number of assumptions as to the quality of international intervention and administration, one feature that their research identifies, but that they do not fully explore, is the nature of interaction between international civilian and military actors. To various degrees, all recognised the fact that IFOR, SFOR, KFOR, and to a lesser extent EUFOR, were formally engaged with international administrations across a range of issues,

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<sup>124</sup> Baldwin, (2006), p. 12. Also Nobbs, (2008). pp. 276-288.

<sup>125</sup> Baldwin, (2006), pp. 14-16.

<sup>126</sup> *Ibid.*, p. 15. Baldwin’s suggestion that UNMIK and KFOR tolerated ethnic cleansing is both somewhat disingenuous and simplistic, given the pressures that they operated under, and the accepted complexities of post-conflict environments. His criticism of the “co-option” into power of former belligerents, however distasteful, has become an acknowledged feature of almost all interventions (and an issue SSR scholars in particular have sought to address); and indeed the failure to do so in Iraq was cited as one of the key failures of peacebuilding in that instance.



including those related to ethnic minority communities. For example, KFOR's presence on the Inter Agency Ad Hoc Task Force on Minorities, or the Joint Committee on the Return of Kosovo Serbs in Kosovo,<sup>127</sup> or SFOR and then IFOR's participation in the various commissions in Bosnia, including the Joint Civilian Commission established by Dayton, which afforded the commanders of SFOR and IFOR direct and frequent access to the High Representative. As Chapters 5 and 7 will demonstrate, military units did experiment with various options regarding ethnic minority issues, including the application of conditional incentives. Where their ideas came from in that regard is less clear, though the diffusion of ideas through these multi-level interactions on minority issues provides one source from which to chart how military ideas evolved during the period.

One area where international administrations cooperated more formally with their military colleagues was in post-conflict defence and security reform: the creation of a Bosnian Armed Forces from the three ethnically-defined armies that remained after conflict, and the transition in Kosovo from the KLA through the KPC to the KSF.<sup>128</sup> The conditional application of policy is implicit in much of the analysis of defence reform. Vetschera and Damian note that Bosnian participation in the OSCE's politico-military dimension and NATO's PfP were clearly established as bench marks by the international community from quite early in the post-conflict effort.<sup>129</sup> In acknowledging the partial success of defence reform, they caution that deficiencies in defence laws allowed for the "persistence of old, pre-democratic thinking in the entities... that was incompatible with basic human rights, fundamental freedoms and international humanitarian law", which in turn contributed to a situation whereby the OSCEs Code of Conduct remained unfulfilled, including the requirement for the armed forces to be politically neutral (the entities' forces were still 'ethnic' forces).<sup>130</sup> Their findings are reflected in reports such as the Bosnian Defence Reform Commission's report of 2003, which failed to acknowledge the ethnic dimensions of defence reform.<sup>131</sup> Consideration of why this happened, despite intensive international engagement with the issue, and clear options for the application of conditional incentives, will be explored in Chapters 5 and 7 below.

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<sup>127</sup> Ibid. Baldwin acknowledges the influence of the committee on some KFOR policies.

<sup>128</sup> Though not established as a military force, many of the feature associated with its creation are consistent with those found in defence reform processes.

<sup>129</sup> Vetschera & Damian, (2006), pp. 28-42.

<sup>130</sup> Ibid., pp. 28-42. The OSCE's Code of Conduct requires members to apply internationally-agreed principles of democracy and rule of law to their national security policies and doctrines.

<sup>131</sup> Locher III, *et al.*, (2003).

In Kosovo, the military role in SSR was broader than that seen in Bosnia, with a much more pronounced involvement in policing: joint KPS-KFOR patrols were a feature of daily life in Kosovo for almost a decade.<sup>132</sup> The options for conditional incentives in Kosovo were more complicated than Bosnia, and were most often linked to internal dynamics (as opposed to external ambitions such as PfP), including the transfer of authority from international to domestic institutions, or various other options within the wider framework of UNSCR 1244. SSR literature on Kosovo highlights similar themes to those identified in Bosnia, though there is a more widely articulated concern as to the credibility of international civilian and military actors in delivering reforms, and their relative failure to constitute “meaningful and accountable self-governance that risked turning the mantra ‘standards before status’ into self-entrapment”.<sup>133</sup>

One of the central premises of SSR is the necessity for establishing local ownership of the reform process. What is not immediately clear from the literature on the subject is whether this ownership is better achieved in a conditional or normative framework. David Law noted both the conditionality of the EU enlargement process and the norm-setting capacities of the OSCE and CE as being particularly useful for the delivery of SSR in areas of civilian oversight, policing, military and judicial institutions. SSR’s emphasis on interaction with domestic actors – at project level<sup>134</sup> – as a means of fostering accountability in transitional structures, allows for the cultivation of the legitimacy at sub-state levels.<sup>135</sup> In this way it has the potential to address domestic questioning of the credibility and legitimacy of international institutions actions, thereby empowering international actors, including the military. It also offers an alternative perspective from which to explain security-related aspects of the normative basis for engagement, and how they relate to military effectiveness.<sup>136</sup>

Critics of the concept have argued that the holistic approach of SSR has struggled to replace established practices of ‘institutional engineering’.<sup>137</sup> While this is a valid assessment, it is somewhat impatient, as the physical application of SSR has only really gathered purchase with international institutions in the past ten years. Nonetheless, insofar

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<sup>132</sup> A personal observation of the author.

<sup>133</sup> Heinemann-Grüder & Grebenschikov, (2006), p. 57.

<sup>134</sup> Wulf, (2004).

<sup>135</sup> Law, (2007b). pp.166-167. Also Edmunds, (2003), pp. 139-144.

<sup>136</sup> Law, (2007a), p. 110. Law identifies a number of indicators of effectiveness, including de-ethnicization (addressing the unwillingness of minorities to participate in emerging structures) and local ownership (in Bosnia and Kosovo “there is local ownership, but of a kind that tends to perpetuate division along ethnic lines”).

<sup>137</sup> Smith, (2001), pp. 5-20.

as it attempts to bridge the gap between military intervention and the sustainable establishment of the rule of law, SSR provides a useful framework for understanding military activities in Kosovo and Bosnia, even if it was not fully understood at the time, and the formal application of SSR programmes did not emerge until the latter parts of the periods analysed.<sup>138</sup> Timothy Edmunds highlights its potential relevance for this research when noting that:

Its [SSR] linkage with issues of political and economic transformation – and the willingness of ‘donor’ governments to apply political and economic conditionality in its promotion – means that at its widest it can amount to an intrusive, transformative and explicitly normative programme ... For this reason, the security sector reform agenda is of great significance to the current redefinition of military roles in Europe.<sup>139</sup>

While SSR literature and practice goes further than either institutionalist, development or even some military specific scholarship on the utility of military forces, it has tended to focus on the importance of multi-actor cohesion and the mutual recognition of civilian and military roles in building sustainable governance and security structures. Broadly, it adheres to the predominant argument in development literature that civilian and military activities should be separate albeit with an enhanced awareness of how they impact on each other and on domestic populations. Therefore, the findings presented regarding a military role in delivering rights-based policy will add depth to that literature.

## *2.4 Conditionality, Norms and Compliance in Post-conflict Contexts*

### 2.41 Conditionality: Concepts and Impact

As noted above, this research identifies military application of conditionality linked to humanitarian aid, finance, technical support measures, enlargement and transfers of power. The potential of such engagement is not considered in literature on international institutions which is theoretically defined by the dialectic between rationalist and constructivist institutional theory; practically defined by the effectiveness of conditional incentives *vis a vis* compliance, or change resulting from the socialisation of norms. However, in seeking to “build on mutual theoretical concessions that constructivists and

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<sup>138</sup> Stromseth *et al.*, (2006), p. 220.

<sup>139</sup> Edmunds, (2006), pp. 1064-1065.

rationalists have recently hinted at, but have not fully developed”,<sup>140</sup> it is worth noting that rationalist arguments – that emphasise the use of positive and negative incentives in a bargaining process between institutions and third parties where outcomes reflect decision-making processes that balance the costs and benefits of compliance – correlate with much of the military activity analysed in the case studies.<sup>141</sup> The contrasting constructivist arguments that emphasise the socialisation of third states, notably their elites, and the associated impact on domestic behaviour and identity, also have purchase here. Two recent developments in this literature are worth highlighting: the move towards addressing questions of effectiveness and compliance, and the emergence of inclusive scholarship that seeks to move beyond the polarised debates that existed heretofore.<sup>142</sup>

Other academics have presented the view that insofar as the act of humanitarian intervention delivered institutional presence – military and civilian – direct to post-conflict societies, it altered the normative basis for their engagement through increased opportunities for socialisation and persuasion.<sup>143</sup> As the case studies demonstrate, international military forces were not impervious to the norms articulated regarding ethnic minority issues in Bosnia and Kosovo. Furthermore, for much of the period analysed they were at the forefront of multi-level engagement with the domestic populations.

#### 2.42 Development and Membership Conditionality

Mirroring the narrative identified above, scholarship on development conditionality has generally not explored the potential for military involvement. For example, James K. Boyce’s examination of ‘peace conditionality’ – formal performance criteria or informal policy dialogue that makes aid conditional on efforts by recipients to implement peace accords and consolidate the peace –<sup>144</sup> identified peacekeeping as a military contribution without seeking to investigate the nuances of military activity.<sup>145</sup> While Boyce chose not to explore the military role, his findings do point to the potential for military application of ‘peace conditionality’. On one level, his observation that once a peace agreement is

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<sup>140</sup> Kelley, (2004), pp.8-9. Kelley summarised the advantages of her approach as allowing for the inclusion of norms-based methods, facilitating the “goal of actors...to change policy” and therefore allowing for a “measure of success”, and enabling “the simultaneous study of different institutional mechanisms without the either/or rhetoric of rationalists and constructivists”.

<sup>141</sup> Keohane, *et al.*, (1993).

<sup>142</sup> Schimmelfennig & Sedelmeier, (2005), p. 6. Also Kelley, (2004), pp.8-9.

<sup>143</sup> Patrick, (2001).

<sup>144</sup> Boyce, (2002a) pp. 61-72.

<sup>145</sup> *Ibid.*

established, space can be created for “mini-bargains, whereby specific types of aid are tied to specific steps to build peace”, co-relates with military activity at local/municipal levels identified in this research. Boyce’s findings also allow for the linkage of this activity to “key issues such as protecting human rights” or “as in Bosnia [...] ensuring that displaced people are free to return to their homes and that they secure equitable access to employment, schools, housing, and personal safety”.<sup>146</sup>

Though not primarily concerned with conditionality, scholarship on state and nation-building identifies alternative factors that affect the influence of international actors.<sup>147</sup> The predominant trend of scholarship suggests that international administration was generally improvised and ill-considered; neatly surmised by Simon Chesterman, in the opening line to his analysis of Kosovo: “Two presidents, a presidency, a prime minister, and an assembly, but not a country?”<sup>148</sup> One interesting exception is the work of Alex Jeffery in Brčko, where intensive intervention – including the application of conditionality – by international organisations produced notable results in terms of ethnic minority returns and participation in local institutions.<sup>149</sup> While Jeffery does not consider the military role, his research demonstrates that the types of policy delivery identified as being utilised by the military in this research could be effective on ethnic minority and other issues:

As long as enlargement continues, the issue of minority protection will remain on the EU’s agenda through the regular monitoring of candidate countries.<sup>150</sup>

If reluctance summed up NATO, and particularly EU engagement with the CEECs, then their early efforts to forestall the emerging territories of the former Yugoslavia – the extension of formal recognition and attempts to mediate the conflict – were incoherent, bordering on reckless.<sup>151</sup> James Mayall highlights “the failure of the then European Community (EC) to accompany its recognition of Croatia and Bosnia-Herzegovina with credible conditions that would have reassured the minorities and deterred the various groups of Serbs from pressing their claim for a united Serbia.”<sup>152</sup> Its relevance here is that it fostered a legacy of suspicion and distrust among domestic actors in their dealings with

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<sup>146</sup> Boyce, (2002b), pp. 73-76.

<sup>147</sup> Von Hippel, (2000), pp. 95-112.

<sup>148</sup> Chesterman, (2001), p.1.

<sup>149</sup> Jeffrey, (2006), pp. 203-227.

<sup>150</sup> Sasse & Thielemann, (2005), pp. 661.

<sup>151</sup> Caplan, (2005).

<sup>152</sup> Mayall (1996), p.13.

international civil-military organisations that tempered their enthusiasm for membership and, by association, their receptiveness to incentives and norms.

Despite these concerns, the process of enlargement has become the overarching approach to the region. All the states of the region, including Kosovo, have been given assurances as to their membership of the European Union, if not NATO.<sup>153</sup> Yet surprisingly little scholarship has sought to investigate the application of membership incentives or the transfer of norms to these territories.<sup>154</sup> The early literature on the enlargement of the EU and NATO was understandably centripetal in its focus. Given the scale, uncertainty and novelty surrounding enlargement to CEEC, academics and institutions alike prioritised the examination of issues concerning security, and the institutional challenge of accommodating ten and more new members.<sup>155</sup> As the process of enlargement progressed, attention shifted to questions of compliance and the effectiveness of conditional incentives and norm adoption. More recently, in the case of the EU, there has been the application of theoretical approaches, such as Europeanization, to investigate the domestic impact of the enlargement process in pre- and post-candidate countries, including examinations of [EU] ‘internal’ preferences and processes for dealing with ‘problem-ridden countries’.<sup>156</sup>

The subset of literature on membership conditionality is mostly CEEC-centric<sup>157</sup> and focused on the application of the EU’s *acquis communautaire* or NATO’s application of democratic conditionality.<sup>158</sup> That such policies were generally not relevant in post-conflict SEE helps to explain why the consideration of the application of conditionality and compliance in Kosovo and Bosnia has, for the most part, failed to materialise. Rather, as Gergana Noutcheva has noted, the emphasis of research on post-conflict SEE is on domestic resistance to the presence of protectorates and semi-protectorates and aggravation at the encroachment of their sovereignty and statehood structures.<sup>159</sup> However, recent

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<sup>153</sup> Thessaloniki Declaration, (2003), [http://europa.eu/rapid/press-release\\_PRES-03-163\\_en.htm](http://europa.eu/rapid/press-release_PRES-03-163_en.htm). Viewed 22 May 2014.

<sup>154</sup> One recent exception is Economides & Ker-Lindsay, (2015), pp. 1027-1044. Their argument (considered here) regarding rationally instrumental “pre-Accession Europeanization”, rather than processes of adaptive normative Europeanization, captures some of the conceptual basis explaining the impact of military activity on rights-based issues.

<sup>155</sup> Smith, K. E., (2005), pp. 299-323. On NATO, Asmus & Nurick, (1996), pp.121-142; and Asmus, *et al.*, (1996), pp.5-26.

<sup>156</sup> Brusis, (2000), p. 281. On SEE and the EU’s Neighbourhood Policy, see Smith, K. E., (2005), pp. 757-773. On ‘internal’ issues, see Fierke & Wiener, (1999), pp. 721-742. Also, Schimmelfennig & Sedelmeier, (2005); and Grabbe, (2005).

<sup>157</sup> Smith, K. E. (2005), pp. 299-323; and Schimmelfennig, (2007) pp. 126-141.

<sup>158</sup> Rupnik, (2000), pp. 115-129.

<sup>159</sup> Noutcheva, (2006).

exceptions such as George Vasilev's work on Bosnia, point to a growing interest. Vasilev presents a convincing argument that the application of conditionality is particularly challenging in Bosnia, as domestic institutions were not just challenged with adopting EU standards, but also with concurrently developing "procedural standards".<sup>160</sup>

The potential role of the military in this effort was identified but not developed by Celeste Wallander, who observed that the role NATO came to play in the region afforded considerable advantages to the other institutions (particularly the EU and UN) in terms of 'reduced transaction costs and increased access to information; combining to create the incentives to conform to international standards necessary for multilateral action'.<sup>161</sup> In spite of this, and the "high rhetorical prominence" given by all institutions to the minority issues in general, it remains surprising that the linkage of conditionality to ethnic minority issues has generally not been considered. Accordingly, this research seeks to complement existing literature, "to test established findings in a new context and check some new variables".<sup>162</sup>

#### 2.43 Projecting Norms on Ethnic Minority Issues

While the EU recognised that the 'minority issue' on its border was too significant to ignore, it was equally unwilling to address the issue formally within its own borders, "a case of the EU setting conditions for outsiders which it could not set internally".<sup>163</sup> Sjørnsen and Smith suggest that stimulated by the conflict in the former Yugoslavia, the inclusion of a minority standard in the Copenhagen criteria can be interpreted as representative of both a logic of consequences to counter "the danger of importing ethnic conflict into the Union", and reflective of "a logic of moral justification, or reference to more universal principles motivating individuals."<sup>164</sup>

That neither the EU nor NATO has a formal position on minority rights raises questions concerning the feasibility, legitimacy and credibility of norms, particularly in territories exhibiting prominent ethno-nationalism. This inability to 'successfully demonstrate the norms they project in practice'<sup>165</sup> exposed their efforts to criticism and resistance. Yet, even when conditions are more favourable, such as in CEEC, Schimmelfennig found that with "the presence of positive identity, high legitimacy, and at

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<sup>160</sup> Vasilev, (2011), p. 52.

<sup>161</sup> Wallander, (2000), p. 709.

<sup>162</sup> Schimmelfennig & Sedelmeier, (2005), p. 5.

<sup>163</sup> Sjørnsen & Smith, (2004), p. 134.

<sup>164</sup> Ibid.

<sup>165</sup> Björkdahl, (2007), p. 169.

least neutral resonance, compliance did not follow.”<sup>166</sup> How the substantial civil-military presence in post-conflict territories alters that dynamic is one of the areas this research seeks to uncover. In taking this approach, parallels can be drawn with the research of Bruce Cronin on the OSCE. While Cronin arguably overstates the OSCE’s influence on minority rights issues in Eastern Europe, his argument is worthy in that it clearly demonstrates the potential of socialisation approaches to achieve compliance, albeit in a less complicated context than post-conflict SEE.<sup>167</sup> In considering such findings, this research considers the role of the military as a norm promoter and the extent to which that role contributed to its successes and failures regarding policies related to ethnic minority issues.

#### 2.44 Compliance

Acknowledging that the accession standards of NATO and the EU regarding respect for minorities were relatively modest, Will Kymlicka, identified domestic factors as the key obstacles to compliance: the persistence of minority nationalism and the securitization of ethnic politics.<sup>168</sup> Others have pointed to the rise of enlargement fatigue (or waiting for enlargement fatigue) and confusion over the respective roles of international actors; the unsuitability of means such as the *acquis*, and the persistence of nationalist themes in political discourse.<sup>169</sup>

Much of the research conducted on political elites in the Balkans has emphasised their application of nationalistic politics for the consolidation of local power, and their general reluctance to change in the face of external pressure, particularly on issues concerning ethnic minorities.<sup>170</sup> While some scholars have identified the emergence of new elite groups in the Western Balkans, ‘euro elites’<sup>171</sup> the general consensus of the literature that focuses on the post-conflict territories is one of continued intransigence and reluctance to change.<sup>172</sup> In CEEC, Kelley found that strong participation of minorities in national parliaments generally resulted in low domestic opposition to compliance with ethnic policies and vice versa. What does not emerge so clearly in her research is the potential of

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<sup>166</sup> Schimmelfennig, (2005), p.18.

<sup>167</sup> Cronin, (2002), pp. 132-163.

<sup>168</sup> Kymlicka, (2002), pp. 1-6.

<sup>169</sup> On enlargement fatigue: Dannreuther, (2006), pp. 183-201. On the tension between the external roles of the Council and Commission: Rosamond, (2000), p.175. On the transformational capability of the *acquis*: Mungiu-Pippidi, (2003), pp. 83-90.

<sup>170</sup> Ágh, (1999), pp. 263-279.

<sup>171</sup> Sampson, (2002), pp. 297-316.

<sup>172</sup> Kostovicova & Bojičić-Dželilović, (2006), pp. 223-241.



opposition to emerge from within ethnic minority groups themselves.<sup>173</sup> This is significant for the present study, in that it would appear, particularly with the Serbian minority population of Mitrovica, Kosovo, that minorities cannot be discounted as sources of opposition. Of further relevance, Caspersen's examination of the Serbian minority in Croatia both before and after the war noted that internal division and personal rivalry played an important role in the position of the Krajina Serbs during the war, fuelling intransigence and resulting in deadlock when important decisions were needed.<sup>174</sup> Similarly, this research should add to Kymlicka's and Malloy's examinations of kin-state impact, noting that the kin-state dimension can work a number of ways, and need not always be an obstructive influence.<sup>175</sup>

In considering the nature of the outcomes resulting from such intensive engagement – where compliant policy behaviour and implementation occurred – March and Olsen's idea of a logic of consequences and a logic of appropriateness help to explain the quality and motives for compliance.<sup>176</sup> Yet, academics have been reluctant to take this line of research to SEE in general: avoiding the post-conflict territories of the former Yugoslavia.<sup>177</sup> It would appear that the one of the reasons for this was that insufficient time had passed since the cessation of conflict in the Western Balkans for research of this nature to have purchase. The 'time' factor is emphasised by March and Olsen (in their follow-on research), but it is clear that in terms of the nature of interaction between institutions and domestic actors in post-conflict Western Balkans, "the long tenure of international presence, frequent interaction and shared experiences and information; the gradual emergence of shared accounts and institutionalized memories; and crucially that in all cases political environments are fairly stable", it is not overly ambitious to seek to extend this kind of analysis – in a limited application – to Kosovo and Bosnia over 15 and 20 years since their respective conflicts ended.<sup>178</sup>

### *2.5 Minority Rights: Theory and Practice in International Intervention*

Many of the debates that are referenced in this work have their roots in scholarship on the role of the UN. When the energies of the continent were contained by the Cold War

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<sup>173</sup> Kelley, (2004).

<sup>174</sup> Caspersen, (2003), pp. 1-28.

<sup>175</sup> Kymlicka, (2008), pp. 11-41; and Malloy, (2008), pp. 54-94.

<sup>176</sup> March & Olsen, (1989).

<sup>177</sup> Two notable exceptions in this regard are Freyburg & Richter, (2010), pp. 263-281; Noutcheva, (2009), pp. 1065-1084.

<sup>178</sup> March & Olsen, (2004), p. 22.

balance of power,<sup>179</sup> what post-conflict intervention existed was either provided through bilateral engagements or assigned to the UN, which was itself the second coming of the first major institutional attempt to promote world peace; the League of Nations.

Throughout the 1920s and 1930s, the League of Nations attempted to address ethnic disputes through the application of a minority protection system (MPS) of “detailed procedures, based on the principles of reciprocity and subsidiarity”.<sup>180</sup> Some disputes with a definite ethnic narrative such as the Åland Islands dispute between Sweden and Finland were successfully resolved. However, others, such as the dispute between Poland and Germany over the German minority of Upper Silesia, dragged on – despite partial successes – largely unresolved, as the principal allied powers “rejected the protests of the small powers [...] Fearing a political mobilisation of their own, mostly ignored minorities...”<sup>181</sup> That the MPS approach did not carry through to the early efforts of a UN that preferred “a greater focus on individual rights”<sup>182</sup> is reflective of both a loss of faith among the principal powers in the feasibility of the concept of minority protection and the ability of the system to deliver sustainable or satisfactory settlements, and a renewed belief in the 1940s that ‘population transfers’ were more effective in dealing with minority questions.<sup>183</sup> This shift is reflected in the post-cold war behaviour of the UN, most notably in its initial approach to international administration and peacekeeping missions that prioritised separation of warring parties without notable attempts to proactively engage communities or issues that are more apparent today.<sup>184</sup>

For the territories analysed, the progress of minority rights and the nature of international governance were inseparable, with both the OHR and UNMIK, rhetorically at least, placing harmony and cooperation between the different ethnic groups at the top of their agendas. Unsurprisingly, the potential of military contributions is not considered in literature on minority rights, including works that focus on conflict affected territories. However, an understanding of minority rights theory and practice helps explain certain aspects of military behaviour identified in this research, while also framing a consideration of the potential of military actors in certain circumstances. Three debates prominent in literature on minority rights stand out in this regard: communitarianism versus

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<sup>179</sup> Davies, (1997). p. 39.

<sup>180</sup> Von Frenzt, (1999), p. 224.

<sup>181</sup> Ibid., p.85.

<sup>182</sup> Ramaga, (1993), p. 586.

<sup>183</sup> Kaufmann, (1998), pp. 120-156.

<sup>184</sup> Wolfrum, (2005), pp. 649-696.

individualism; multi-ethnic power-sharing arrangements; and security versus empowerment.

The apparent intractability of the individualist-communitarian divide within the EU – between prioritising the rights of the individual and the rule of law as opposed to seeking to protect and accommodate differing ethnic communities, often by affording them special rights and protection<sup>185</sup> – appears to dissipate somewhat in post-conflict intervention. In part this can be explained by another division – that between consociationalist and integrationist approaches to power-sharing. The principle assumption underlying power-sharing theory is the belief that appropriate political engineering can help construct a democratic political system capable of withstanding the centrifugal tendencies that tear deeply divided societies apart.<sup>186</sup> Consociationalists argue that conflict settlements need to recognise the reality of ethnic division through provision for ethnic self-governance, including grand coalitions, proportional representation, segmental (territorial or non-territorial) autonomy, and veto rights. Integrationists argue for more inclusive approaches that attempt to temper ethnic division through “incentives to elites to moderate their stances and offer political platforms that have broad appeal beyond one’s own ethnic group”.<sup>187</sup>

The relevance of this for military activity is threefold: first the division between individualists and communitarians, particularly in Europe, fragmented the sources of policy guidance on minority issues for all actors, including the military. While the OSCE and CE attempted to provide clarity,<sup>188</sup> the cases studies reveal that they were two of many sources that military commanders considered when addressing ethnic minority issues. While this imparted a certain freedom to the military to follow their own path, it also resulted in a variety of outcomes, intended and unintended. Second, though consociationalists and integrationists both viewed the military as essentially a guarantor of security, the impact of their ideas on the nature of power-sharing arrangements devised for Bosnia and Kosovo pushed military commanders and their troops into situations where they applied either segregationist or incentivised means, often associated with engagement with minority participation issues. Third, as power-sharing structures formalise the basis for ethnic minority representation in a territory, they alter the means of domestic policy

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<sup>185</sup> Jackson Preece, (2005).

<sup>186</sup> Sisk, (1996).

<sup>187</sup> Weller & Wolff, (2006), pp. 1-13. Also Bieber & Keil, (2009), pp. 337-360. Also Lijphart, (2004), pp. 96-109.

<sup>188</sup> Ágh, (1996), pp. 160-189. Gal, (2000), pp. 1-18.

making and political interaction, impacting on the effectiveness of international approaches and the nature of compliance.<sup>189</sup>

Regarding the impact of these approaches, Clive Baldwin argues that a failure to progress minority rights in Kosovo is attributable to an internationally imposed mind-set of segregation, compounded by short-term politics and a lack of clear and accountable governance, reflected in a lack of any real protection of human rights and weak civil society.<sup>190</sup> Complementing this view, Katherine Nobbs suggests that a securitised approach to minority issues is problematic, actively exacerbating the very tensions they seek to resolve through negative discourse of ‘problems to be fixed’ and ‘threats to be monitored’ arguing instead for an alternative emphasis on the development and enhancement of legal foundations for the protection of minority rights and ultimately in a move towards ‘more inclusive laws of diversity’.<sup>191</sup>

However, it is difficult to escape the fact that the issues examined here are intrinsically linked to armed ethnic conflict, and thereby in a much more implicit way to questions of security: put simply, minority families displaced by conflict are reluctant to return because they do not feel it is safe to do so. However, the emergence of a security versus empowerment debate in respect of international intervention in the Western Balkans does suggest a certain progress on ethnic issues in the region. While there is considerable merit in the position of Marc Weller, that “considering minority issues as security problems stigmatizes minorities or states facing difficult ethnic issues”<sup>192</sup>, it would be (arguably) extremely difficult for any organisation examined in this work to decouple minority issues for special treatment in a post-conflict context that present a myriad of ‘live security problems’. Arguably Gwendolyn Sasse strikes an appropriate balance with her idea of a “security – rights nexus”, intended “to break through the either/or approaches characterizing the formulation and interpretation of policies and norms.”<sup>193</sup> Accordingly the findings of this research should add to this debate by indicating potential transition points in a post-conflict setting between security and empowerment priorities and therein the influence of the military actors.

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<sup>189</sup> Hettne, (2003), pp. 149-166.

<sup>190</sup> Baldwin, (2006).

<sup>191</sup> Nobbs, (2008), pp. 276-288.

<sup>192</sup> Weller, (2008), p.3.

<sup>193</sup> Sasse, (2005). pp. 673-93.

## 2.51 Ethnic Minority Issues: Returns and Participation

If the debates informing policy on ethnic minority issues shaped military engagement in a number of ways, specific engagement with returns and participation introduced further complicating factors: the appropriateness of military engagement; minority interpretations of their situations, the politicisation of returns, and participation and opportunities for ad hoc interaction.

Identifying physical, material and legal safety as the requirement for returns in Kosovo and Bosnia, Englbrecht observed that facilitating voluntary return in safety and dignity was given paramount importance by the international institutions and agencies operating in the region.<sup>194</sup> For most, the military role in supporting that endeavour was to provide a secure space to allow returns to proceed. However, Joanna Harvey notes that a large security presence did not necessarily equate with enhanced security in the eye of returnees, and can, of itself, be a deterrent to returns.<sup>195</sup> Black and Gent expand on this to suggest that returnees' experiences before the war, their circumstances of exile, and circumstances of return, can all impact on a returns process, noting that in both Bosnia and Kosovo, returnees themselves took "a staged" approach to decision-making, based on one or more of these issues.<sup>196</sup> Their findings correspond with Dahlman and Ó Tuathail's view that an uneven geography of returns created a new geopolitical landscape, where optimal outcomes are highly unlikely.<sup>197</sup> In both cases, that dynamic was exacerbated by the almost bewildering "web of obstacles" that majority populations can develop to hinder both returns and related property processes:<sup>198</sup> obstructive bureaucracy, incomplete citizenship, partisan property laws and the conscious manipulation (strategic blocking) of demographic circumstances to achieve a particular ethnic result in a given territory.<sup>199</sup>

This politicisation of ethnic minority issues is most evident in analysis of minority access to property rights. Rhodri Williams and Anneke Rachel Smit identified two key points of relevance for this research: the growing preference for rule of law-based approaches to addressing post-conflict property issues, and the potential impact the military can have through the provision of security, the collection of information, and support for property reconstruction. In researching issues of property restitution William's

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<sup>194</sup> Englbrecht, (2004), pp. 100-148.

<sup>195</sup> Harvey, (2006), pp.89-114.

<sup>196</sup> Black & Gent, (2006), p. 32.

<sup>197</sup> Dahlman & Ó Tuathail, (2005), p. 658.

<sup>198</sup> Englbrecht, (2004), p. 137.

<sup>199</sup> Stubbs, (1996a). Also Harvey, (2006), pp.89-114.

notes a dynamic of property transactions in Bosnia where displaced ‘minorities’ chose to resettle in areas other than their original place of origin. He therefore presents the argument that this ‘element of choice’ [to settle elsewhere] married to the promotion of the rule of law as applicable to the individual, was central to the concept of returns devised for Bosnia and that its ‘success’ was hinged on the availability of international commitment and resources.<sup>200</sup> Recognising ‘partial success’, Dahlman and Ó Tuathail arrive at a different hypothesis: that it reflects the imposition of a legal system by the international community that allowed power to be “tilted from localized ethno nationalists to localized internationals”, thereby creating the space for ethnically cleansed Bosnian places to see more and more minority returns.<sup>201</sup> Success is further qualified by the simple fact observed by Bogdan Ivanisevic, that some ‘returnees’ simply do not wish to return.<sup>202</sup>

The consideration of minority participation in post-conflict governance structures incorporates the interrelated strands of power-sharing, peacebuilding (notably SSR) and ad hoc interactions between communities and international actors. Making the case for the importance of minority participation, Florian Bieber, argues:

First, other rights and the prevention of discrimination of minorities cannot be effectively ensured, unless the minority itself is actively partaking in the political decision making processes which govern the protection of minority rights. [...]. Secondly, minorities run the risk of being excluded from the political system without special protective measures. Especially in countries with mobilized ethnic nationalism, majorities (and minorities) have been unlikely to vote for parties or candidates of other nations or ethnic groups.<sup>203</sup>

The challenge associated with progressing participation is significant. In 2004, Carrie Manning presented a grim assessment of Bosnia where, in spite of the exceptional control – “power of institutional engineering” – exercised by institutions such as the OHR and OSCE, “nothing, not even direct intervention, has brought about the eclipse of the wartime nationalist parties in favour of more moderate alternatives in post-war Bosnia and Herzegovina.”<sup>204</sup> An ethnic bias in public policy processes is observed throughout the periods examined.<sup>205</sup> In 2004, Florian Bieber noted that the nature of international intervention that prioritised “the restoration of ethnic diversity” meant that there was

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<sup>200</sup> Williams, (2006). p.40.

<sup>201</sup> Dahlman & Ó Tuathail, (2005), p. 644.

<sup>202</sup> Ivanisevic, (2004), pp. 351-375.

<sup>203</sup> Bieber, (2002). p. 1.

<sup>204</sup> Manning, (2004), p.82.

<sup>205</sup> Kovacs, (2002).

effectively only one “policy option available to designers of post-conflict institutions in the Balkans.”<sup>206</sup> Five years later, he observed that the limitations of that approach were all too apparent, as the power-sharing systems – in particular the rigid institutions in place in Bosnia – were considered to be holding back prospects for EU and NATO integration.<sup>207</sup>

In areas associated with SSR, outcomes are more diverse. For example, Vetschera and Damian’s examination of Bosnian security architecture post-Dayton noted that, though:

the international community accepted the military division as a fact they nevertheless, even in the very early stages, made efforts to surmount that division to enable Bosnia to take on as many of the trappings of a ‘normal’ state as possible, so that it would be able to participate in all joint military undertakings, such as the OSCE’s politico-military dimension or the NATO PFP programme.<sup>208</sup>

They do not discuss the implications of this for international military forces, but it is clear that for those involved in defence reform and capacity building, it created the space for multi-level engagement, the extent of which will be considered in the case studies.

SSR endeavours in Kosovo were more diverse again with military involvement in policing and security reform. KFOR worked closely with UNMIK and the OSCE to make “multi-ethnic policing on the local level [...] one of the successes of UNMIK’s mission, particularly if compared to the overwhelming ethnic segregation in most other sectors of Kosovar society.”<sup>209</sup> But this success must be contextualised by the fact that the KPS operated within a rigid international framework, which meant that the multi-ethnic structure was compartmentalised and carefully monitored by the OSCE, NATO (joint patrols) and UNMIK-P. When this structure was tested, as it was during the riots of 2004, aspects of it were found wanting, reflected in the refusal of Kosovo Serbian KPS members to return to work in certain areas.

Finally, through their role as a guarantor of security and their engagement with returns and participation (including SSR tasks) as described above, military personnel were imbedded in a post-conflict dynamic of daily interaction with domestic actors on ethnic minority issues. While the interaction between civilian and military actors is acknowledged across the literature outlined above, the substance and relevance of both formal and

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<sup>206</sup> Bieber, (2004), p. 231.

<sup>207</sup> Bieber & Keil, (2009), 337-360.

<sup>208</sup> Vetschera & Damian, (2006), p. 30.

<sup>209</sup> Heinemann-Grüder & Grebenschikov, (2006), p. 51. Of the 29 classes that graduated between 1999 and 2004, 84% were of Albanian origin, 10% Serbian, and 6% of other extraction.

particular informal ad hoc interactions is under researched. To this end, the examination of CIMIC, liaison and key leader engagement by military personnel in Kosovo and Bosnia should add considerably to our understanding of the factors that influence successful and unsuccessful outcomes on ethnic minority issues.

## *2.6 Conclusions: Consideration of the Military Role on Ethnic Minority Issues*

Broadly, three areas are identified to which this research can add depth and perspective regarding the military role. First, by enhancing understanding of the roles and potential of military actors in post-conflict intervention. Second, by examining the potential for military actors to apply conditional incentives and normative pressures on policies related to ethnic minority issues. And third to challenge prevailing themes in minority rights literature as to how minority rights policy can and should be delivered.

In considering the relative success or failure of the military effort, it is clear that disagreement on the legality/justification of intervention undermines the credibility of military action, including exposing their actions on rights-based issues. Disagreement on intervention is compounded by the weak or uncertain positions held on minority rights by key international organisations such as the EU and NATO. At the local ‘field’ level there is potential for credibility to be further eroded through inconsistent and disjointed practices by a multitude of civil-military actors. Conversely, while these factors served to undermine the credibility of actors, the domestic political environment and international prominence of rhetoric on ethnic minority issues meant that avoiding engagement with issues was not an option. Therefore, while military engagement with ethnic issues was contestable from a number of perspectives, the pressures requiring engagement insured that the military retained a role.

Analysis of relevant literature reveals that military and civilian actors adapted to the operating environment through experimentation with both the concept of security and limits of engagement. It is clear that the military engagement in humanitarian activity pushed the boundaries of appropriateness and legitimacy at that time. However, with the exception of research on the military role in defence reform – which accommodates the potential for the military to apply conditional incentives, including those related to membership of international organisations or their pre-accession instruments – scholarship generally stops short of examining military influencing on rights-based issues.

Research specific to rights-based approaches mirrors that on humanitarianism, in that there are competing calls for the military to do more, or for their role to be carefully



restricted. That dichotomy is reflected in a disconnect between policy ambition and implementation strategies; a blurred relationship between international organisations, international administrations, military and civilian actors characterised by improvisation, inexperience and fragmentation. This context helps to explain why the military in certain cases applied rights-based logic to ethnic minority issues in isolation, with both positive and negative outcomes (See Chapters 6 and 8).

The character of that interaction evolved within the frameworks of CIMIC, SSR and multi-level interaction. In keeping with the themes of experimentation and competition identified in much of the literature, these frameworks afforded military actors increased opportunities for the socialisation of norms and the formal and informal application of conditional incentives. Though some research in these areas considers the interface of military means with mostly human rights agendas, the specific examination of military influence on ethnic minorities has for the most part not been examined.

Similarly, literature on conditionality and norm diffusion has not countenanced military influence beyond the security of operating space. For literature on conditionality linked to development aid there are principled arguments as to why the military should not be involved. In discussions on enlargement conditionality, that the military might have a role was generally not considered. In considering how a military role could develop, it is clear that Kosovo and Bosnia (and Croatia) provided a novel situation, whereby enlargement conditionality and aid conditionality could be applied simultaneously in a post-conflict context. Therefore, given the prominence of the military role in post-conflict intervention, that opportunities arose for the military to engage in the application of conditional incentives was always going to be higher, if not probable.

Minority rights scholars' concern over securitised approaches and the merits of segregationist, power-sharing and consociational arrangements afford little space for consideration of a military role beyond the maintenance of a generally safe and secure environment. While this research does not argue that they should co-opt the military as policy agents – there would undoubtedly be concerns regarding the legitimacy of the military role similar to those raised in respect of humanitarianism – it demonstrates that they potentially could. The uniqueness of these factors substantiates the merits of examining the military role in delivering policy on ethnic minority issues.

## Chapter 3

### Mapping a Moving landscape: External Influences and Policy Development

In explaining the factors that motivated and shaped international military and civilian engagement with ethnic minority issues, two spheres of external pressure are considered: the convergence of pressure for action in general – the demand that ‘something must be done’ to end conflict – and the pressure for specific action on the ethnic dimension of conflict. This chapter explores the developmental features and convergence of these ‘pressures to act’, and how they influenced the treaty documents and mandates that established the terms for the cessation of conflict, thereby informing civil-military activities in post-conflict Bosnia and Kosovo.

#### 3.1 “*Something Must be Done*”: *Experimentation, Exposure and Personalities*

The almost universal demand for ‘something to be done’ in Bosnia, and later Kosovo, stimulated a zeitgeist of international experimentation, centred on international organisations, and sustained by almost constant exposure to media coverage of the respective conflicts. Within that dynamic, the engagement of those international organisations with their domestic interlocutors was marked by the complex interaction of personalities at mostly elite levels. The outcomes emerging from that context were not always productive: shock and fear often stimulated impulses to act that led to hasty and short-lived policy reactions.<sup>210</sup> However, this was not always the case, and the particular determination to achieve progress on the ethnic dimension of the conflict – seen by most as the key to sustaining a post-conflict settlement – was observed to persist up to and beyond the cessation of conflict.

#### 3.11 Discourse and Experimentation in International Security

“The long decades of European division are over.”<sup>211</sup> In considering the nature of the literature and public discourse to emerge in the aftermath of the Cold War, it is clear that significant uncertainty existed as to how international organisations should adapt to the new world order, if indeed they (International Organisations) should be retained at all. For

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<sup>210</sup> Burg & Shoup, (1999).

<sup>211</sup> “Partnership with the Countries of Central and Eastern Europe”, NATO, (1991).  
<http://webcache.googleusercontent.com/search?q=cache:2VeVjdP9Yp4J:www.nato.int/docu/comm/49-95/c910607d.htm+&cd=3&hl=en&ct=clnk&gl=uk> (accessed 8 March 2014).

some, the fall of the Berlin Wall and end of the Cold War were seen as a changing of the guard in European Security, with the *sui generis* supranational power of the EU aided by the soft power of the OSCE and CE replacing the inflexible Cold War alliance of NATO.<sup>212</sup> For others, it marked, perhaps rather cynically, the beginning of a period of ‘market competition’,<sup>213</sup> where the affected organisations sought to re-establish their legitimacy and relevance as quickly as possible.

In the drive towards extended international intervention, it was clear that the ‘division of labour’ of international organizations in nation-building in Bosnia, had less to do with the problems of Bosnia itself and more to do with the search for legitimacy and policy-coherence on the part of international organizations.<sup>214</sup>

An analysis of the collective output of international organisations – policy papers, statements and proposals – throughout the 1990s reveals a remarkable volume of conceptual and operational experimentation. Staffs in the EU, UN, NATO, OSCE and the CE appeared determined to transform their respective organisations to meet new post-Cold War agendas emerging in CEEC and throughout the Balkans. For example, as early as 1991, NATO was articulating its core functions in “the New Europe”, based on the “common values of democracy, human rights and the rule of law...”<sup>215</sup> Detailed policies of partnership were developed and offered to the CEECs. In a statement released by the NAC Ministerial Session, the CEECs were encouraged towards ‘European integration’, and adherence with the Helsinki Final Act and the Charter of Paris. Indeed, reference to the role of the CSCE is made throughout the NATO document.<sup>216</sup>

This spirit of inter-organisational harmony carried through to inform aspects of international mediation and intervention, including engagement with ethnic minority issues. For example, the CSCE figures prominently in statements issued on events in Yugoslavia, where NATO clearly deferred to CSCE policy on matters relating to ethnic group rights:

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<sup>212</sup> Mearsheimer, (1990), pp. 5-56.

<sup>213</sup> Sadakata, (2006), pp. 38-45.

<sup>214</sup> Ibid., p. 44.

<sup>215</sup> “NATO’s Core Security Functions in the New Europe”, NATO (1991). <http://www.nato.int/docu/comm/49-95/c910607b.htm>. (accessed 8 March 2014).

<sup>216</sup> The CSCE became the OSCE on 3 January 1995. See “Partnership with the Countries of Central and Eastern Europe”, NATO, (1991). <http://webcache.googleusercontent.com/search?q=cache:2VeVjdP9Yp4J:www.nato.int/docu/comm/49-95/c910607d.htm+&cd=3&hl=en&ct=clnk&gl=uk> (accessed 8 March 2014). Also the “Rome Declaration” establishing a new strategic concept for NATO, see “Rome Declaration on Peace and Cooperation”, NATO, (1991). <http://www.nato.int/docu/comm/49-95/c911108a.htm> (accessed 8 March 2014).

The right to self-determination of all the peoples in Yugoslavia cannot be exercised in isolation from the interests and rights of national or ethnic groups within the individual republics. Authorities at all levels should respect international norms and international obligations, especially those embodied in the Helsinki Final Act, the Charter of Paris, and other CSCE documents.<sup>217</sup>

If one considers this and other documented output of NATO between the years of 1991 and 1993, it is possible to chart policy developments in areas relating to: the expansion of the alliance, to include the CEECs; the active consideration and conceptual readjustment towards deploying forces in peacekeeping and peace-enforcing roles; and, through a process of inter-organisational dialogue, the expansion and articulation of a broader set of norms and values for the alliance, including the implicit reference to policy on ethnic minority rights.<sup>218</sup> What is also clear in statements released during this period is that the alliance was initially satisfied to allow the EC, CSCE and the UN to assume the lead for the international response to the deteriorating situation in the Western Balkans.

In considering these inter-organisational exchanges, it is evident that the differences that existed to varying degrees concerning minority rights – particularly within NATO and the EU – were overcome by a willingness to discover new inter-organisational approaches, cross-cutting NATO, EU, CSCE, CE, and to some extent the UN. The significance of this is that it created a policy-making space within which mechanisms could be linked to ethnic minority issues without impeding (perhaps in some cases confronting)<sup>219</sup> member states ‘internal requirements’. Equally, therefore, while it facilitated progress in policy development, over time, it also exposed the credibility of their respective endeavours to accusations of hypocrisy, as policies proposed to the states of the Western Balkans were not representative of norms within certain member states of NATO and the EU.

### 3.12 Personalities Matter

The ethnic cleansing was left to continue in the country while moral standards were upheld in the outside world.<sup>220</sup>

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<sup>217</sup> “The Situation in Yugoslavia”. North Atlantic Council. para. 5. <http://www.nato.int/docu/comm/49-95/c911108b.htm> (accessed 9 March 2014).

<sup>218</sup> Ibid.

<sup>219</sup> For example, Spanish sensitivity regarding any discussion of minority rights and possible implications for Basque and Catalan movements.

<sup>220</sup> HR Carl Bildt, “Response to Dr. Henry Kissinger’s Article of 8 September”, *Washington Post* (14 September 1996).

From Richard Holbrooke and Slobodan Milosevic, through to Javier Solana and Agim Çeku, a number of individuals have played highly significant roles in shaping the post-conflict realities of the Western Balkans. Their interpretation of events, along with the deals and decisions they concluded, often served to directly influence the daily reality of majority and minority populations throughout the region, with a variety of implications for the subsequent efforts of civilian and military organisations to encourage compliance on a range of post-conflict issues, including those relating to ethnic minorities.

In his analysis of conflict mediation in Bosnia, Brendan Simms, argues forcibly that British government interlocutors and the EU mediator, Lord Owen, reached “an implicit understanding at Dayton in November 1995 that Milosevic would not be prosecuted”, and that this “understanding” explained “Milosevic’s cavalier recognition of the [International War Crimes] Tribunal at Dayton”. Interestingly, Simms also suggests that it “was only in 1998-9 that the penny finally dropped that Milosevic was the principal cause of instability in the Balkans, not part of the solution”.<sup>221</sup> For his part, Lord Owen, though not specifically addressing the issues raised by Simms, has highlighted the complexity of the meditation process during the period and the difficulties caused by the initial refusal by almost all states including the US and collectively the EU to countenance the break-up of Yugoslavia.<sup>222</sup> From these initial intransigent positions, the key interlocutors found themselves in a position where they relied on Milosevic to impose a settlement on the Bosnian Serbs.<sup>223</sup>

As a snapshot of the exchanges that ultimately delivered the Dayton peace agreement, such perspectives are revealing for this research in that they highlight the complexity of interactions and constraints between those representing international organisations, and those whom they sought to compel or coerce to a desired course of action. Considering the broader thrust of Simm’s argument, it is also clear that individual personalities matter in these interactions, particularly the degree to which pre-conceived – and sometimes ill-informed – notions can influence the positions of representatives of individual states and organisations, including military representatives, in their dealings with domestic parties; shaping processes of engagement in various ways, including the potential to influence the design, and application of conditional incentives and normative pressure.

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<sup>221</sup> Simms, (2002), pp. x-xi.

<sup>222</sup> Owen, (2011), <http://www.iiea.com/events/constrained-intervention> (accessed 12 February 2013).

<sup>223</sup> Ibid., p. 9.

Such approaches to engagement with domestic communities varied. For example, staff from the OSCE or EC most often engaged domestic elites within very prescriptive and structured parameters. This contrasted with the more ad hoc style of mediation applied by certain governments engaging bilaterally or the Contact Group – leaving the detail to be sorted out by the technocrats later. Again, Lord Owen’s assessment of the conclusion of the conflict in Kosovo underlines the fluidity and fickleness that can at times characterise these interactions:

No one knows exactly what was the crucial pressure that made Milosevic anger his own forces by ordering them to leave Kosovo, even though they had not been defeated. The probability was that Yeltsin said that all gas pipelines to Serbia would be turned off and this was both more immediate and crucial than vague hints from Clinton under pressure from Blair to intervene with ground troops ...<sup>224</sup>

The impact of personalities is not, however, confined to the elite level strategic engagement. It is evident from the case study research that personalities mattered at all levels of interaction, with localised power asymmetries between military, civilian and domestic actors often proving significant for outcomes on ethnic minority issues. The hierarchical structure of military organisation lends itself to an analysis of the impact of military personalities at all levels, from the elite-level engagement of the overall commanders of military missions in Bosnia and Kosovo, to the behaviour of their subordinate commanders. As Chapters 6 and 8 shall demonstrate, NATO was not unaware of this dynamic, developing a number of means – such as key leader engagements – for capitalising on the ‘personality’ of a commander in a particular area.

### 3.13 Media Discourse and Agenda Setting

Media organisations have tremendous influence in shaping public opinion and the views of public officials. The media’s portrayal of ethnic conflicts, as well as the steps in their resolution, thus has immense consequences for conditioning public attitudes and influencing policy responses.<sup>225</sup>

However, “immense consequences” cannot be presumed. Over the duration of the period relevant to this research, there is significant variation in media influence, both internationally and domestically. This variation can be generally accounted for within two strands of analysis. First, the view that the media can directly influence international

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<sup>224</sup> Ibid., p. 11.

<sup>225</sup> O’ Sullivan, (2001), p. 54.

organisations and their member states to “intervene in crisis situations in exceptional situations” only.<sup>226</sup> Examples of ‘media outrage’ failing to illicit a ‘meaningful’ response are cited in this context, including Rwanda and Darfur, to name but two. Secondly, that “by being highly selective in its coverage of conflicts in their most violent manifestations, the media helps to shift focus and funds from more cost-effective, long-term efforts directed at preventing violent conflict and rebuilding war-torn societies to short-term emergency relief”.<sup>227</sup>

Both of these strands hold relevance for the ‘international’ coverage of Bosnia and Kosovo, in that the violence and in particular the suffering of minorities, was highlighted daily in numerous media outlets, thereby serving to keep both the conflicts themselves, and the components the media choose to emphasise (such as ethnic cleansing) to the fore of public discourse. As events unfolded elsewhere, most notably in Iraq and Afghanistan, coverage of the post-conflict effort became infrequent. However, while this was very much the dynamic of international (mainly western) media coverage of the region, it was not mirrored in the behaviour of domestic media outlets, which naturally retained their focus on local issues, reflecting and projecting various policy perspectives.

Therefore, it can be assumed that media outlets influence the selection, delivery and reception of incentives and norms relating to ethnic issues in two ways: external sources pushing for international intervention and internal sources that shape and influence domestic perspectives and opinion; thereby potentially contributing to variations in compliance. Finally, it should also be noted that military actors, in this instance NATO, were not unaware of the power of domestic media outlets and through PSYOPS continuously sought to ‘deliver key messages’ regarding a range of issues.<sup>228</sup>

### *3.2 The Evolution of the Normative Basis for Intervention: Responding to the New World Order*

The disintegration of communist structures in eastern and south-eastern Europe went hand in hand with the rise of nationalism and the re-emergence of inter-ethnic tension. In response, international organisations attempted to compel newly-emerging states to adhere

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<sup>226</sup> Jakobsen, (2000), p. 132.

<sup>227</sup> Ibid.

<sup>228</sup> Interview No. 27. Former Irish KFOR KSF trainer and PSYOPS officer, Athlone, March 2013.

to fundamental principles: the rule of law, democracy, freedom of movement and respect for human rights. As seen above, the treaty basis for their actions was weak when it came to addressing issues associated with inter-ethnic tension. A clear movement towards addressing that deficit emerged in 1990, when 34 states –including the USSR, USA, Yugoslavia and the EC – signed the Charter of Paris, which explicitly sought to establish norms and values concerning ethnic issues and minority rights:

We affirm that the ethnic, cultural, linguistic and religious identity of national minorities will be protected and that persons belonging to national minorities have the right freely to express, preserve and develop that identity without any discrimination and in full equality before the law.

We will ensure that everyone will enjoy recourse to effective remedies, national or international, against any violation of his rights. Full respect for these precepts is the bedrock on which we will seek to construct the new Europe – Charter of Paris.<sup>229</sup>

Within months of the signing of the Charter of Paris Yugoslavia imploded, finally succumbing to the pressures of over a decade of extreme nationalistic politics. In the international response to the conflict that followed, several key factors emerged with implications for the linkage between conditionality, normative pressure and ethnic issues. These include: the initial attempt to link policy conditionality to recognition of the Yugoslav republics, the subsequent and various attempts of international organisations to mediate the conflict and the gradual convergence on policy regarding ethnic minority issues.

### 3.21 The Recognition of the Yugoslav Republics: EC Conditionality and NATO's Path to Intervention

While NATO tended to its organisational framework and sphere of influence through its Strategic Concept process in 1991 (providing a doctrinal reference point for future military commanders by committing to help ensure full implementation of the Helsinki Final Act and the Charter of Paris),<sup>230</sup> the EU sought to lead the mediation efforts to resolve the crisis in Yugoslavia. The EU (EC as it was) had significantly expanded its areas of competence and interest throughout the 1980s, including significant effort in developing its external personality and capabilities, focusing on its 'neighbourhood'. Broadly, this ambition

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<sup>229</sup> The Charter of Paris for a New Europe, (1990), p. 4.

<sup>230</sup> "Rome Declaration on Peace and Cooperation", NATO (1991), para. 11.  
<http://www.nato.int/docu/comm/49-95/c911108a.htm> (accessed 8 March 2014).



translated into two streams of policy activity: first, like NATO, the EU gradually moved to integrate the newly independent CEECs through a series of bi-lateral arrangements that would eventually converge into an enlargement process; secondly, the EU sought to assume a leadership role in the Yugoslav crisis, primarily as key mediators, but also with a modest field-monitoring mission (EUMM).<sup>231</sup> Progress in CEEC was steady: the experience in the Western Balkans was almost instantly a nightmare:

The Community and its member States agree to recognise the independence of all the Yugoslav Republics fulfilling all the conditions set out below... They are therefore inviting all Yugoslav Republics to state by 23 December whether: they accept the provision laid down in the draft Convention – especially those in Chapter II on human rights and rights of national or ethnic groups – under consideration by the Conference on Yugoslavia ...<sup>232</sup>

This EPC declaration is notable as it was the EC's 'novel' first attempt to use conditionality, in this case linked to recognition, as an instrument of conflict prevention in SEE. Following the Charter of Paris, it was also another tangible indication of the rising prominence of minority rights in conflict prevention.<sup>233</sup> In the context of the Conference on Yugoslavia, it reflected the difficulties experienced in gaining acceptance on issues relating to the protection of minorities.<sup>234</sup> Acknowledging the various reasons behind the decision to go with such an approach, Richard Caplan has suggested that "by insisting on ethnic minority rights as a condition for diplomatic recognition, the EC gave new definition to what it means to be a state today..."<sup>235</sup> Though it failed as a diplomatic approach, it succeeded in establishing a minority rights discourse that would persist through and beyond the conflicts in the region.

While the determination to address ethnic minority issues as part of the settlement was laudable, there has been much criticism of the EU's initial unwillingness to effectively address questions of sovereignty, and its refusal "to contemplate any changes in the internal boundaries of the three republics – Bosnia-Herzegovina, Croatia and Serbia – within Yugoslavia."<sup>236</sup> The EPC's statement above was in many ways a rear-guard action in response to Germany's unilateral announcement on 13 November 1991, that it would

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<sup>231</sup> Commenced operations in July 1991, under the name of ECMM.

<sup>232</sup> "Declaration on Yugoslavia", EPC, (1991).

<sup>233</sup> Jackson-Preece, (2005), pp. 7-9.

<sup>234</sup> Hill & Smith, (2000), pp. 358-61.

<sup>235</sup> Caplan, (2005), p.184.

<sup>236</sup> Owen, (2011), p. 8. <http://www.iiea.com/events/constrained-intervention>. (accessed 12 February 2013).

recognise Croatia and Slovenia by Christmas, thereby “forcing the EC’s hand on the issue”, and “internationalising” the conflict.<sup>237</sup>

By mid-1992, confidence in the EC’s ability to deliver positive outcomes in the region was undermined to the point that EC officials such as Jacques Delors were forced to concede that:

... the chronology of the last year's events – ceasefires that were violated, round-table talks to exchange views nobody took seriously – we might wonder what the future holds. Where are we going if unheeded warning after unheeded warning and escalation after escalation do nothing to quell the flames of war but delay – at what human cost!<sup>238</sup>

Through these failures, it was already apparent that the EC was “not sufficiently powerful or internally coherent to impose itself as a mediator in a conflict whose tragic effects were being felt only two hours away from Brussels”.<sup>239</sup> Simply, the EC could not match its ambition in terms of contributing to the cessation of conflict in the former Yugoslavia, ultimately causing it to step back from the international effort to a point where their involvement seemed minimal. Such failures, and the absence of capable military force, unsurprisingly caused the EC to seek to develop its “conflict prevention” capability with more long-term objectives in mind,<sup>240</sup> a process that would in time allow it to return to the post-conflict territories of the Balkans in a more meaningful way.

The fallout from the EC’s efforts left three relevant legacies: first, it dealt a serious blow to the EC’s credibility as an international actor, at a time when it was attempting to assert itself along its eastern frontier. Second, it instigated an internal crisis of confidence that effectively reduced its role in the region to that of an observer within a year. Finally, it exposed significant weakness in the EC’s ability to devise and implement coherent strategies addressing issues in the Western Balkans. Combined, these outcomes were significant in propelling NATO to the centre of the international effort to end the conflict, with the result that the weight of the responsibility for the initial engagements on ethnic minority issues fell on the shoulders of NATO and, to a lesser extent, the OSCE. The consequences of this will be considered below. Though the attractiveness of a future in the EU remained, and the momentum of the enlargement process in CEEC hinted at future

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<sup>237</sup> Caplan, (2005), p.184.

<sup>238</sup> Delors, (1992), p. 3. [http://europa.eu/rapid/press-release\\_SPEECH-92-77\\_en.htm](http://europa.eu/rapid/press-release_SPEECH-92-77_en.htm) (accessed 20 February 2013).

<sup>239</sup> Ibid., p. 1.

<sup>240</sup> Smith, (2003), pp. 145-51.

possibilities for the Western Balkans, the full exposure to the various instruments at the EU's disposal would not come until post-1999.

### 3.22 UN Intervention: Discourse and experimentation

The new era has brought new credibility to the United Nations. Along with it have come rising expectations that the United Nations will take on larger responsibilities and a greater role in overcoming pervasive and interrelated obstacles to peace and development.<sup>241</sup>

The evolution, envisaged by Secretary-General Boutros-Ghali, from traditional peacekeeping to more flexible and robust peace-enforcing missions stalled in the midst of ineffectual mandates, deficiencies in key areas such as force generation and logistics, and conflicts of interest and opinion among key member states. Far from a new era of credibility, by the mid-1990s the UN's reputation was in tatters after the failures in Rwanda (UNAMIR) and Bosnia (UNPROFOR).<sup>242</sup> Its appetite to engage in further missions was diminished to the point that in the view of some, the UN was a reluctant participant in the international response to the Kosovo crisis.<sup>243</sup> For these reasons, and with the possible exception of the UNHCR and UNDP, which remained actively engaged on ethnic minority issues in both territories, the UN is often notable by its absence in the post-conflict responses analysed in this research.

Other aspects of Secretary-General Boutros-Ghali's vision were more durable. Space was created for various international organisations – initially NATO and later the EU – to contribute to post-conflict efforts under a UN mandate thereby easing the burden on UN structures. The inclusion of formalised approaches to humanitarian issues, and closer cooperation with civilian agencies as part of peacekeeping and peace-enforcing missions, had a “multiplier effect” in a number of areas, including in specific cases related to ethnic minority issues: the initial coordination of UNHCR and KFOR on returns is a good example even if the relationship did lose impetus over time. Additionally, an increased emphasis on interaction with the civilian population of affected territories allowed for more sustainable contributions to the development of new state institutions, such as the police, judiciary and civil service.

The UN's influence throughout the region can be said to vary from a short but reasonably successful intervention in Croatia, through the considered failure in Bosnia,

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<sup>241</sup> Boutros-Ghali, (1992), p. 89.

<sup>242</sup> Genocides in Rwandan 1994 and Srebrenica in 1995.

<sup>243</sup> Interview No. 60. UNMIK international staff officer A, Dublin, May 2013. See also Weller, (1999).

before tentatively reemerging in a collaborative framework in Kosovo. By the time the UN assumed the lead of the UNMIK administration in Kosovo in 1999, it was becoming apparent that many international actors, not just the UN, were indeed “learning to deal more effectively with a multiplicity of authorities” in war torn territories.<sup>244</sup> The design of UNMIK’s structures was in many ways emblematic of both the positive and negative experiences of the UN up to that point. Though it was a UN mandated mission and nominally at least a UN-led mission, the UN was in many ways the minor partner behind the EU and OSCE, while the related roles of the Contact Group and KFOR further reduced the UN’s influence in the province. On one level, UNMIK’s structures were representative of a more realistic division of labour, intended to capitalise on the respective strengths of the various international organisations – and in that way consistent with the UN’s own ambitions as a unifying element in post-conflict intervention. On another level, however, the centrality of the UN’s role, though relatively modest when compared to other international organisations, exposed it to blame for collective failures, i.e. The Standards of Kosovo process. These features will be discussed in more detail in Chapters 5 through 8.

Finally, alongside the OSCE and CE, the UN emerged as a policy reference point regarding ethnic minority issues. By 1992, an international discourse on minority rights was firmly established, driven in tandem by the EU’s efforts and the non-binding agreement at the UN for a UN Declaration on the Rights of Person Belonging to National or Ethnic, Religious and Linguistic Minorities. These initiatives informed part of the process that produced the mandates which framed NATO’s conduct in post-conflict Bosnia and Kosovo, thereby helping to shape and influence the operational culture that developed regarding engagement with ethnic minority issues.

### *3.3 Articulation of Norms during Conflict in the Western Balkans*

It is evident, for the international organisations considered in this research, that the UN Charter, the Helsinki Final Act and Charter of Paris were almost default points of reference when articulating positions on minority rights.<sup>245</sup> Norms regarding minority rights in the former Yugoslavia gradually emerged between 1991 and 1995: for example, successive

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<sup>244</sup> Boutros-Ghali, (1992), p. 91.

<sup>245</sup> “The Treaty on European Union (1991), Art. J. 1, and “Rome Declaration on Peace and Cooperation”, para. 3 and para. 13. <http://www.nato.int/docu/comm/49-95/c911108a.htm> (accessed 8 March 2014).

EPC declarations made reference to respect for minorities.<sup>246</sup> The 1992 Lisbon Report to the European Council on the development of CFSP suggested the objective of “strengthening democratic principles and institutions, and respect for human and minority rights”.<sup>247</sup> It also highlighted the need to “encourage” rights of those belonging to national minorities in both CEEC and the former Yugoslavia.<sup>248</sup> In the same year, the CSCE, in a conscious effort to “give new impetus” to the provisions of the Helsinki Final Act, announced the creation of a High Commissioner on National Minorities.<sup>249</sup>

These and other announcements had minimal impact on the course of conflict in Bosnia at that time. The apparent consensus on the need to ensure the protection of rights regarding national minorities was not reflected in other aspects of the international response. By late 1992, the international response to the conflict started to unravel, as first the EU and then the UN failed in their respective attempts to resolve the crisis. By early 1994, the US-led Contact Group assumed de facto leadership of the international effort in the region and in March 1994, quickly brokered an agreement between Bosnian Croats and Bosniaks that would also see the EU assume responsibility for a modest administration of Mostar. Only when the United States finally stepped in, with “a heavy dose of *realpolitik*”, to impose a solution after war-weariness had set in, did the conflict end in the Dayton Accords of November 1995.<sup>250</sup>

However ineffective the norms articulated during the period, they nonetheless informed and influenced the decisions of international civilian and military actors during the concluding phases of conflict, thereby establishing the parameters for norms regarding issues such as returns and participation. For example, though US-led initiatives – delivered diplomatically through the Contact Group and militarily through NATO in conjunction with UNPROFOR – succeeded in ending the conflict in Bosnia, the manner of that intervention, and the subsequent agreement, compromised the post-conflict effort on minority issues in a number of ways. First, the international and domestic reputations of the UN and the EU were significantly damaged by their inability to effectively address conflict issues, encapsulated by the Srebrenica massacre. Second, the rather blunt strategic

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<sup>246</sup> See “Declaration on Yugoslavia, European Political Cooperation Extraordinary Ministerial Meeting , Brussels (16 December 1991),” and “Declaration on Yugoslavia”, European Political Cooperation Extraordinary Ministerial Meeting, The Hague, 19 September 1991.

<sup>247</sup> Report to the European Council on the Likely Developments of the CFSP with a View to Identifying Areas open to Joint Actions vis-a-vis Particular Countries or Groups of Countries, (1992), Section II.

<sup>248</sup> Ibid. Section III.

<sup>249</sup> Declaration of the Heads of State and Government, CSCE (Helsinki, July 1992).

<sup>250</sup> Hill & Smith, (2000), p. 358. This included decisive measures such as breaching the arms embargo to supply weapons to the Croatian forces.

engagement by US/NATO consciously afforded time and space to Croatia, allowing them to expel Krajina Serbs. Regardless of the motives [US/NATO] for pursuing this approach, it undoubtedly fostered the view among all parties to the conflict – particularly those in RS – that the rights of ethnic minorities would inevitably give way to the higher priority of stability; the brinkmanship that followed should therefore not have been a surprise.<sup>251</sup> Third, it led to the effective imposition at Dayton of a course solution to conflict that neither succeeded in removing some of the key perpetrators of hostility or in addressing the issues concerning borders. The significance of the Dayton Agreement will be considered in greater detail below.

Taking the Bosnian experience and the view that the international organisations actively engaged in the Western Balkans were ‘learning by doing’, then it would have been reasonable to expect that the response to crisis in Kosovo would have demonstrated where exactly lessons had been learned. Indeed, with almost five years of post-conflict intervention experience to draw from, some conscious decisions were taken to rectify past mistakes. For example, international interlocutors demonstrated a clearer grasp of the political ‘realities’ of the region: there was no longer any doubt as to the culpability of the Milosevic regime.<sup>252</sup> There was a deliberate attempt to institute a division of labour that suited the capabilities of the international organisations involved. The Contact Group was effective at the diplomatic level; NATO was more attuned to the military demands of the conflict; the OSCE through its KVM observer mission provided valuable information on events following the October ceasefire of 1998, and in the crucial days before and after NATO deployed; and the EU institutions that could not run in 1992 were at least able to walk with some purpose by signalling a willingness to take responsibility for reconstruction. The EU also attempted to capitalise on its enlargement experience by establishing the Stability Pact for South East Europe, mirrored on the ‘successful’ model used in CEECs. Once again the articulation of norms regarding minority issues figured prominently in their actions:

We [the EU] have a duty to ensure the return to their homes of the hundreds of thousands of refugees and displaced persons... [...] This is the way to guarantee our fundamental European values: i.e. respect for human rights and the rights of minorities...<sup>253</sup>

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<sup>251</sup> For general overview see Rose, (1999), and Gow, (2003).

<sup>252</sup> Statement by the European Council, (1998).

<sup>253</sup> Conclusions of the European Council Meeting in Berlin (1999).

Though awareness of ethnic minority issues and how to deal with them was more established at the outset in Kosovo, the trajectory of engagement and progress on ethnic minority issues was not noticeably different from that experienced in Bosnia. By late summer 1998, an estimated 460,000 people were displaced either within Kosovo or in its immediate vicinity, by the time the conflict ended that figure reached over 850,000.<sup>254</sup> Aided by a huge influx of NGO's and other international actors – who crossed into Kosovo the day after NATO deployed – the speed of returns caught many by surprise with an estimated 50,000 Kosovars returning per day in what was described as “the fastest and largest ever refugee movement in both directions with a very high public profile...”.<sup>255</sup> On the surface therefore the intervention in Kosovo – despite the debate concerning the legitimacy of the intervention itself– was quite successful; however these successes masked a number of issues that would serve to complicate the normative basis for engaging on ethnic minority issues for the decade that followed.

With the Contact Group assuming the lead for mediation, there was greater – but by no means universal – cohesion among international actors than was evident in Bosnia. Yet, the peculiarities of the Kosovo situation, primarily the questions concerning its future status, meant that the international response struggled to meet international and domestic expectations. As a result of the talks at Rambouillet in January 1999, and the rapid turn of events that followed, the UN found itself parachuted in as the lead organisation for post-conflict recovery under UNSCR 1244. The relatively small UN team tasked with establishing the mission under SRSG Sergio de Mello were thus critically exposed, due to insufficient planning time, and deficiencies in both material and personnel resources: it was a start from which UNMIK never really recovered and its reputation in the province thereafter deteriorated almost continuously.<sup>256</sup>

While the Stability Pact for South Eastern Europe may be interpreted as a positive contribution to the development of relations in the region, its intention to encourage the countries of the region to address minority issues through bi-lateral arrangements was too ambitious even for those states that had achieved independence. For Kosovo, it was practically out of the question.<sup>257</sup> Arguably, in terms of attaining leverage on ethnic issues, and as a means to rebuild its credibility in the province, the EU's decision to assume

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<sup>254</sup> UNHCR, (2000a). p. 345.

<sup>255</sup> European Council on Refugees and Exiles, (2000), para. 3.4.

<sup>256</sup> King and Mason, (2006), p.220.

<sup>257</sup> The approach of encouraging states to deal with issues concerning the protection of minorities through the Pact on Stability in Europe produced “little of substance”. See Hill &Smith, (2000), pp. 268-70.

responsibility for Pillar IV of the UNMIK administration with responsibility for economic reconstruction, rehabilitation and the development of Kosovo, would prove much more significant.

For all the relative speed with which NATO seized control of the province, and the evident success of the influx of returning displaced Kosovo Albanians, the initial efforts of the international organisations to prevent the predicted backlash against Kosovo Serbs created the circumstances with which this research is concerned. While it would be unrealistic to have expected Kosovo Serbs to stay *en mass* in the villages and towns they shared with Kosovo Albanians, there can be little doubt but that the KLA exploited its privileged position *vis a vis* NATO forces to pursue its own agenda of ethnic cleansing:

We had hoped to have concluded an agreement [with the KLA] before we went in, but that didn't happen. So we didn't have rules telling us how to deal with the KLA on entry, as we had with our dealings with the Serb armed forces... The issue became more and more pressing as each day passed... Many of them [KLA] seemed to imagine that they were now free to lord it over the populations. Despite our best efforts different KFOR brigades took different national lines with the KLA. The British wanted the KLA fighters disarmed, which annoyed them no end. The Germans and the Dutch, on the other hand, were somewhat cosy with them – too cosy in my opinion. These differences in attitude mirrored contrasting views of the KLA within NATO: some regarded them as not much better than terrorists, whereas others saw them as freedom fighters.<sup>258</sup>

KFOR may have attained respect in the province through force, but the unintended outcomes of the manner of their entry devalued their credibility with the Serbian population that remained. KFOR's attempts to redress that imbalance brought forth normative and incentivised approaches to encourage minority returns and participation: the implications of those initiatives will be considered in greater detail in the case studies.

### *3.4 Founding Treaties and Documents: A Minority Rights Vacuum?*

The purpose of the United Nations... promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion...<sup>259</sup>

Until the 1990s, the key normative principles articulated by international organisations since the end of World War II included: commitments to democracy, the rule of law,

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<sup>258</sup> Jackson, (2007), pp. 351-52.

<sup>259</sup> UN, (1945), Article 55, c, pp. 11-12.



individual freedom and human rights. Whether representative of disillusionment with past enterprises such as the League of Nations, or the post-World War II bi-polar international order, minorities and their rights did not receive prominence in the UN Charter, the North Atlantic Treaty, or the Treaty of Rome. Similarly, there was little evidence, in the Statute of the Council of Europe, of the future role of the CE concerning minorities' issues. However, the Helsinki Final Act of the then newly established CSCE did at least hint at the increasing focus on minorities' questions, albeit couched in the language of human rights and fundamental freedoms:

The participating States on whose territory national minorities exist will respect the right of persons belonging to such minorities to equality before the law, will afford them the full opportunity for the actual enjoyment of human rights and fundamental freedoms and will, in this manner, protect their legitimate interests in this sphere – Helsinki Final Act.<sup>260</sup>

Therefore insofar as a basis for linkage to conditional incentives existed prior to the 1990s, it did not include definite principles on minority rights. For the issues analysed in this research, the founding treaties, such as they were, exposed vacuums regarding specific ethnic minority issues to emerge in post-conflict contexts. Some areas, such as returns, were considered easier to address than others, like political representation, degrees of autonomy and specific rights concerning language and education. Nonetheless, over time, organisations such as the OSCE and CE moved to fill some of these vacuums, which enhanced the normative basis and policy options for all actors engaged in the region.

In considering the basis for norms relevant to this research, two primary sources are considered: The General Framework Agreement for Bosnia and Herzegovina (The Dayton Agreement) and UNSCR 1244. While the focus was understandably on bringing hostilities to a conclusion, both agreements, to varying degrees, sought to establish clear standards relating to ethnic minority issues. While the founding treaties discussed above would continually serve as reference points, Dayton and UNSCR 1244 are the first yardsticks with which we can reasonably consider the extent and quality of compliant behaviour.

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<sup>260</sup> CSCE, (1975), p. 6.

### 3.41 Dayton Agreement and UNSCR 1244 (Including the Rambouillet Accords)

The peace agreement for Bosnia is the most ambitious document of its kind in modern history, perhaps in history as a whole.<sup>261</sup>

While it is tempting to ridicule Carl Bildt's hyperbole, the Dayton Agreement was undoubtedly a remarkable document. In contrast to the brevity of the Erdut Agreement's 14-point plan,<sup>262</sup> the Dayton Agreement was at once a peace treaty, a boundary commission, a constitution, a template of state building, and insofar as it prescribed new norms of governance and official behaviour on a range of issues, it could be (and was) construed as an attempt at identity building. Beyond the (by then) standard requirement for adherence to "the United Nations Charter, as well as the Helsinki Final Act and other documents of the OSCE",<sup>263</sup> the agreement established three separate commissions, including a Commission on Refugees and Displaced Persons.<sup>264</sup>

Annex 7 of the agreement formed the clearest indication of the 'standards' expected regarding returns and minority participation at both national and entity levels. Article 1 deals specifically with the "Rights of Refugees and Displaced Persons", Article II seeks suitable conditions for returns to take place, while Article III identifies the UNHCR as the key oversight agency. In areas concerning property, the annex provided four articles, covering: procedures before the commission, use of vacant property, refugees and displaced persons, and general rules and regulations. Furthermore, the inclusion of articles establishing the commission provided for repatriation, compensation and funding assistance, the composition of new integrated state bodies, and an amnesty scheme. In its scope, the document demonstrated both a recognition of the scale of the challenge, and a willingness on behalf of the international interlocutors to engage creatively and practically with the post-conflict issues that remained.<sup>265</sup>

While the Dayton Agreement was principally overseen by the Contact Group – with the EU acting as one of the witnesses to the signatories – the response to Kosovo four years later was more multilateral in its composition. Building on the Rambouillet Accords, and driven by the G-8, UNSCR 1244 provided a multi-agency framework for the cessation of conflict, including the establishment of a post-conflict international administration

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<sup>261</sup> Bildt, (1998), p. 392. Richard Holbrooke was more cautious in his assessment: "On paper, Dayton was a good agreement; it ended the war and established a single, multi-ethnic country", in Holbrooke, (1998), p. 335.

<sup>262</sup> Erdut Agreement, (1995).

<sup>263</sup> Dayton Agreement, (1995), Art. I, p. 2.

<sup>264</sup> Ibid., pp. 94-102.

<sup>265</sup> Ibid.

authority, UNMIK. However, in contrast to the agreements delivered in Croatia and Bosnia, UNSCR 1244 was less prescriptive on ethnic issues. In fact the emphasis is almost solely on the provision of a secure environment in order to facilitate returns. There is no reference to property issues, and in so far as representative structures are addressed, it is clear that the emphasis is on the existence of the Kosovo Albanian community within FRY, rather than the Serbian minority within Kosovo.<sup>266</sup> The FRY did agree to the principles outlined in the resolution, but the manner of NATO intervention quickly recast the situation on the ground, to the extent that the tone of the resolution – its implied focus on the Kosovo Albanian ‘minority’ – was almost instantly made redundant.

It is also clear, both from the conduct of the negotiations at Rambouillet and from the tone of the accords and resolution that eventually emerged, that the international actors involved in the process were at best divided, at worst utterly perplexed, as to what the future status of the province should be. Though UNSCR 1244 emphasised the need to take full account of the Rambouillet accords, its language was notably more conservative than the document produced in Paris. Both documents “reaffirmed the commitment of all Member States to the sovereignty and territorial integrity of the FRY and the other States of the region”. However, whereas Rambouillet calls for “democratic self-government”, complete with a constitution, a judicial system and a president,<sup>267</sup> UNSCR 1244 limits itself to a call for “substantial autonomy and meaningful self-administration for Kosovo”.<sup>268</sup>

### *3.5 Conclusion: A New Environment for the Application of Membership Conditionality and Normative Pressure?*

In considering the contextual basis for military engagement with ethnic minority issues in the Western Balkans, the factors outlined above matter in a number of ways: first, the institutional uncertainty in the aftermath of the Cold War gave rise to a period of internal soul searching that in turn instigated a willingness to experiment on the part of almost all international organisations: the Western Balkans was their testing ground. Second, there is clear evidence of the willingness of international organisations to reference each other on particular issues: the CSCE (OSCE) and CE come to the fore on questions of minority

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<sup>266</sup> UNSCR 1244, (1999), p. 3. The international civil presence is tasked to take “full account of annex 2 and of the Rambouillet Accords (S/1999/648)”. The “Rambouillet Accords” proposed a more detailed framework for minority issues, particularly regarding the incorporation of minorities in new governance structures. See NATO, (1999).

<sup>267</sup> NATO, (1999), Chapter 1.

<sup>268</sup> UNSCR 1244, (1999), p. 2.

policy for NATO, the EU and the UN. Third, through their attempts to assume leadership roles in the early 1990s, both the UN and particularly the EU damaged their credibility not only in the eyes of domestic actors in the Western Balkans, but also in those of other international organisations. The EU's ill-fated attempt to link conditional incentives to recognition for former Yugoslav republics not only diminished its credibility as an international actor, but instigated an internal crisis of confidence that further affected their ability to develop and apply effective incentives and normative pressure. Fourth, the media's influence on international agendas was seen to grow significantly throughout the 1990s, with the advent of 24-hour news channels and, latterly, the growth of the internet. In particular, western media outlets focused on the ethnic aspect of the conflict in the Western Balkans, in such a way that international organisations were arguably compelled to respond to public demands for action (in spite of a lack of preparedness).<sup>269</sup> In this way, too, a normative discourse on ethnic minority issues was sustained throughout the conflict. Fifth, each of these factors combined to influence the treaty negotiations, and a reasonable argument can be made for stating that the resulting treaties represented an international convergence on ethnic minority issues, if not on the broader questions of minority rights, and thereby constituted the basis and subsequent reference point for the initial application of conditionality and normative pressure.<sup>270</sup> Sixth, and at the other extreme, the Dayton process exposed the divisions between international representatives as to how to address and then end the conflict, and underlined the importance of the roles played by individuals representing their respective organisations and parties. As evidenced in the introduction to this section, there was significant divergence on the nature of the conflict in Bosnia, especially: Civil war? Systemic ethnic genocide? Inter-state war? This debate led in turn to an uncertain response, perhaps best exemplified in the borders drawn up at Dayton, whereby military gains achieved through ethnic cleansing were allowed to stand – all of which undermined the basis for the post-conflict application of incentives. As Sumantra Bose opined:

The cold, sinister, yet thoroughly compelling logic of 'ethnic cleansing' provided the essential framework for the General Framework Agreement on Peace in Bosnia & Herzegovina.<sup>271</sup>

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<sup>269</sup> O'Sullivan (2001), pp. 54-66.

<sup>270</sup> Arguably, the Erdut Agreement had the most purchase for the application of incentives and normative pressure, as it involved a direct undertaking by the Croatian government in respect of each of issues affecting the ethnic minorities of Eastern Slavonia, Baranja, and Western Sirmium.

<sup>271</sup> Bose, (2002), p. 53.

How this impacted on the ability of the military in particular to apply conditionality and normative pressure will be considered in greater detail in the next chapter. The dynamics of state and nation-building in Bosnia and Kosovo were quite different. Whereas Dayton provided a prescriptive framework for Bosnia, in terms of developing institutional capacity, legitimacy and national identity, Kosovo was left largely in suspended animation until the question of status was addressed. However, based on the observations above, it is clear that the external origins of the strategic mechanisms developed for use in the Western Balkans were, on the one hand, both driven and sustained by an appetite for experimentation and the dominance of the ethnic narrative (sustained by media interest) during the conflict; and on the other hand, undermined and compromised by the many imperfect realities of conflict resolution with its inherent human and institutional flaws.

## Chapter 4

### The Civil-Military Balance: Examining Post-conflict Transition and Domestic Influences

While there are certainly historic precedents for the exercise of such broad power [...] no international peacekeeping operation has ever been vested with as much executive, legislative, and judicial authority as some of the international administrations that have been established in the past decade.<sup>272</sup>

#### *4.1 Understanding the Application of Strategic Mechanisms in Post-conflict Western Balkans: Opportunities and Challenges*

As noted in chapter 2, given the pre-eminence of western institutions and organisations, there is an understandable emphasis in literature on various themes of liberal intervention, which varies further according to interpretations of imperial motives, whether based on democratic, capitalist, or value based projections.<sup>273</sup> From the external context and treaty basis outlined in Chapter 3, and in spite of deficits in organisational capacities, capabilities and confidence, international actors converged on the Western Balkans in staggering numbers.<sup>274</sup> This chapter outlines the key domestic factors that influenced the civil-military decision-making on ethnic minority issues contextualised by three phases of post-conflict interaction: (1) the initial phase of security and reconstruction, overlapping with (2) the follow-on phase of state and nation-building which merges with (3) the final phase: normalisation and (re)integration into international society. Taking cognisance of the view that “progress from conflict to peace is not linear”, it supports the case studies by establishing the potential for variation in the application of conditionality and normative pressure within and between each phase.<sup>275</sup>

The phased approach to understanding post-conflict engagement (see Table 4.1) was developed on the basis of a number of recent contributions to scholarship, and is proposed for the following reasons:<sup>276</sup> first, it elucidates the working environment within

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<sup>272</sup> Caplan, (2005), p. 2.

<sup>273</sup> Cox, (2008), pp. 249-270. Paris, (2004). Richmond & Franks, (2009). Beate, (2009), pp. 210-230. Ignatieff, (2003).

<sup>274</sup> At their peak, NATO alone had over 60,000 personnel based in Bosnia and Kosovo respectively.

<sup>275</sup> Wheeler, Graves & Wesley, (2006), p. 2.

<sup>276</sup> The approach operates within a peacekeeping-peacebuilding spectrum. See Caplan, (2005), p. 2. Recent scholarship has sought to further compartmentalise post-conflict contexts in order to better understand the outcomes of international engagement. See Cutillo, (2006). See also Collier & Hoeffler, (2004), pp. 1125-1145.

which military actors operated. Second, building on the research of Florian Bieber *et al*, it accommodates both the security and civil-political dimensions of post-conflict intervention to the point where priorities of state-building become intermeshed with those of integration. What Bieber describes in the EU's case as a dual strategy of state-building and integration:

‘...the tension between state building as EU Foreign Policy and EU Member state building can obscure the clarity of purpose and legitimacy of external state building’.<sup>277</sup>

The approach therefore accommodates enlargement/integrationist perspectives that grow in significance over time. This also allows for an expansion of the typical post-conflict focus on stability and security, to incorporate consideration of ‘identity-building’, and more specifically the nation-building aspect of intervention. In particular, it has relevance for the application of conditionality and normative pressure related to membership of international organisations – raising questions regarding the cohesiveness of policy and the viability of instruments used to encourage compliance: in this instance focusing on the military role. By extension, it should test the validity of research that argues conventional ‘membership conditionality’ does not work in post-conflict societies, where peace-building and state-building have occurred simultaneously.<sup>278</sup>

Third, following the example of Grabbe, Knaus and Cox, the approach is flexible enough to allow for the identification of variables at multiple levels: international and domestic contributions; policy design, coherence and delivery. This facilitates an enhanced appreciation of the scale and credibility of military activity through post-conflict phases, incorporating a flexible approach that improves our understanding of the application of conditionality during intervention and state-building.<sup>279</sup>

Fourth, it allows the researcher to position to a greater extent the specific impact of the military *vis a vis* interim international administrations. Again, this picks up on recent scholarship which argues that many of the post-conflict institutions introduced by international organisations were incompatible with enlargement agendas exacerbated by a lack of clarity on conditions and, in the EU's case, an over reliance on its CEEC's

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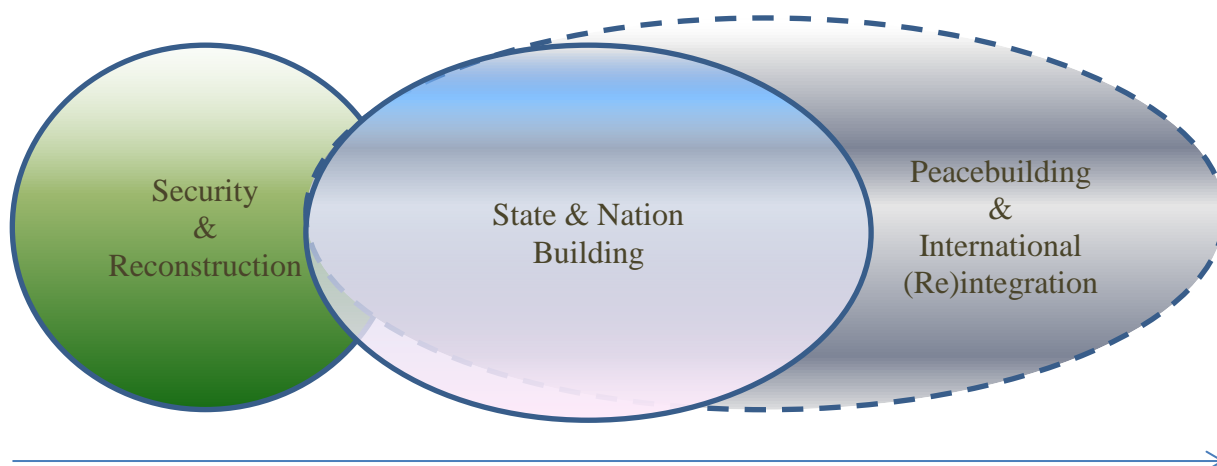
<sup>277</sup> Bieber, (2011), p. 1799.

<sup>278</sup> Pickering, (2011), pp. 1939-1944.

<sup>279</sup> Grabbe, (2005). Knaus & Cox, (2005), pp. 39-53.

experience.<sup>280</sup> In summation, the combined value of these factors should significantly improve our understanding of the effectiveness of military activity in each phase.<sup>281</sup>

**Table 4.1: Phases of Post-conflict Transition**



#### *4.2 Phases of Post-Conflict Interaction: Security and Reconstruction*

##### *Creating a Safe and Secure Environment*

#### 4.21 The Price of Stability and Security: Military Intervention and the Humanitarian Rush

As a logical progression from its role in bringing conflicts to an end – and reflecting the desire of the US to keep its hand on the tiller of the international response – NATO forces assumed responsibility for post-conflict security in Bosnia and later Kosovo.<sup>282</sup> In the uneasy transitional space between conflict and peace, with a premium on the establishment of a secure environment, the initial response of NATO forces in both territories was to separate opposing forces and, where necessary, provide protection for isolated minority communities. Given the nature of the conflict, this also meant separating heavily-armed opposing communities, with associated restrictions on freedom of movement, until such time as disarmament and demobilisation programmes could be established and implemented. Stabilisation was the priority in all cases, leaving a legacy that would impact both positively and negatively on the effectiveness of policies for ethnic minorities.

<sup>280</sup> Bieber, (2011), pp. 1783-1802.

<sup>281</sup> Acknowledging that the post-conflict process continues in Bosnia and Kosovo.

<sup>282</sup> Mandated by UNSCR 1031 and 1244 respectively.



These actions, mostly implemented according to the treaty agreements, but also based on detailed military planning processes,<sup>283</sup> had the effect of freezing for undetermined periods of time the demographic disposition of the population in a post-conflict territory, including those elements of the population displaced by conflict. At best, this created the secure political space necessary for orderly returns to commence; at worst, however, it solidified a segregated society that would make future attempts to encourage integration more difficult, and gave legitimacy to demographic outcomes that left displaced communities of all ethnic backgrounds isolated from their social and political support bases without obvious options as to their future.<sup>284</sup>

Outcomes were often compounded in instances where some communities in ethnically mixed towns and villages took advantage of the ‘temporary’ absence of the other to consolidate their dominance in an area.<sup>285</sup> For example, in the village of Slovinje in Kosovo, where a Kosovo Albanian villager emphasised:

We wanted to make sure that they [Serbian neighbours] could never come back and to remind us of what they had done. We retained the destroyed remains of their homes as monuments, to serve as a warning to future generations.<sup>286</sup>

There were numerous other examples across the region, whereby displaced families of one ethnicity moved into the property owned and vacated by a family of an alternative ethnicity. In Croatia for example, such actions were often officially encouraged by domestic governments through both formal and informal means.<sup>287</sup> In part, the actions represented an understandable desire for revenge, but equally they were representative of flaws in the treaty processes, particularly Dayton, where the polarising effect of the new entities greatly curtailed the reach and impact of international civil-military initiatives, including incentives.

While military initiatives were similarly impacted, military actors adapted innovative options for tackling certain post-conflict issues, often incorporating linkage to

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<sup>283</sup> NATO produced CONOPS for both missions, which considered the mission assigned to NATO weighted against identified threats and risks whilst proposing options for engagement (Courses of Action). This process concludes with the production of an OPLAN, which is the governing document for the military commander, and the basis upon which military operational activity is conducted.

<sup>284</sup> Exemplifying this point, as late as 2010 15 ethnic Albanian families displaced in Kosovo during the conflict were still in their temporary accommodation in the village of Magura, unable to return to their place of origin. The local municipality refused to provide funding for the restoration of their property, and the focus of the international actors in the area was on the Serbian population.

<sup>285</sup> These actions were viewed as retribution for the killing of 18 people by Serbian forces on 15 April 1999.

<sup>286</sup> Interview No. 64. Kosovo Albanian village leader, Slovinje, Kosovo, September 2007.

<sup>287</sup> For example, the Croatian government’s “Law on the Temporary Take-over of Specified Property” (1995).

policies for ethnic minority issues.<sup>288</sup> Once initial stabilisation was achieved, NATO sought to involve local populations in their tactical decision-making processes as much as possible, in an attempt to win support and impart local ownership of improvements in the security situation. The respective mandates developed for Bosnia and Kosovo encouraged the international security presence to “establish liaison networks with local civilian and military authorities and other international organisations as necessary for the accomplishment of its mission”<sup>289</sup> Bodies such as the Joint Military Commissions in Bosnia were established at multiple levels – from Battalion level up to the Force Commander level – and gave IFOR a distinct advantage in terms of developing an understanding of the dynamics of their areas of operations, and perhaps more importantly, developing relationships with representatives of all communities at multiple levels.

Similarly in Kosovo, KFOR moved quickly to check the actions of the KLA and its leadership – establishing itself as the primary international interlocutor in the interim – creating the space for UNMIK deployment.<sup>290</sup> These interactions also saw the burgeoning development of military concepts for CIMIC as a means to achieve ‘mission-orientated’ tasks. Consequently, the NATO forces deployed in both territories were almost instantly in a position to apply conditionality and normative pressure, even though practical application did not emerge until later, becoming more pronounced during the state-building phase examined more comprehensively in the case studies.

Though the UN assumed responsibility for policing in both territories, the purpose of the IPTF in Bosnia and the UNMIK-Police in Kosovo was quite different. Whereas the IPTF mostly fulfilled a monitoring role, with a limited advisory and training capacity in support of domestic police forces in the Bosnian entities, UNMIK-P was established by necessity as the primary law enforcement unit in Kosovo, with the further task of overseeing the creation and training of the KPS. Reflective of their modest resources, both forces provided ‘policing’ advice to NATO personnel tasked with covering the gaps left by insufficient international and domestic police personnel. Nonetheless, like NATO, both police missions developed territory-wide networks of offices and teams which afforded them the possibility of projecting policy at multiple levels. In particular, UNMIK-P’s mandate to raise a police force for Kosovo, the KPS – that “will have representatives of the different ethnic communities of the municipalities in which it serves” – gave it significant

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<sup>288</sup> Aybet & Bieber, (2011), pp. 1911-1937.

<sup>289</sup> Dayton Agreement, (1995), Annex 1A, Art. VI.

<sup>290</sup> “Report by UN Secretary General on the United Nations Interim Mission in Kosovo, S/1999/779” (12 July 1999).

ability to project norms on ethnic minority participation in the post-conflict policing structures of Kosovo.<sup>291</sup>

The policing environment impacted on the application of strategic mechanisms in two ways: first, it was a critical component in re-establishing confidence in individual and community security, necessary for the progression of ethnic minority issues. Second, through the various reforms processes there was a conscious attempt to achieve ethnically-representative forces so that all ethnicities could have confidence in domestic policing. In this way, the ethnic minority dimension of police reform was both an end of itself and a facilitator for progression on other ethnic minority issues.

Unlike the international military and policing presence, which was clearly coordinated and controlled by the UN and NATO respectively, the nature of international intervention by civilian actors was notable for its diversity and independence. Broadly, the civilian effort can be divided between governmental (including international administration, policing and civil administration, and unilateral acts by individual states) and nongovernmental organisations, many of which had developed a presence in the region during the conflict. In considering the engagement of civilian organisations and agencies in the immediate aftermath of conflict, a number of characteristics emerge that would significantly impact on the delivery of strategic mechanisms.

First, almost every NGO based in the region operated on an independent basis, with the result that the post-conflict space was overrun with a multitude of uncoordinated international agendas often with vast divergence on what conditions, if any, should be prioritised. This led to the rapid emergence of multiple networks for interaction with local populations which, in many cases, were in competition with each other to secure ‘marquee’ projects in the reconstruction effort. Second, as seen in Chapters 2 and 3, institutional divergence and incohesion were equally evident at the inter-governmental level – shaping the political and strategic structures established to oversee the post-conflict effort. International administrations were subject to the voices of many masters from the Contact Group, the quint, the PIC, the UN, NATO, EU, OSCE and CE, to the unilateral pronouncements of individual member states – complemented and compounded by the positions of nongovernmental actors. From this convoluted stratosphere of contrasting and often contradictory political opinions, international administrators and military actors received guidance on every aspect of their operation, including the application of strategic

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<sup>291</sup> Ibid., para 64.

mechanisms, thereby impacting the coherence, credibility and effectiveness of policy delivery on a range of post-conflict issues.

#### 4.22 Complex Division of International Organisation's Labour: Reconstruction and Donor Priorities

In contrast to the relatively clear delineation of international responsibility on security and policing issues, the international engagement with humanitarian and reconstruction issues was notable for the diversity of agencies involved. While the World Bank and the EU were identified at donor conferences as suitable organisations to lead the international reconstruction effort, there was 'profound disagreement on the mechanisms of aid co-ordination', as the diverging agendas of multiple organisations made consensus almost impossible to achieve.<sup>292</sup>

The UN played a prominent role throughout the region in humanitarian issues, primarily through the UNHCR, WHO and WFP, yet their contribution was in many cases dwarfed by that of multiple NGOs and state aid agencies – in Bosnia alone it was estimated that the World Bank's Priority Reconstruction and Recovery Programme, which set aside \$5 billion for the post-conflict effort, attracted as many as 500 NGOs to the region.<sup>293</sup> In both territories, but particularly in Bosnia, the NGO response was as much characterised by the lack of coordination, competition for limited resources,<sup>294</sup> and the sense that "donors and agencies alike went off and did their own thing",<sup>295</sup> as it was by the significant number of valuable contributions made towards the restoration of humane conditions for the local populations.

For the application of strategic mechanisms, the networks created mattered in a number of ways. Undoubtedly they increased the opportunities for linking ethnic minority issues to various post-conflict projects. Equally they fostered confusion as local populations were exposed to an often confusing range of policies and conditions, occasionally compounded by the failure of some NGOs to deliver fully on their commitments, and a general perception of a lack of oversight and accountability. In a relatively short time, numerous cases emerged of "local populations playing NGOs off against each other".<sup>296</sup> All these elements combined to impact on the credibility of

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<sup>292</sup> Forman & Patrick, (2000), p. 339.

<sup>293</sup> Martin & Miller, (2003), pp. 145-166.

<sup>294</sup> Local infrastructure was insufficient to adequately sustain the scale of the effort.

<sup>295</sup> Scott-Flynn, (1999), p. 8. This article also identifies the problem of inter-NGO competition leading to elevated expectations among the domestic community in Kosovo, as they seek "the best deal".

<sup>296</sup> Interview No. 9. Finnish CIMIC officer A, Lipljan 2007.

international civil-military engagement, influencing to varying degrees the effectiveness of their intervention.<sup>297</sup> It did not go unrecognised at the time:

... all must be aware of the importance of the concept of conditionality, as underlined at the London conference. [...] Increasingly, tax-payers and their representatives will be willing to help only when there is a corresponding will to help oneself in doing what needs to be done in order to secure the peace and solve the problems. The Peace Agreement is not an *à la carte* menu, where you can pick and choose what happens to suit you at the moment. The Peace Agreement is a package deal to be respected and implemented in all its parts.<sup>298</sup>

Analysis of the World Bank's Priority Reconstruction and Recovery Programme (PRRP) and the four international donor conferences held for Bosnia between 21 December 1995 and 7 May 1998, also reveals that policy reform and conditionality relating to ethnic issues did not emerge as an prioritised element of the international effort (in that forum at least) until the third donor conference on 23 July 1997, a year and a half into the post-conflict effort. The focus up to that point was on the restoration of energy supply, transport networks, fiscal support for emerging state services and structures, and housing programmes. Of these areas, only the housing programmes were conscious of the need to accommodate standards relating to ethnic minority communities, most involving NATO participation in various capacities. The fourth conference, however, in part responding to the success of the physical progress of various housing programmes, set a target of \$520 million for the reintegration of refugees and displaced persons.<sup>299</sup>

That the EU was allocated lead responsibility for reconstruction and economic recovery under Pillar IV of UNMIK, was representative of international donors' desire to apply the lessons of Bosnia more quickly and ensure greater coordination of the reconstruction effort. It had the secondary effect of placing the EU in a position where it could project 'European norms' and link conditions to the reconstruction effort in certain areas. Article 2 of Council Regulation (EC) 2666/2000 on assistance for Albania, Bosnia, Croatia, FRY, FYROM is revealing in this regard, as it demonstrated an early willingness to project membership norms, explicitly linking community assistance and participation in the SAP to:

(a) reconstruction, aid for the return of refugees and displaced persons, and stabilisation of the region; (b) the creation of an institutional and

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<sup>297</sup> Minear (2002), p.107.

<sup>298</sup> Bildt, (1997), Speech at the Donors Information Meeting. [http://www.ohr.int/ohr-dept/presso/presssp/default.asp?content\\_id=3291](http://www.ohr.int/ohr-dept/presso/presssp/default.asp?content_id=3291) (accessed 14 September 2014).

<sup>299</sup> Forman & Patrick, (2000), p. 326.

legislative framework to underpin democracy, the rule of law and human and minority rights, reconciliation and the consolidation of civil society, the independence of the media and the strengthening of legality and of measures to combat organised crime.<sup>300</sup>

Though the STM would not materialise in Kosovo for another year, there was a clear view among EU staff in Kosovo that the delivery of aid and assistance as part of the reconstruction effort should be consistent with respect for the fundamental principles of the EU.

NATO also worked on infrastructural and reconstruction projects during this phase, particularly at local levels, where small projects such as the erection of bridges and the repairing of roads (though improving their own mobility as a force) benefited the domestic population and the various NGOs who were engaged on humanitarian projects. Though there was no formal guidance for attaching conditions to the completion of such work, there is significant evidence to show that NATO commanders informally linked their reconstruction activity to local compliance on certain issues. For example, road repair and small-scale property reconstruction projects were often linked to safe and free passage of minority persons through majority areas.<sup>301</sup> This will be explored further in the case studies, but the stimulus for their actions can be traced to their decision-making processes.

#### 4.23 Operational Planning and the Military Decision-Making Process

NATO military commanders primarily evaluated ethnic minority issues through their respective military decision-making processes. At the highest levels (Operational HQ) NATO applied operational planning doctrine that facilitated a detailed analysis of the civilian population including the ethnic characteristics of the territories. Through a series of phases (see Appendix IV) this process concludes with orders to subordinate commanders. In receiving orders, military personnel will be given a mission. Within the mission statement, there are always clearly defined tasks which the commander must complete in order to achieve the mission, but often there are also implied tasks which the commander may extract from the mission, as necessary. In peace support or stabilisation operations commanders tended to approach ‘mission analysis’ from the perspective of a ‘manoeuvrist approach’, which allows for the development of ‘non-kinetic’ options that do

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<sup>300</sup> “Council Regulation (EC) No 2666/2000 of 5 December 2000...”, p. L 306/3.

<sup>301</sup> For example, between the villages of Dobrotin (Kosovo Serbian) and Slovinje (Kosovo Albanian) in Kosovo, where NATO assistance with bridges was linked initially to a demand for the cessation of attacks on the local Serbian population and later to their safe passage.

not entail the application or threat of force. Concurrently, many commanders of the period also adapted logics of ‘effects-based planning’ for the low intensity post-conflict operations required in Bosnia and Kosovo. As the case studies demonstrate, military commanders, regardless of their background, continuously sought to adapt conventional means and concepts for non-conventional circumstances. Compounded by state and issue-based NGO-led agendas that competed with NATO operational direction, the resultant maze of approaches, interpretations and policy fostered a culture of experimentation or ‘trial and error’. In part, the combination of these factors – professional intuition juxtaposed with competing national, organisational and internal pressures – explain why many commanders in Bosnia and Kosovo took it upon themselves to engage in ethnic minority and other issues unilaterally.

#### 4.3. *State and Nation-building*<sup>302</sup>

In his critique of scholarship on International Administrations, Ralph Wilde argues convincingly that “the legitimacy of current, previous and future international territorial administration missions needs to be appraised on a normative as well as a technocratic basis”, taking into account both the practical and political implications of their function.<sup>303</sup> Even though this research is not intended as an analysis of international administrations *per se*, the consideration of the influence of international administrations on ethnic issues does add depth to our understanding of how conditionality and normative pressure were delivered by military actors, and why compliance varied.

Within the first year of intervention, the prioritisation of security and reconstruction tasks started to make way for the state and nation-building tasks that provide the backdrop to most of the period analysed. As the humanitarian effort subsided, international focus shifted towards delivering on the main components of the respective treaty documents which, in all cases, included emphasis on building sustainable outcomes in respect of minority issues. In theory, this transition should have privileged the application of strategic mechanisms as by and large, domestic populations were moving to a point where they

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<sup>302</sup> State building is understood, according to the OECD International Network on Conflict and Fragility, as a “process of strengthening the capacity, institutions and legitimacy of the state, driven by state-society relations.” OECD, (2008), p. 1. This definition places political processes and relations between state and society at the heart of state building, OECD *et al.*, (2009), pp. 6-13. It includes all levels of government, from local to national, as well as civil society; “state building is about strengthening state-society relations and working with all three branches of government and civil society”, Hussmann et al., (2009), p. 8. Nation-building is understood as a process of constructing or structuring a national identity using the power of the state.

<sup>303</sup> Wilde, (2004), p. 96.

were no longer solely preoccupied with hard security concerns, and should have been more receptive to incentives and normative pressure on various issues. Furthermore, as political and economic activity recovered, opportunities for the application of incentives and the promotion of norms should have increased significantly. The consolidation of international activity altered the post-conflict environment in a number of ways: parallel ‘international’ economies emerged and became a vital stimulus to local economic activity. However, domestic wage and social structures were ‘turned on their head’, as local, mostly young Anglophones, flocked to international ranks as interpreters and guides; while a ‘second tier’ of local employees sought comparatively well-paid work in the canteens and accommodation blocks of military and civilian bases.<sup>304</sup>

The main engines of this engagement in Bosnia and Kosovo were NATO forces, and the interim international administrations established to coordinate and oversee the transition back to a ‘peaceful functioning society’. In considering this, and the complexity of the division of labour outlined above, four features emerged that influenced the delivery of policy by civilian and military actors: the approach to state and nation-building, the consolidation of networks of international engagement and interaction, the importance of strategic oversight of international activity in post-conflict territories, and domestic capacity for institutional and behavioural change.

#### 4.31 The approach of International Administrations to State and Nation Building

Established in January 1996, under the leadership of Carl Bildt, the OHR faced all the challenges typically associated with a post-conflict environment: security and rule of law, economic reconstruction and development, political institution building, civil administration, tasks associated with refugees and IDPs, as well as attempts to generate sufficient capacity to meet these challenges. In the months that followed, a series of offices and departments emerged to address the specifics of each of these areas, reporting to the leadership of the administration: the Secretariat with responsibility for planning and policy decisions based in Brussels, and the Operational HQ in Sarajevo which focused on the immediate implementation of the polices agreed at Dayton.<sup>305</sup>

Though Bildt and his staff would latterly acknowledge the conceptual ambiguity of their mandate, they quickly identified a number of areas worthy of focused attention,

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<sup>304</sup> Héthy, (2003), pp. 401-428.

<sup>305</sup> Bildt, (1996), [http://www.ohr.int/other-doc/hr-reports/default.asp?content\\_id=3661#1.0](http://www.ohr.int/other-doc/hr-reports/default.asp?content_id=3661#1.0) (accessed 5 August 2015).



creating departments for Political Affairs, including economic policy, Human Rights/Rule of Law, Media Development, and a Task Force for Reconstruction and Returns, while also establishing regional offices in Banja Luka, Mostar, Brčko and Bratunac. Liaison offices were also created to facilitate cooperation with the UN, IFOR and humanitarian agencies.<sup>306</sup> This effort coincided with the expansion of the OSCE mission, which worked closely with the OHR (and the UNHCR) on the key issues of returns and the property rights of all groups, but especially ethnic minorities.

In Kosovo, while the tenets of the challenge facing international actors were broadly the same as those faced in Bosnia, the dynamic of the immediate post-conflict situation was different, as international intervention flipped the demographic map of the province on its head – the hitherto Kosovo Albanian “minority” became the de facto majority under UNMIK administration, with associated consequences:

While the first wave of Kosovo Serb departures was prompted by security concerns rather than by actual threats, a second wave of departures resulted from an increasing number of incidents committed by Kosovo Albanians against Kosovo Serbs. In particular, high profile killings and abductions, as well as looting, arsons and forced expropriation of apartments, have prompted departures.<sup>307</sup>

The four pillar structure of UNMIK was a conscious attempt to learn the lessons from Bosnia and allow for a more coordinated and effective international intervention.<sup>308</sup> Therefore, the SRSG, Sérgio Vieira de Mello,<sup>309</sup> who was appointed by and directly answerable to UNNY, was supported by the UNHCR, which took responsibility for humanitarian assistance in Pillar I. The UN also assumed responsibility for the civil administration and policing of the province in Pillar II; the OSCE led Pillar III which focused on democratisation, elections and institution building; and the EU managed reconstruction and economic development in Pillar IV. Finally, though not formally represented in the pillar structure, KFOR would secure the environment within which the mission would operate.

Joint Civilian Commissions similar to those developed in Bosnia were created to initiate dialogue with the domestic population, leading within six months to the formation

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<sup>306</sup> Ibid.

<sup>307</sup> “Report of the Secretary General on the United Nations Interim Mission in Kosovo”, (1999), S/1999/779”, p. 2.

[http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/1999/779&referer=http://www.un.org/en/peacekeeping/missions/unmik/reports.shtml&Lang=E](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/1999/779&referer=http://www.un.org/en/peacekeeping/missions/unmik/reports.shtml&Lang=E) (accessed 5 August 2015).

<sup>308</sup> Caplan, (2005).

<sup>309</sup> De Mello was appointed on an interim basis and was succeeded by Bernard Kouchner on 15 July 1999, after just one month of service.

of the multi-ethnic Interim Administrative Council and the Kosovo Transition Council respectively. In tandem with that process, UNMIK also sought to install its representatives, including staff of the OSCE, at municipal government levels to “give guidance on the implementation of sectorial policies”.<sup>310</sup>

Understandably, given the scale of their respective mandates, it took time for the OHR and UNMIK to generate the necessary capacity to function as de facto governments for their respective territories, and to engage with effect. Peculiarities of the respective treaty agreements also impacted on their function – the application of incentives and norms by UNMIK was complicated by the issue of Kosovo’s future status, which produced its own compelling and competing logics that appeared to foster an institutionalised reticence to address key issues beyond a certain undefined level. For Bosnia, the boundaries of entities had a similarly stifling impact on the effectiveness of strategic mechanisms, as nationalist elements within the respective entities moved to consolidate their power within new boundaries, often at the expense of minority group returns, property rights and willingness to participate in emerging political structures.

Such ambiguity stimulated diminishing returns in terms of local support for interim structures. Indeed, the establishment of international administrations in Bosnia and Kosovo appeared over time to foster a sense of disenfranchisement among domestic populations (and nationalist political parties in particular), whereby responsibility for implementing the standards set concerning ethnic issues (and other policy areas) was initially, at least, on the shoulders of the very international organisations that set the standards in the first place. Arguably, this necessary anomaly – given the general absence of governance and administrative structures following conflict – diluted the ‘local ownership’ of the commitments enshrined in the agreements.

#### 4.32 Networks of Interaction

A key defining characteristic of each phase is the emergence of formal and informal networks of interaction within which strategic mechanisms were applied. In both cases, the dominant network in the immediate post-conflict phase was the military network controlled by NATO. However, capitalising on the creation of a secure environment, multiple civilian networks quickly emerged, including the OSCE field missions; the

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<sup>310</sup> “Report of the Secretary General on the United Nations Interim Mission in Kosovo”, (1999), *op. cit.*, p. 12.

international police networks of IPTF, and UNMIK-P; the agencies and offices of the OHR and UNMIK, and the agencies of international organisations such as the European Agency for Reconstruction; the UNHCR; and an assortment of diverse GOs and NGOs engaging the domestic community in everything from the restoration of mosques (Saudi Aid) to the creation of cross community women's networks (Kosovo Women's Network).<sup>311</sup>

The organisation of these civilian networks generally followed similar formats, with centralised "field" HQs, usually located in the capitals, supported by regional offices. As such, most of these bodies, including NGOs, had a capacity, to some degree at least, to interact with domestic actors and each other, at some if not, all levels. Though the need for the coordination of effort was generally accepted and advanced through the offices of the OHR and UNMIK in association with NGO councils, in practice it proved extremely difficult to achieve, as agendas, personalities and cultures clashed.<sup>312</sup>

Domestic 'points of contact' were common to many, if not most of, these organisations, from village leaders, clergy, medical practitioners, local NGOs, or the leaders of political parties and key state agencies. However, in most cases international actors preferred to establish independent networks at the outset, rather than seeking to rationalise engagement with domestic actors through shared interaction with other international partners. This desire for independence of action led to the often ridiculous – particularly in rural towns and villages – procession of international representatives to and from the homes of various local representatives, in many cases to discuss the same issues. At times, international actors did converge and cooperate on specific issues, however the intensity and repetitiveness of interaction remained, at best inducing a culture of brinkmanship and bemusement among local populations, at worst fostering a legacy of frustration and resentment as international promises went unfulfilled.

Strategies for engaging the domestic population also varied between those who were quite prescriptive in their approach, and those who sought more inclusive interaction, encouraging opportunities for enhanced local ownership: both prompted associated challenges. For example, writing from the perspective of a practitioner, Béatrice Pouligny, observed:

First, we have difficulty taking into account local knowledge and resources as major inputs in rebuilding strategies. Second, we generally fail in scheduling outside interventions so that they will reinforce local processes. Third, the fact that relationships with local civil societies are

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<sup>311</sup> Pouligny, (2005), p. 499.

<sup>312</sup> Scott-Flynn, (1999), pp. 7-9.

very asymmetric and characterized by patronage has concrete consequences for those rebuilding, and thus support for these processes by local people remains an uncertainty.<sup>313</sup>

In instances where international actors sought to coordinate their activities, military CIMIC often provided a facilitating platform.<sup>314</sup> Both territories provided numerous examples of cooperation on minority returns and political participation utilising CIMIC structures. Broadly, where cooperation on returns existed, it ranged from multi-lateral cooperation to bi-lateral interaction, such as that between the Danish Refugee Council and KFOR<sup>315</sup>, to independent initiatives such as those followed by USAID, the US military and others. In contrast, the numbers of actors involved with tasks associated with progressing the political participation and representation of ethnic minorities was often quite small, as organisations which formally assumed primary responsibility for democratic reform and elections, such as the OSCE and the UN, were better equipped both in terms of personnel and resources to address representative structures and electoral issues. Where smaller organisations did seek to participate, they tended to be special interest groups or local NGOs, such as those that sought to address Roma rights or women's issues. The implications of this will be considered in the case studies.

As state-building initiatives developed, new frameworks emerged to formalise interaction between domestic and international actors. Key benchmarks and priorities on a range of issues were agreed, including goals for addressing ethnic minority returns and property restitution.<sup>316</sup> The SAP which was launched by the EU in 1999 refocused international attention away from reconstruction and rehabilitation, towards an emphasis on the rule of law and institution-building:

The rule of law is a fundamental value of the European Union. It is essential for economic development, the return of refugees, protection of human and minority rights and the fight against organised crime and corruption. Progress in the justice and home affairs area is crucial.<sup>317</sup>

It was at that point that membership conditionality, which had hitherto been an implied incentive, was formally introduced to the post-conflict context. The engagement also

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<sup>313</sup> Pouligny, (2005). p. 499.

<sup>314</sup> Bijleveld, (2006), pp. 141-153.

<sup>315</sup> The Danish Refugee Council and KFOR coordinated programmes for 'go and see' visits as confidence-building exercises in advance of Kosovo Serbian returns.

<sup>316</sup> "Communication from the Commission to the Council and the European Parliament: The Western Balkans and European Integration", (2003).

[http://trade.ec.europa.eu/doclib/docs/2003/november/tradoc\\_114088.pdf](http://trade.ec.europa.eu/doclib/docs/2003/november/tradoc_114088.pdf) (accessed 5 August 2015).

<sup>317</sup> Ibid., p. 4.

altered the nature of normative pressure, particularly through mechanisms such as CARDS, which allowed for institutional twinning programmes that significantly increased the socialisation of norms in the new institutional structures of post-conflict territories throughout the region. For Kosovo, the SAP programme was repackaged as the STM through which the EU emphasised the importance of compliance with EU political and economic conditionality (basic principles of democracy, rule of law, human and minority rights, reforms in market economy).<sup>318</sup>

The importance of the MAP, SAAs and STM,<sup>319</sup> when they emerged, was that they assumed domestic capacity for international engagement and constituted a formal framework that allowed for progression to international integration: benchmarking beyond the confines of the treaty agreements. As a result, ethnic minority issues can be said to have been exposed to formal and informal networks that exhibit varying degrees of cooperation and coordination among international actors. This transition to a structured incentivised process should have empowered international civil-military organisations to attain greater compliance on ethnic minority issue: the extent to which it did shall be considered below.

#### 4.33 Strategic Oversight of Interim Administrative Structures

Few scholars have investigated the composition and functioning of the strategic structures that oversee the operations of international administrations. The terms of the Dayton agreement saw responsibility for the international oversight and assessment of the OHR distributed among the membership (55 states and organisations) of the PIC.<sup>320</sup> Even at its executive level, the steering board of the PIC comprised 11 members, including all members of the Contact Group, the EU, the European Commission and the OSCE. In effect, the political guidance passed to the HR in Bosnia, who was himself double-hatted, as representative of both the international community and the EU,<sup>321</sup> passed through two layers of filtration involving the combined input of 66 different states and organisations. From the outset, this posed difficulties for the OHR, best exemplified when Carl Bildt noted in his first report as HR that:

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<sup>318</sup> “Recommendations of first Meeting of the Stabilisation and Association Process Tracking Mechanism for Kosovo” (2003). <http://www.esiweb.org/pdf/bridges/kosovo/15/1.pdf> (accessed 9 September 2015).

<sup>319</sup> The SAP Tracking Mechanism was formally introduced by the EU on 6 November 2002.

<sup>320</sup> Established in London on 8/9 December 1995.

<sup>321</sup> From 2002.

In spite of the commitment at the Peace Implementation Conference in London, the governments represented on my Steering Board have not yet been able to agree on a funding key for the expenses of the High Representative. I have been able to initiate operations thanks only to support from the European Union, which was later supplemented by a grant from the Government of Japan.<sup>322</sup>

The emergence of such byzantine structures can be attributed to a number of factors, including: disagreements between US and European representatives as to the best approach for Bosnia, and the associated lack of confidence in both the EU and UN in particular; the fact that the international effort in the latter stages of the conflict was channelled through the Contact Group; and the desire of the Contact Group and the Quint specifically to involve, but not hand over responsibility for, the post-conflict effort to any one international organisation.<sup>323</sup> In addition to the PIC, strategic guidance was supplied independently to field missions from the various main HQs of international organisations: the Brussels HQs of NATO and the EU, and the Vienna based OSCE, in addition to the unilateral actions of their individual member states.

As noted in Chapter 3, these HQs were themselves subject to a range of influences and geo-political factors that shaped that character of the strategic direction delivered to field missions. As a result, though in theory the special representatives and their staff were to fulfil a coordinating function, in practice it would prove immensely difficult for SRs to gather together the strategic demands of various international bodies into a coherent operational concept. Illustrative of this pressure, HR Carl Bildt felt it necessary to write a “note of caution” to the foreign ministers of the countries of the PIC Steering Board and the EU, addressing their desire for progress on returns, and suggesting that forcing the pace of the returns process “risks – simply speaking – to be highly destabilising in a situation which from the beginning is far from stable”.<sup>324</sup>

In contrast, a generally cohesive international approach is much more evident in Kosovo, where the UN was identified as the framework organisation for the coordination of the post-conflict effort. The EU, NATO and the OSCE’s roles in the international effort were more clearly outlined, and there appeared to be a renewed willingness to trust international organisations to provide strategic function and leadership. Therefore, while

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<sup>322</sup> Bildt, (1996a), para. 8. [http://www.ohr.int/other-doc/hr-reports/default.asp?content\\_id=3661#1.0](http://www.ohr.int/other-doc/hr-reports/default.asp?content_id=3661#1.0) (accessed 5 August 2015).

<sup>323</sup> Chandler, (2006), pp. 22-24.

<sup>324</sup> Carl Bildt, (1997), “Remarks to the Humanitarian Issues Working Group of the Peace Implementation Council.” [http://www.ohr.int/ohr-dept/presso/presssp/default.asp?content\\_id=3294](http://www.ohr.int/ohr-dept/presso/presssp/default.asp?content_id=3294) (accessed 07 September 2015).

the Contact Group, which played the lead role at the Rambouillet talks, retained the right to intervene, the UNMIK mission did not have to answer to a PIC type body but rather to the more traditional points of contact such as the UNSG, and for KFOR, the NAC.<sup>325</sup> The UNMIK structure thus represented an attempt to streamline the strategic and operational levels of post-conflict engagement. However, despite this willingness to adapt, other difficulties emerged, including the debilitating inability of the international stakeholders to progress the question of the future status of Kosovo, which resulted in the degenerative outcome of successive UNSRs struggling to maintain the cohesion of the mission, in the face of growing Kosovo Albanian frustration and anger.

Accepting that disagreements existed between members of the PIC, Contact Group and UN Security Council on minority rights, often compounded by the willingness of various states and organisations to ‘go it alone’ on certain issues, then the potential for policy confusion and inertia was evident from the outset. However, the initial emphasis on hard security tasks, returns and the creation of democratic electoral process all met with some success. Over time, and particularly in Bosnia, the combined effect of some 55 (PIC) states and organisations all positing their views on the post-conflict response fostered confusion among the international military and civilian staffs, and stoked resentment on the part of domestic populations, who increasingly questioned the credibility of the international presence in their midst.

#### 4.34 The Emergence and Evolution of Domestic Institutions

As state-building processes gathered pace, domestic capacity to respond to pressures for institutional and behavioral transformation gradually developed. Interviews in both territories revealed trends that help to explain why policy adoption and implementation varied across a number of issues, not just those affecting minorities. At the individual level, it was acknowledged that while the general educational base of both populations was quite good, there were serious deficits in institutional competence and experience that had to be addressed by the international organisations involved. The link between individual capacities and the applications of new ‘international’ rules is apparent, in that several interviewees noted that even where domestic staff in new state institutions had experience,

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<sup>325</sup> The HR for Bosnia also reported to the UNSG, but his primary correspondence was to the PIC.

they were often asked to “apply totally new procedures in a totally new culture”.<sup>326</sup> A KFOR officer who worked closely with the Lipljan municipality observed:

They were used to doing business in the Yugoslav way, the communist way. What the UN, OSCE and we were asking them to do was a real culture shock. Also for many of the Albanians it was their first experience in a formal government structure so there was a lot of bedding-in required...<sup>327</sup>

While clear rules and information on accountability and good governance were imparted by international actors during the state and nation-building phase, disparities emerged across the process: from the straight forward refusal of minorities to participate in new representative structures, to the inconsistent development of professional aptitudes appropriate to the new structures of government. The quality of elite-level engagement in new institutions was similarly diverse (as shall be highlighted in the case studies), compounded by the demands of domestic politics.

#### 4.35 Summary

It is evident that the OHR, UNMIK and the civil-military framework that supported them developed significant capacity to address the state and nation-building tasks outlined in their mandates. Both had executive power, significant resources for aiding the post-conflict effort, and extensive territory-wide networks of staff interacting with military personnel, NGOs and other domestic actors at multiple levels – allowing intensive socialisation. It is therefore clear that formal and informal networks of interaction mattered as they shaped the context, and in many cases defined the credibility of action on ethnic minority issues. As interactions transitioned, opportunities emerged for international administrations to connect policy frameworks to more ambitious processes, such as the STM, SAP, MAPs. Despite the complexity of international strategic oversight, new opportunities for the application of conditionality and normative pressure were conceived and presented in a variety of formats.<sup>328</sup> In time, these allowed for more streamlined approaches to conditionality and normative socialisation to develop.

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<sup>326</sup> Interview No. 11. Former UNMIK civilian staff officer, Naqoura, Lebanon, September 2012.

<sup>327</sup> Interview No. 8. Former staff member of the EU Mission to Kosovo, Brussels, February 2014.

<sup>328</sup> Rehn (2005) "EU enlargement under stress – the policy of consolidation, conditionality and communication", Institute for European Policy. <http://ec.europa.eu/enlargement/archives/ear/news/news.htm> (accessed 9 September 2015).



#### *4.4 International (Re)integration: Peacebuilding and Striving for Sustainable Outcomes*

As demonstrated above, it would be over a year before there was a clear shift in emphasis away from stabilisation and reconstruction towards state and nation-building initiatives aimed at restoring power, function and identity to the peoples of Bosnia and Kosovo. While the linear progress of that transition was relatively apparent, the subsequent transition beyond state and nation-building was less so. The continued presence of international administrations are representative of the reality that the territories are not deemed ready to engage in international relations on their own terms. To some extent, too, it reflects that fact that ethnic issues remain to be addressed. Therefore, peacebuilding in this context can be considered as an elastic zone between post-conflict intervention associated with state and nation-building on the one hand, and ‘normal’ international relations primarily associated with membership of the EU and NATO, on the other. As such, it is apparent that the integration of post-conflict territories into international structures coexists with the continuation of state and nation-building, and if it follows its intended course, should eventually be overtaken by it.

For compliance on policy for ethnic issues, a number of difficulties arise at this point: overtime the rhetoric on ethnic minority rights and issues often softens, and can be drowned out by the emerging economic and political priorities of external and domestic actors alike. Capacities of international organisations, particularly the military, are seen to reduce during this phase, due either to substantiated security progress or alternative security priorities, i.e. requirement for personnel in Iraq and Afghanistan. Alternatively, Kosovo and Bosnia can be viewed as a unique circumstance, when post-conflict techniques can be married with those of integrationist processes. The presence of international civilian and military actors need not hinder the progress of membership conditionality and associated normative pressure. However, by the end of the period analysed, neither Bosnia nor Kosovo can be said to have fully transitioned beyond state and nation-building, or meaningfully progressed towards membership of the EU or NATO.

#### *4.5 Relevant Features of Post-conflict Transition*

In addition to the phases outlined, other features of the post-conflict effort persisted to influence the purchase of civil-military engagement with ethnic minority issues, including: the relationship between returns and property rights, the purchase of conditional incentives, and the balance between incentives and coercion.

#### 4.51 Returns and Property Rights

In keeping with the general interventionist experience of ‘learning by doing’, it is evident that international organisations ‘felt their way’ when it came to addressing the property concerns of ethnic minority groups. In both cases, the housing stock was greatly reduced in the aftermath of conflict. In Kosovo, “up to half of the entire housing stock was damaged or destroyed; in Bosnia-Herzegovina, 60% of the housing was destroyed...”<sup>329</sup>, thereby creating the demand for a number of related activities that often entailed significant military involvement: emergency support for refugee camps, the provision of temporary housing, the conduct of surveys of post-conflict housing stocks, and the subsequent moves to return those displaced to either their original place of residence, or to sustainable alternatives once constructed.

As the case studies shall demonstrate, the treaty basis for engagement with minority property issues was quite strong. However, as the general post-conflict effort transitioned to address tasks associated with state and nation-building, numerous and often complex difficulties arose, from: the official status of minority groups in new states, the status of their properties, their access to a functioning legal process, their ability to return to their homes safely, and where they did not wish to return their ability to dispose of their assets in a normal commercial fashion.

#### 4.52 The Evolution of Civil-military Interaction: The Space for Military Contributions

As noted above, policy on minority issues is wholly developed in a civilian context. However, in a post-conflict context that necessitates military intervention over a prolonged period, the task of delivering and overseeing policy implementation is shared – formally and informally – between civilian and military actors. In the earliest phases, military actors can have significant impact – intended and unintended – on minority rights issues. Recognition of the evolution and complexity of that dynamic has been slow to emerge.

It is clear from the initial HR reports in Bosnia, that the roles of the OHR and IFOR were formally separated at the start. The HR did not have the authority to task IFOR, but rather to work with them and to coordinate activities where possible.<sup>330</sup> The HR’s prime

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<sup>329</sup> Leckie, (2005), p. 15.

<sup>330</sup> The OHR did have extensive liaison with NATO, particularly at the strategic level through its secretariat in Brussels.

responsibility was to oversee “civilian implementation activities”.<sup>331</sup> In his first report, Carl Bildt explained the logic guiding his approach:

My efforts to coordinate the different aspects of civilian implementation take place at two levels. One is concerned with the planning and policy decision making process and is carried out by the Secretariat in Brussels. The other is concerned with the immediate implementation of agreed policies, and is carried out by the Headquarters in Sarajevo.<sup>332</sup>

A number of points are worth highlighting on this approach. First, the normative approach for the operation of the OHR was coming predominantly from the ‘policy planners’ in Brussels – he goes on to mention the specific focus on human rights monitoring. Second, accepting that Bildt foresaw the expansion of the OHR’s offices to sub-state levels (particularly Banja Luka), the OHR positioned itself primarily to work at the elite/political level, relying on the success of soon-to-be established commissions and task forces to ‘implement’ policy through emerging state institutions. Inadvertently, it propelled NATO, and to a lesser extent, the OSCE to the forefront of local engagement on a variety of ‘civilian’ issues.

The desire for separate civilian and military ‘chains of command’ can be explained and accounted for in other ways. At a practical level, sovereign control of the application of military assets will always be retained by the TCC. While degrees of operational control vary, NATO’s preference was to maintain the integrity of its command structure back to SHAPE, and for political oversight to NATO HQ. This contrasts with the UN, where the SRSG can, depending on the mission, have a more independent say on the application of military assets. That separation did not prevent exchanges of ideas and assistance. In both cases, the practical capabilities of the military, along with their willingness to adapt to civilian strategies, emerge. From military participation on interim commissions and elections boards to the conduct of infrastructural surveys and localised census, the civilian apparatus of international organisations relied on military cooperation and support. Over time this effort, and recognition of gaps and deficiencies therein, came to be captured through concepts developed for civilian-military interaction such as CIMIC and SSR.

Such ideas gained increasing purchase within civilian-military spheres, gradually producing a range of formal and informal incentivised approaches to encourage domestic acceptance and implementation of policy. The evolution of that endeavour was not without

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<sup>331</sup> Bildt, (1996a), para. 90-93. [http://www.ohr.int/other-doc/hr-reports/default.asp?content\\_id=3661](http://www.ohr.int/other-doc/hr-reports/default.asp?content_id=3661) (accessed 5 August 2015).

<sup>332</sup> Ibid., para. 14.

its flaws: one CIMIC officer involved in SSR planning in Bosnia acknowledged that the “consolidation of ideas [on civilian-military interaction with domestic actors] came too late for Bosnia: had we appreciated that importance of local ownership [and all that means] at the start, we may have acted differently and possibly achieved better outcomes...”<sup>333</sup> In considering this perspective, it is interesting to note that in an analysis of HR reports from Bosnia, the first reference to local ownership – related to minority returns issues – arises in 2000.<sup>334</sup>

The extent to which the coercive options available to civilian and military actors impacted on each other is not investigated in this research, though instances did occur when the application of coercive measures impacted on concurrent application of incentives elsewhere. The requirement for coercive as well as incentivised means was identified early in Bosnia. In summarising the still severe human rights situation in Bosnia from 1996-1997, Carl Bildt acknowledged that the normative only approach that had been applied by the OHR up to that point needed to be reinforced with alternative options:

Failure to implement the human rights provisions of the Peace Agreement should also be addressed by introducing new techniques to sanction non-compliance and by strengthening existing mechanisms. [...] persons who engage in substantial acts of non-compliance or human rights violations be denied visas allowing them to travel abroad. [...] Other strategies are being developed, including a more co-ordinated system for joint demarches to interested Governments and intergovernmental institutions, and methods to ensure effective and thorough incorporation of human rights considerations into decision-making relating to economic assistance and reconstruction.<sup>335</sup>

OHR staff suggested that they tried to balance coercive and incentivised approaches by aiming coercive measures at individuals, while applying positive incentives more broadly.<sup>336</sup> Maintaining that balance proved difficult, undermined by approaches that were often experimental, ad hoc and inconsistent.<sup>337</sup>

If coercive actions by the civilian staff of the OHR and UNMIK was not uncommon, the military application of coercive measures (primarily delivered in the context of the security aspects of their respective mandates based on the use of force)

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<sup>333</sup> Interview No. 80. Former French SFOR CIMIC officer, Naqoura, Lebanon, March 2012.

<sup>334</sup> Petritsch, (2000), para. 34, 43 & 87.

[http://www.ohr.int/other-doc/hr-reports/default.asp?content\\_id=3658](http://www.ohr.int/other-doc/hr-reports/default.asp?content_id=3658) (accessed 6 September 2015).

<sup>335</sup> Bildt, (1997), para. 107. [http://www.ohr.int/other-doc/hr-reports/default.asp?content\\_id=3668](http://www.ohr.int/other-doc/hr-reports/default.asp?content_id=3668) (accessed 10 September 2015).

<sup>336</sup> Interview No. 40. Former member of the OHR. Sarajevo, July 2013.

<sup>337</sup> Boyce, (2002), pp. 61-72.

decreased significantly by the end of the stabilisation and reconstruction phase, crucially at a time when ideas of CIMIC activity were taking hold among military commanders.

#### *4.6 Summary*

In taking a phased approach to the analysis of post-conflict intervention, it has been shown that opportunities for the application of strategic mechanisms were presented at multiple levels in both territories. Variations in the application of conditionality and normative pressure are observable throughout this process, as the emphasis on the ethnic minority dimension of the post-conflict effort shifted from phase to phase.

The initial application of strategic mechanisms during stabilisation and reconstruction was driven by the requirements of the treaty agreements and largely dependent on the ability of intervening military forces to establish a safe and secure environment in the areas of operation. This had the dual effect of creating space for intervention and freezing the disposition of ethnic minority communities which, in some instances, compounded difficulties experienced in the subsequent returns process. The intervention by civilian actors had similarly positive and negative connotations, resulting in a highly complex and disconnected division of labour, with associated implication for the coherence, and credibility of the strategic mechanisms applied for ethnic minority issues at multiple levels. New types of incentives related to ethnic minority issues evolved, with many of the ideas that would become central to NATO's understanding of CIMIC emerging in the early stages of intervention, including encouraging compliance on issues related to returns and participation at local levels. The potential for the diversification of application of incentives by military forces is also evident, for example the initiation of police and military reforms incorporating linkage to compliance on ethnic issues and ethnic minority participation.

Opportunities increase with the transition to state and nation-building, where the emphasis of operation shifts from military to civilian means. The capacity of international organisation to project policy on ethnic minority issues is greatly enhanced during this phase, where international administrations emerge as the fulcrum of extended networks of engagement. Programmes tailored for the requirements of the respective territories were introduced, structures of interaction established, and bodies such as interim commissions and committees to engage with developing domestic structures emerged. In spite of the incoherence of the strategic oversight of their operation, international administrations quickly established a wide variety of instruments for both projecting policy on ethnic

minority issues and for confirming compliance – over time these policies often became formalised in integrationist programmes associated with membership of international organisations, such as the IPAP for NATO and STM for the EU.

Equally, their influence as a socialising presence in post-conflict territories grows during this phase and is intensified with the introduction of twinning schemes at national and municipal levels in the transition to pre-accession aspects of peacebuilding. Over time, therefore, we can say that the nature of engagement evolved from an ad hoc interaction, typified by an atmosphere of learning by doing, to more formalised and coherent policies delivered through various programmes affecting institutional reform and often linked to the early stages of an enlargement process through the Standards for Kosovo or STM in Kosovo, or the PfP and IPAP in Bosnia.

Opportunities are observed to diversify and contract as international organisations' ability to influence policy in post-conflict environments in general is subject to diminishing returns with co-relating impact on the credibility of its actions. Though membership is implied from the outset, and was formalised as a prospect for both territories in the region by 2003, it does not appear to necessarily transfer to ethnic minority issues, as they tended to lose prominence amidst alternative priorities associated with economic and political development. This will be explored in greater detail in Chapters 5 and 7. In summary, this chapter reveals that the post-conflict environments of Bosnia and Kosovo presented opportunities and challenges in equal measure to civil-military actors. In spite of an official desire to keep the international military presence separate from civilian administration, military actors found themselves integrated into emerging frameworks, by design and accident, the implications of which will be fully considered in the cases studies below. Finally, in considering the factors for transition outlined, it is also clear that neither Bosnia nor Kosovo have transitioned meaningfully beyond the state and nation-building phase.

## **Case Study 1**

### **Bosnia & Herzegovina 1995-2005**

## Chapter 5

### **Military Engagement with Ethnic Minority Issues in Bosnia Herzegovina 1995-2005: Framework and Context**

#### *5.1 Introduction*

When NATO forces first entered Bosnia on 20 December 1995, under the code-name of “Operation Joint Endeavour”, the UNHCR estimated that the numbers of displaced persons arising from the conflict was approximately 2.7 million: 1.2 million of whom were internally displaced.<sup>338</sup> Two distinct categories of “returnees” were identifiable within this group: the larger group for whom returning to their place of origin was politically uncontentious – as they were returning to areas where they were the predominant ethnicity – and the smaller group who were not the predominant ethnicity at place of origin; categorised as “ethnic minority returnees”. Within a year of the signing of Dayton, significant progress was made in respect of the former group. By 2015, several issues relating to the latter group remained unresolved. This chapter focuses on key sources of influence that shaped the military engagement with ethnic minority issues examined in Chapter 6: the position of the military within the international structures created by Dayton, the influence of civil-military balance on military behaviour, and the impact of the evolution of domestic politics.

#### *5.2 The Dayton Framework: Policy on Ethnic Minority Issues*

Dayton makes very few references to minority rights. Annex 4 of Dayton, which sets out the constitutional parameters of the settlement, contains one of the few direct references to minority rights in the preamble:

*Inspired* by... the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, as well as other human rights instruments.<sup>339</sup>

This statement is supported by Annex I. 15, which specifically identifies the 1994 Framework convention for the protection of national minorities as an “agreement to be

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<sup>338</sup> Ogata, (1995). <http://www.unhcr.org/3ae68f8e28.html> (accessed 9 September 2015).

<sup>339</sup> “General Framework Agreement for Peace in Bosnia”, (1995), Annex 4: Preamble.



applied in BiH”.<sup>340</sup> Rather, the agreement prioritises the needs of returnees and displaced persons, their security and fundamental human rights, some of which correlate with minority rights issues. In this regard, it is reflective of the views held by the main facilitators of the agreement, most notably the EU, which itself had no common position regarding minority rights policy. However, though the document seemed to avoid direct references to minority rights, it did not avoid minority rights issues, with Annexes 6 and 7 in particular addressing key areas of concern.

Annex 7, which focused on agreement on refugees and displaced persons established the conditional framework for returns through a series of “confidence building measures” requiring the parties’ compliance. These included measures to address: discriminatory legislation, the prevention of incitement and ethnically motivated hate speech through the media, warnings against acts of suppression or reprisal, the protection of ethnic minority populations “wherever they are found”, and the prosecution of persons in state bodies for offences against ethnic minority groups.<sup>341</sup> The basis for engagement with minority property issues was quite strong:

All refugees and displaced persons have the right freely to return to their homes of origin. They shall have the right to have restored to them property of which they were deprived in the course of hostilities since 1991 and to be compensated for any property that cannot be restored to them. The early return of refugees and displaced persons is an important objective of the settlement of the conflict...<sup>342</sup>

While the conditions were established and accepted by the signatories of the agreement, they were not initially linked to either incentivised or coercive measures, though it was assumed that such measures would emerge as a part of the process.<sup>343</sup>

In considering this, and looking at the political framework agreed in the ‘Constitution’, it is clear that insofar as minority issues were considered, it was predominantly in the context of a workable division of power between the constituent groups, as opposed to the lower level minority issues that were apparent in both entities. As such, while Dayton established a framework for addressing certain ethnic minority issues, it did not meaningfully address questions on the position and rights of ethnic minorities within the entities of RS and the Bosnian Federation. This was further

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<sup>340</sup> Ibid., Annex I. 15.

<sup>341</sup> Ibid., Annex 7 Art. I, , para. 3.

<sup>342</sup> Ibid. Madeline Garlick suggests that this was a first of its kind in an international agreement, specifically stating the entitlements of individual refugees and displaced persons to return to their actual “homes of origin”. See Garlick, (2000), p. 68.

<sup>343</sup> Interview No. 56. Former staff member of the OHR, London, March 2013.

compounded by the decision to freeze the ethnic disposition of the country while post-conflict order was established.

In Annex 10, the Agreement on Civilian Implementation was intended to clarify the lines of responsibility for “implementing the civilian aspects of the peace settlement”.<sup>344</sup> It is apparent that the framework established did not appear to envisage the application of incentives. Under the title of “Mandate and Methods of Coordination and Liaison”, the HR is tasked, among other things, to: ‘Monitor the implementation of the peace settlement; Maintain close contact with the Parties to promote their full compliance with all civilian aspects of the peace settlement and a high level of cooperation between them and the organizations and agencies participating in those aspects; Coordinate the activities of the civilian organizations and agencies in Bosnia and Herzegovina to ensure the efficient implementation of the civilian aspects of the peace settlement...; Participate in meetings of donor organizations, particularly on issues of rehabilitation and reconstruction;... and Provide guidance to, and receive reports from, the Commissioner of the IPTF established in Annex 11 to the General Framework Agreement.’<sup>345</sup> The political dynamic to emerge from this framework served to confuse issues concerning minorities, as the rights and needs of minorities attempting to return and gain a voice in the new institutions were often lost amidst the larger inter-ethnic debates on power-sharing. The potential for this dynamic to emerge was not unforeseen at the time, but the feeling of OHR staff in particular was that the “power sharing aspect of the settlement had to come first. It was the pivot for the whole process.”<sup>346</sup>

Throughout the period analysed, the Dayton agreement served as the lynchpin for engagement with ethnic minority issues. Indeed it is not until 2003, that compliance on ethnic minority issues starts to be linked more generally to incentives emerging from NATO and EU enlargement programmes. Though the language of minority rights was not to the fore in Dayton, sufficient norms were established for effective engagement with ethnic minority issues. It is clear too that the weight of responsibility for compliance on all aspects of the agreement rested with the domestic institutions at state and entity levels, with clear and definite policy direction. However, if this framework could be considered as forming the normative hub for ‘civilian’ interaction on a wide range of issues, the conditional aspect of that interaction existed largely in the direct ‘one-to-one’ engagement

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<sup>344</sup> “General Framework Agreement for Peace in Bosnia”, (1995), Annex 10, Art. I, para. 1.

<sup>345</sup> Ibid., Art. II, para. 1.

<sup>346</sup> Interview No. 56. Former staff member of the OHR, March 2013.

between representatives of international organisations (particularly OHR, NATO and the EU) and domestic interlocutors. For this reason, the types of conditionality that would later emerge in Bosnia were significantly influenced by the international organisational division of labour of the initial post-conflict administration. Two commissions were central to that dynamic: the Joint Civilian Commission headed by the HR for Bosnia, and the Joint Military commission headed by COMIFOR.

### 5.21 The Evolution of International Administration 1995-2005

Dayton sought to establish order and the basis for sustainable institutional reform through the creation of a series of commissions which afforded direct and frequent engagement with domestic political actors. These included the quasi-executive Joint Interim Commission, the Joint Military Commission, the Commission on Human Rights, and the Commission for Displaced Persons & Refugees. In this way, Dayton provided a broad-based institutional architecture for interaction on ethnic minority issues at multiple levels, incorporating input from several international organisations, most notably ICRC, UNDP, the fledgling UNHCHR, OSCE and IFOR. Though the contribution of NATO is not specifically identified in either Annex 6 or 7, it was tasked to support the UNHCR in aiding returns, and maintained a formal presence in all of the commissions.<sup>347</sup>

The evolutionary character of this structure was evident from the HR's 1<sup>st</sup> Report to the UN Secretary General. Supported by the EU, OSCE and CE in particular, Carl Bildt prioritised the development of human rights instruments. Interviewees have suggested that this was a way to deal with minority rights issues without engaging in a minority rights programme *per se*: “there was an idea that human rights were less contentious or politically charged than minority rights”.<sup>348</sup> New structures emerged rapidly during this time with the creation of a Human Rights Chamber, Ombudsman, and a Human Rights Coordination Centre with links to the ICTY. The emergence of new ideas was also a feature of the period. For example, the UNHCR assumed a three-phased approach to addressing the returns issue:

First, the movement of refugees to their own home areas where they constitute the majority today ... Secondly, the repatriation of refugees who do not wish to return to their former home areas, where they would now be in a minority, and who wish to relocate to new areas within the Entity in which they would constitute the majority. The third category,

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<sup>347</sup> “General Framework Agreement for Peace in Bosnia”, (1995), Annex 1A.

<sup>348</sup> Interview No. 43. Former OSCE staff, Brussels, February 2014.

and the most difficult, is the repatriation of refugees wishing to return to their areas of origin where their ethnic group now constitute a minority.<sup>349</sup>

In aiding this effort, many of IFORs key tasks were prioritised by the OHR. The task of securing freedom of movement – jointly allocated to IFOR and the IPTF – was linked to the UNHCR’s role on returns. In his first report, HR Bildt continually emphasised the link between successful returns and the efforts to establish and maintain of a “safe and secure environment” and “freedom of movement”.<sup>350</sup> Specifically on cooperation with IFOR, HR Bildt highlighted the presence of IFOR personnel in nearly all of his commissions, and the fact that he saw IFOR’s Multinational Divisional Headquarters as being key facilitators for establishing Joint Civilian Commissions at regional levels – recognising the physical capacity of IFOR to progress such developments in the absence of other options.<sup>351</sup> From the outset, therefore, military units were consciously placed at the forefront of engagement with rights-based issues in post-conflict Bosnia.

#### 5.22 IFOR to the Fore

When considering the military role on ethnic minority issues that was to emerge, the initial ‘roll out’ of international administration was highly significant. Within 30 days of its deployment, IFOR had established a presence throughout the country and had completed its initial task of separating “war fighting factions”.<sup>352</sup> During this period, IFOR rapidly established an extensive network of international and domestic contacts at local/municipal levels. This was achieved through the tasking of junior commanders to establish “communications with local leaders and international agencies in the AOR”.<sup>353</sup> As a result, IFOR personnel were immediately engaged on a range of security, humanitarian and related post-conflict issues. IFOR press briefings from the period reveal both the diverse range of issues that were brought to IFOR staff for consideration, and clear frustration at the lack of information on the activities and contribution of the OHR:

I checked around, tried to find out who’s responsible to try to set them straight on the facts, and the best I could hear from the diplomatic

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<sup>349</sup> Boutros-Ghali, (1996), para. 71. <http://www.nato.int/ifor/un/u960314b.htm> (accessed 6 September 2015).

<sup>350</sup> Bildt, (1996a), para. 70-72. [http://www.ohr.int/other-doc/hr-reports/default.asp?content\\_id=3661#1.0](http://www.ohr.int/other-doc/hr-reports/default.asp?content_id=3661#1.0) (accessed 5 August 2015).

<sup>351</sup> Ibid., paragraph 90-93.

<sup>352</sup> Though separated, widespread ethnically-motivated violence remained a common feature of daily life for most of 1996.

<sup>353</sup> Interview No. 22. Former UK IFOR & SFOR senior staff officer, London. December 2013.

community here is that it's Mr. Bildt, and that's why I'm curious why Mr. Bildt doesn't seem to be present?<sup>354</sup>

For most of 1996, and aside from the international NGOs and UNHCR, IFOR was the only other representative of the international effort which had daily contact with the domestic population at municipal level. Understandably, the OHR was developing its own operational capacity during this period and was primarily focused on progressing the implementation of the agreement through the Joint Interim Commission and contact with entity leadership. This division of labour between the OHR and IFOR was further underlined through the respective roles of the Joint Interim Commission and the Joint Military Commission. Though the former lacked regional and municipal reach, the latter, perhaps unintentionally, achieved a degree of “local penetration” that afforded the HR – a constituent member of the military commission – direct and insightful information of realities in various localities.

The ‘minority’ element within the broader returns questions became abundantly clear during that time. We were in no doubt about the complexity of the challenge facing us.<sup>355</sup>

However, even after the commission network was established, many of the key instruments intended to facilitate the implementation of policy were yet to reach “operational capacity”. For questions concerning returns, and particularly the property-related aspects of same, the Commission for Real Property Claims of Displaced Persons and Refugees was only reaching a capacity to receive the expected “hundreds of thousands” of claims by the end of 1996.<sup>356</sup> Therefore, it is not unreasonable to argue that the responsibility for overseeing and securing the initial conditions for returns disproportionately fell on IFOR in the first year as they (along with the UNHCR) were to the forefront of managing day-to-day issues concerning returnees, while the necessary civilian structures to facilitate returns and minority participation were developed. IFOR personnel interviewed for this research noted that for many minority groups IFOR was their “first port of call”. Over time, this interaction afforded NATO personnel a degree of “corporate knowledge” of the issue that would become useful when it came to delivering CIMIC projects, or assisting other organisations in the delivery of their policies for minority returns.<sup>357</sup>

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<sup>354</sup> Transcript from IFOR press briefing, 1 January 1996”, IFOR, (1996), <http://www.nato.int/ifor/trans/t960101a.htm> (accessed 04 September 2015).

<sup>355</sup> Interview No. 45. Former UK senior IFOR officer. London. December 2013.

<sup>356</sup> Bildt, (1996c), para. 18. [http://www.ohr.int/other-doc/hr-reports/default.asp?content\\_id=3666](http://www.ohr.int/other-doc/hr-reports/default.asp?content_id=3666) (accessed 1 September 2015).

<sup>357</sup> Interview No. 20. Former Irish IFOR staff officer A, Dublin, April 2013.

### 5.23 The Role of the OHR: between Conditionality and Coercion

Within a year of the cessation of conflict, the ethnic pattern of returns crystallised, highlighting the need for a fresh approach on the part of an OHR that struggled to ascertain the scale of the minority component of returns within the mass movements that followed the end of the war. Eight months into the post-conflict effort, the HR summarised progress on returns as “unfortunately, disproportionately small...”, while also noting that returns were “being obstructed by political blockages as well as acute lack of housing space... [and] returns, so far, have been nearly exclusively limited to areas of own ethnic dominance. In numbers, it has even been offset by further post-war movements of continued ethnic separation.”<sup>358</sup> One OHR official conceded that the political atmosphere at the time was “quite poisonous: it was clear the spirit of the agreement was not being upheld”.<sup>359</sup> OHR staff had particular concerns regarding the acute difficulties caused by existing property laws, which entity governments were trying to exploit for political advantage. Indeed, throughout 1996, the HR repeated calls for “parties to remove political obstacles, cooperate in housing rehabilitation as a step to larger-scale reconstruction, as well as in making refugees welcome on the territory under their control.” Supporting this, he also sought, “as a priority”, to progress the registration of property ownership claims.<sup>360</sup> Responding to the direction of the PIC,<sup>361</sup> the OHR established the RRTF in February 1997 to address the implementation of property legislation, spontaneous returns, the sustainability of returns, and a regional approach to returns.

Two aspects of the RRTF’s operation were noticeable from its inception. First, it was a concerted attempt to take a multi-organisational approach to addressing returns and associated issues by integrating the actions of the UNHCR, the European Commission (including the European Community Humanitarian Office), the World Bank, the International Management Group, the Real Property Claims Commission for Refugees and Displaced Persons, and the Economic Task Force. Second, it enunciated as policy, an intention to use conditionality to further their objectives in respect of returns. Under the heading of ‘Positive conditionality’ the first report of the Task Force stated:

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<sup>358</sup> Bildt, (1996b), para. 37. [http://www.ohr.int/other-doc/hr-reports/default.asp?content\\_id=3664](http://www.ohr.int/other-doc/hr-reports/default.asp?content_id=3664) (accessed 5 August 2015).

<sup>359</sup> Interview No. 56. Former staff member of the OHR, London, March 2013.

<sup>360</sup> Bildt, (1996b), para. 38-39. [http://www.ohr.int/other-doc/hr-reports/default.asp?content\\_id=3664](http://www.ohr.int/other-doc/hr-reports/default.asp?content_id=3664) (accessed 5 August 2015).

<sup>361</sup> PIC (1996), Ch. 4. [http://www.ohr.int/pic/default.asp?content\\_id=5175](http://www.ohr.int/pic/default.asp?content_id=5175) (accessed 1 September 2015).

In the returns context, the allocation of resources for returnee-related economic reconstruction projects should be linked to receptivity to minority returns. [...] The process of applying conditionality will be an iterative one, leaving room to re-allocate resources to encourage compliance with the Peace Agreement. Guidelines with criteria for acceptable behaviour with regard to human rights, democracy, rule of law, the respect for and protection of minorities need to be set and their implementation needs to be closely monitored. Input from local and regional actors is of paramount importance.<sup>362</sup>

In this way, and in a relatively short period of time, the OHR was at least capable of applying conditionality on ethnic issues at political and administrative levels within Bosnia. However, even within the first year of this effort, it was clear that the symbiosis between the political aspects of Dayton – the arenas of domestic politics at the federal and the respective entity levels – and the administrative function as developed and coordinated by the OHR, would prove extremely difficult to achieve. Additionally by late 1997, shortfalls in the coordination of engagement on returns by international organisations were identified as inhibiting the effective delivery of the peace agreement. In noting the divergent figures on majority and minority returns, the Office of the UNHCR stated:

The co-ordinated action of the international community - with the OHR, SFOR, the IPTF and the UNHCR working together in the same direction - was imperative in order to apply political pressure and achieve lasting returns.<sup>363</sup>

Separately, Human Rights Watch was critical of the reluctance of the HR to apply coercive means to achieve compliance: “despite the substantial political and economic leverage at Bildt’s disposal, he downplayed his authority throughout the year and generally refused to use his power to force substantive improvements in the parties’ compliance with the peace agreement”.<sup>364</sup>

Responding to this lack of progress, the PIC agreed to expand the powers available to the OHR. In what came to be known as the Bonn Powers, the OHR was granted the authority to adopt binding positions when local agreement was not forthcoming, and remove from office officials who violated legal commitments or other terms of the Dayton Agreement. On issues related to returns and participation, successive HRs applied these

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<sup>362</sup> “OHR RRTF Report”, (1997), Section 3.6. [http://www.ohr.int/ohr-dept/rrtf/key-docs/reports/default.asp?content\\_id=5574](http://www.ohr.int/ohr-dept/rrtf/key-docs/reports/default.asp?content_id=5574) (accessed 29 August 2015).

<sup>363</sup> OSCE Seminar, (1997), p. 11. <http://www.osce.org/ec/42187?download=true> (accessed 22 August 2015).

<sup>364</sup> “Bosnian & Herzegovina: NATO and the United Nations”, Human Rights Watch, (1997). [http://www.hrw.org/reports/1997/WR97/HELSINKI-03.htm#P176\\_58205](http://www.hrw.org/reports/1997/WR97/HELSINKI-03.htm#P176_58205) (accessed 3 September 2015).

powers to deliver 98 decisions between 1998 and 2005.<sup>365</sup> Of these, 80 decisions related to property, planning or state property issues that impacted on the returns process. While the impact of these actions was predominantly felt at the state and entity legislative levels, in many cases the adoption of these decisions created the space for progress at lower levels.

While on the one hand the institution of the Bonn powers can be seen as representative of the failure of conditional incentives to induce the desired change, on the other hand it should also be acknowledged that, given the extreme difficulties involved in operating in a post-conflict environment, coercive measures were always likely to emerge as part of the international response. Therefore, from 1998 to 2005, the options of conditional incentives existed side by side with the coercive Bonn powers.

Concurrent with this development, the OHR and others attempted to formalise approaches to the delivery of policy on returns through the application of conditionality:

My Office is actively engaged in establishing a mechanism that will allow the limited international funds to be used in a way that will relate the notion of conditionality [...] to practise on the ground.<sup>366</sup>

One example of this was the OHR's support for the UNHCR's "Open cities" plan, which produced compliant outcomes and served to embolden a view among OHR staff that more formalised conditional approaches were necessary to progress returns issues.<sup>367</sup>

It is essential that limited international reconstruction funds be put to their optimum use. This also involves conditioning assistance to necessary political changes, and rewarding municipalities that support the peace process and withdrawing funds from non-compliant municipalities.<sup>368</sup>

However, such initiatives were not universally successful. By mid-1998, frustration with the pace of returns was clearly evident in OHR reports. In assessing the impact of the Sarajevo Declaration – a major initiative supported by the EU and agreed to by all parties<sup>369</sup> – the HR conceded that implementation had been poor highlighting the lack of cooperation by local authorities (described as adopting "a burdensome and opaque

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<sup>365</sup> Figures compiled based on published decisions of the High Representative between 1998-2005. See High Representatives Decisions by Topic, <http://www.ohr.int/decisions/plipdec/archive.asp?m=&yr=2015> (accessed 1 September 2015).

<sup>366</sup> Westendorp, (1997a), para. 61. [http://www.ohr.int/other-doc/hr-reports/default.asp?content\\_id=3669](http://www.ohr.int/other-doc/hr-reports/default.asp?content_id=3669) (accessed 15 August 2015).

<sup>367</sup> Westendorp, (1997b), para. 62. [http://www.ohr.int/other-doc/hr-reports/default.asp?content\\_id=3670](http://www.ohr.int/other-doc/hr-reports/default.asp?content_id=3670) (accessed 15 August 2015).

<sup>368</sup> Ibid., para. 63.

<sup>369</sup> "Sarajevo Declaration", OHR, (1998), [http://www.ohr.int/ohr-dept/rrtf/key-docs/sa-docs/default.asp?content\\_id=5453](http://www.ohr.int/ohr-dept/rrtf/key-docs/sa-docs/default.asp?content_id=5453) (accessed 10 December 2014).



approach instead of dealing with individual cases one by one”) and the necessary suspension of financial assistance as a consequence of non-compliance.<sup>370</sup>

Such actions undoubtedly underlined and reinforced the credibility of the incentives on offer, and the willingness of the OHR supported by the various donors to withdraw the incentives on offer where compliance was lacking. However, it is equally apparent that the incentives offered were insufficient in the eyes of the domestic actors to induce compliance. In explaining this, several sources pointed to the prospect of elections in September 1998 as an obstacle, as politicians sought to re-establish their “national ethnic” credentials with their respective electorate. It is also noticeable that SFOR did not have a defined role in the process.

From 1999 to 2004, the broad pattern of international engagement utilising conditional incentives and coercive means whilst maintaining normative pressure is observed to consolidate. During this period, many of the structures developed to address minority issues were able to reach their intended operating capacity which, allied to the refinement of normative, conditional and coercive means, started to produce more positive results for minority issues. For example, the OHR noted the particular success of the RRTF Action Plan, and the security space created by “SFOR's development of a detailed tracking system allowing for improved return security planning and early warning”, as key drivers of progress in 1999.<sup>371</sup> SFOR commanders have suggested that the statement does not capture the full extent of their engagement with returns, as it ignored their daily interface with municipal level politicians and their use of military means to incentivise both returns and the acceptance of returnees. This contribution will be explored in the next chapter.

#### 5.24 The Role of the UNHCR

In considering the international division of labour on returns, it is questionable whether the UNHCR was in the best position to provide the leadership required for overseeing the returns process. The UNHCR did not have the operational capacity to address or even coordinate all aspects of the returns process, given that initially almost all of its resources were taken up with administering refugee camps and the myriad of difficulties and challenges therein – “in effect they were trying to maintain a refugee state within a

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<sup>370</sup> Westendorp, (1998), para. 78. [http://www.ohr.int/other-doc/hr-reports/default.asp?content\\_id=3673](http://www.ohr.int/other-doc/hr-reports/default.asp?content_id=3673) (accessed 3 September 2015).

<sup>371</sup> Westendorp, (1999), para. 57. [http://www.ohr.int/other-doc/hr-reports/default.asp?content\\_id=3677](http://www.ohr.int/other-doc/hr-reports/default.asp?content_id=3677) (accessed 3 September 2015).

state”.<sup>372</sup> So while it was not inactive – the bus corridors and open cities projects were positive contributions to the returns effort – it relied heavily on the cooperation and assistance of other organisations, particularly IFOR and SFOR in the earlier years, alongside the larger NGOs, OSCE and emerging domestic institutions. As a manifestation of this reality, it is interesting to note that refugees seeking assistance would often contact IFOR before the UNHCR, with various outcomes.<sup>373</sup>

By 1999, in addition to its establishment of the Return Application Database System, which effectively covered the gaps and flaws in the emerging domestic systems of registration, and provided valuable assistance to the RRTF, the UNHCR highlighted the positive impact of “key legislation adopted or amended to deal with amnesty, return, citizenship and property.”<sup>374</sup> This prompted an increase in its efforts to develop the legal aid and expertise available to ethnic minorities, in order to allow them to effectively engage with emerging systems. However, from 1999 onwards, the resources and the expertise of the UNHCR in Bosnia were increasingly diverted to Kosovo, which slowed the pace of developments in Bosnia.

Evidence of changes to this approach emerges from 2002, with the increased linkage of minority returns to human rights, fundamental freedoms and sustainable approaches through a regional joint action plan.<sup>375</sup> This broadening of intervention on returns – in support of the UNHCR – was in no small part responding to frustrations on the parts of international organisations, which cited continuing disruption to the process of minority returns “by discriminatory practices in employment, education and other social services”.<sup>376</sup> Concomitantly, it expanded the opportunities for the application of conditionality and normative pressure.

Some interesting anomalies arise in the UNHCR’s description of its activities, in particular regarding the coordination of returns. Official UNHCR reports account for the extent of returns quite well, outlining their role in the reconstruction and rehabilitation effort. However, there are clear deficits regarding the official and unofficial interaction with organisations such as SFOR, OSCE etc., which receive only nominal references. This contrasts with interviews with UNHCR personnel, who recounted the daily interaction with

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<sup>372</sup> Interview No. 73. Follow-in interview with UNHCR staff member A, Geneva, February 2013.

<sup>373</sup> UNHCR reports from the period note the significant administrative and operational efforts required to maintain refugee camps in the absence of returns.

<sup>374</sup> UNHCR, (2000), p. 326. <http://www.unhcr.org/3e2d4d51a.html> (accessed 11 August 2015).

<sup>375</sup> “Annual Report on OSCE Activities 2002”, OSCE, (2003). p. 10.

<http://www.osce.org/secretariat/13603?download=true> (accessed 27 July 2015).

<sup>376</sup> Ibid.

staff from those organisations: the extent of the collaborative effort “in the field” was generally not reflected in UNHCR reporting at the higher levels.

So, while the UNHCR had lead responsibility, in practical terms implementation was subcontracted mostly to international and gradually domestic NGOs. By 2005, it had ceded responsibility in most areas to state agencies, but cautioned that “displacement continues to be a significant problem in Bosnia... with between 6,000 and 7,000 IDPs still living in collective accommodation facilities in BiH.”<sup>377</sup> It should also be noted that the UNHCR’s framework for dealing with IDPs and refugees was perhaps more expansive than the political drivers of international intervention (primarily the PIC) were prepared to accede. Underpinned by the right to free choice, the UNHCR’s preferred template afforded affected persons the options to return to their former homes, integrate at the location they were displaced to, or resettle to another part of the country. However even the UNHCR went with the prevailing demand for prioritising returns above reintegration or resettlement.<sup>378</sup>

#### 5.25 The Role of the OSCE and CE

Analysis suggests that in the period 1998-2004, the international organisations engaged in Bosnia moved to delineate a clear and mutually-supporting division of labour. For example, while the OHR supported by NATO and UNHCR focused on the practical support for returns, the OSCE – while maintaining its profile on elections – shifted its focus to addressing the sustainability of returns, particularly stimulating engagement with property issues and other issues of relevance, such as, “identification cards, utilities, pensions and employment”.<sup>379</sup> Though options for “positive incentives” were discussed, the general concept applied by those addressing returns was to foster “inter-ethnic dialogue and confidence building...” through normative pressure rather than linkage to incentives.<sup>380</sup>

The OSCE engaged with municipalities and cantons on a range of projects and programmes aimed at improving infrastructure, governance and administration. It is evident from the feedback of OSCE staff, that normative pressure on ethnic minorities’ issues and returns, in particular, became an ever-present part of this interactive process.

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<sup>377</sup> UNHCR, (2006), p. 374. <http://www.unhcr.org/449267580.html> (accessed 11 August 2015).

<sup>378</sup> Huma, (2010), <https://sites.tufts.edu/jha/archives/700> (accessed 9 August 2015).

<sup>379</sup> “Annual Report 1999 on OSCE Activities”, OSCE, (1999), p. 15.

<sup>380</sup> “Ninth Assessment of Ethnic Minorities in Kosovo”, UNHCR & OSCE, (2002), p. 7. <http://www.osce.org/kosovo/13289?download=true> (accessed 5 September 2015).

The Municipal Infrastructure and Implementation Project, Cantonal Administration Project, Parliamentary Support Project, and Education and Democratisation programmes were all utilised in varying ways to encourage minority participation and action on returns.<sup>381</sup> Interestingly, by 2004 the scope of this activity was further extended through the monitoring and reporting of the degree of domestic implementation of all policies relating to ethnic minorities, for example verifying completion of the Property Return Process.<sup>382</sup> Similarly, the CE applied normative pressure by noting the difference between commitments given to ensure the protection of minority rights and actual practice:

... the 2003 Law on the Protection of Rights of Persons belonging to National Minorities contains no real incentives for measures to support institutions – like cultural or documentation centres – set up by national minorities... It *finds* that discrimination also occurs in the return process of refugees and displaced persons particularly at local level, both in the Federation and in the Republika Srpska. The Advisory Committee *considers* that the authorities, especially at entity level, should tackle the widespread discrimination faced by those not belonging to the dominant constituent people more vigorously and to strengthen their action aimed at encouraging reconciliation.<sup>383</sup>

Frustration with kin-state influence is also evident in that regional efforts to encourage returns did not sustain the desired levels of success.<sup>384</sup> The OSCE, in particular, noted with regret the inability of those countries with a stake in the issues to take joint action to resolve the problem of returns.<sup>385</sup>

## 5.26 The Growing Role of the EU and NATO

While the OHR was primarily answerable to the PIC, its relationship with the EU evolved considerably. In 2002, the EU decision to nominate that HR as the EU representative in Bosnia afforded him the scope to access enlargement and other EU instruments both directly and indirectly.<sup>386</sup> During this period, NATO also started to discuss the possibility of Bosnian membership of PfP. In terms of overseeing the implementation of the civilian aspects of the peace settlement, these moves reinforced the OHR's capacity to 'lobby' state and entity parliaments on 'laws deemed crucial to the country's transition towards

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<sup>381</sup> "Annual Report on OSCE Activities 2002", OSCE, (2003).

<sup>382</sup> "Annual Report on OSCE Activities 2004", OSCE, (2005). p. 46.

<sup>383</sup> Council of Europe, (2004), para. 59. <https://wcd.coe.int/ViewDoc.jsp?id=763541&Site=COE> (accessed 06 September 2015).

<sup>384</sup> Cooperation with Croatian authorities was particularly difficult during this period.

<sup>385</sup> "Annual Report on OSCE Activities 2006", OSCE, (2007). p. 32.

<sup>386</sup> The position was decoupled again in 2011, with the appointment of Peter Sorensen as EUSR, alongside the HR Valentin Inzko.

euro-Atlantic integration”.<sup>387</sup> Though the PIC continued to provide strategic oversight, the emergence of integrationist options arguably ushered the EU and NATO towards assuming a more prominent oversight and external leadership function. This evolution of the external influences on the OHR was reflected in the rise of socio-economic measures, with significant input from the European Commission and programmes such as CARDS.<sup>388</sup> Practically, though the Dayton Agreement continued to provide the framework for a multi-level system of interaction, the desire to provide for sustainable returns increasingly prioritised the socio-economic aspects of returns.

### *5.3 The Domestic Context for Military Engagement*

From domestic politics to ICTY detention operations and the selection of roads for reconstruction, NATO's actions put them at the centre of post-conflict life. IFOR soldiers encountered a people traumatised by war – in some cases it would be months before they would even engage in conversations with IFOR personnel –<sup>389</sup> but who were rapidly adapting to the post-conflict reality. The dynamic this atmosphere fostered created both opportunities and impediments for military interaction on minority issues.

The interim institutional structures (joint commissions and related bodies) established following the cessation of conflict recognised and accommodated the existing domestic political party apparatus. This was a practical approach intended to facilitate the rapid establishment of post-conflict institutions. However, it also afforded a privileged position to established (predominantly nationalist) parties prior to elections taking place. Along with the demographic settlement of Dayton this resulted in a further manifestation of the institutionalisation of the ‘political narrative of conflict’, rather than the ‘intended fresh start’. While those indicted by the ICTY were forbidden to run for office or engage in the interim institutions, their political parties still broadly functioned as normal. This may have been unavoidable, but the political dynamic it fostered is still apparent in terms of parallel governance, with key decision been taken among political parties outside of the representative structures.<sup>390</sup>

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<sup>387</sup> See functions of the “Government and Parliamentary Section”, Political Department, OHR. <http://www.ohr.int/ohr-dept/pol/> (accessed 06 September 2015).

<sup>388</sup> Ashdown, (2003). para.7. [http://www.ohr.int/other-doc/hr-reports/default.asp?content\\_id=31003](http://www.ohr.int/other-doc/hr-reports/default.asp?content_id=31003) (accessed 6 September 2015).

<sup>389</sup> Interview No. 2. NATO officer, Sarajevo, July 2013. The officer noted that it took considerable effort to “win the local population over in certain areas” in RS.

<sup>390</sup> Interview No. 5. Bosnia government defence official, Sarajevo, July 2013.

With 60% of the housing stock destroyed, and similar if not greater destruction in infrastructure, the reconstruction effort was necessarily prioritised by the OHR and domestic actors alike. Complicating the task further was the parallel requirement to address related pressures such as emergency support for refugee camps, the provision of temporary housing, the conducting of surveys of post-conflict housing stocks, and the subsequent moves to return those displaced to either their original place of residence, or to sustainable alternatives once constructed. Through its logistics and construction assets, and in the space between the end of conflict and the expansion of construction capacity among international NGOs and domestic contractors, NATO was initially the key actor in the post-conflict reconstruction effort. Throughout the period, NATO commanders were intensively lobbied by international NGO staff and domestic politicians for assistance with various reconstruction projects from road reconstruction to house building. While NATO commanders' first priority was to ensure that "their own support network and mobility was established", they were also aware of the significant power that their logistic capability afforded them, including the potential application of conditional incentives. However, IFOR and SFOR staff interviewed as part of this study conceded that their assistance was often "poorly thought out" – "all we saw was the humanitarian need and it took us a little while to appreciate the implications of our support".<sup>391</sup>

### 5.31 The Politics of Returns: Intransigence, Agitation and Hope

If ethnically motivated violence gradually subsided over the period, political intransigence and agitation persisted as features of the domestic political process. For much of 1996, ethnically-motivated violence went hand in hand with domestic politics. Minority properties were destroyed amidst massive post-conflict population transfers, with sufficient evidence to suggest that some of this activity was orchestrated by political actors from all three affected ethnicities. Serious issues of trust were exposed, as nationalist political parties attempted to manipulate the interim structures to achieve their goals. For the Serb SDS in RS and Croat HDZ, this involved the continuation of their wartime objectives, adapted for post-conflict purposes:

Government authorities on all sides continued the practice of politically-motivated resettlement in order to affect the ethnic composition of the

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<sup>391</sup> Interview No. 20. Former Irish IFOR staff officer A, Dublin, April 2013 and interview No. 22. former UK IFOR & SFOR senior staff officer, London, December 2013.

resettled areas and to prevent the return of refugees and displaced persons.<sup>392</sup>

At the entity level, politicians were continually slow to adopt constitutional changes as prescribed by Dayton. Indeed, for a significant period, RS did not participate in the new structures at all. Even when all parties did present, they were slow in carrying through agreements reached. The political atmosphere created by these practices had a significant impact on minority issues. As early as March of 1996, the HR raised particular concern regarding the returns of displaced persons to areas where they constituted the minority, arguing that were present patterns to persist, “[they] would be faced with a major question of de facto non-compliance with the spirit as well as letter of the Peace Agreement”.<sup>393</sup> Qualifying this point, the HR noted that though there was initial “formal compliance” with many aspects of Dayton, compliance with the “spirit of the peace agreement was notably lacking in several important areas”.<sup>394</sup>

By the autumn of 1996, the HR expressed particular concern with institutional progress at the municipal level. On the advice of the Steering Board of the Provisional Elections Commission, he postponed for the second time proposed municipal elections, on the basis that a broad range of conditions had not been met, having been “hampered by a segregationist reality on the ground”.<sup>395</sup> The HR continued with direct normative pressure for such aims to be reversed, and the spirit of the agreement to be applied regarding returns:

Arbitrary practices disrupting many fields relevant to a civic society, acute deficits in the rule of law, the prevailing fear of the vast majority of citizens to move out of the perceived protection in areas of own ethnic dominance, in addition to the lack of housing space and employment opportunities, still prevent return. This does not only stand against return across the IEHL, but also across the ethnic division lines within the territory of the Federation. In violation of the obligation of the parties under the Peace Agreement to create political, social and economic conditions for return, the continued blocking even of the re-establishment of telecommunications, railway and commercial bus links across the IEHL, constitutes a major deterrent to the exercise of the right to return and to economic rehabilitation.<sup>396</sup>

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<sup>392</sup> “Bosnian & Herzegovina: Human Rights Developments”, Human Rights Watch, (1997). [http://www.hrw.org/reports/1997/WR97/HELSINKI-03.htm#P176\\_58205](http://www.hrw.org/reports/1997/WR97/HELSINKI-03.htm#P176_58205) (accessed 3 September 2015).

<sup>393</sup> Bildt, (1996e), Section II, para. 6. Bosniak nationalist parties also pursued this practice. [http://webcache.googleusercontent.com/search?q=cache:iCP09BQEiOwJ:www.ohr.int/other-doc/hr-reports/default.asp%3Fcontent\\_id%3D3663+&cd=1&hl=en&ct=clnk&gl=uk](http://webcache.googleusercontent.com/search?q=cache:iCP09BQEiOwJ:www.ohr.int/other-doc/hr-reports/default.asp%3Fcontent_id%3D3663+&cd=1&hl=en&ct=clnk&gl=uk) (accessed 5 September 2015).

<sup>394</sup> Ibid., Section III, para. 1.

<sup>395</sup> Bildt, (1996c), para. 44.

<sup>396</sup> Ibid.

False dawns became a feature of the process at this time. In October of 1996 – a month after the first elections were held – the HR noted the normative impact of the JCC, and in particular the four regional JCCs, in terms of promoting confidence, easing tensions and establishing contacts. However, far from accelerating progress, the situation was acknowledged to have deteriorated within a month, reverting to what Human Rights Watch described as a:

precarious human rights situation characterized by frequent arbitrary arrests, widespread abuse of ethnic minorities and obstruction of the right to return ... Harassment of ethnic minorities, including forced evictions and intimidation, continues, and the responsible authorities have failed to act decisively to address this problem in both entities. The destruction of hundreds of minority-owned homes, both in the ZOS and in both entities, which began in late October and has continued, presents not only a grave challenge to right to return, but also a threat to remaining minority residents.<sup>397</sup>

While political non-compliance is often highlighted as the main impediment to progress on ethnic minority issues, the realities of the post-conflict political landscape often made it very unattractive for domestic politicians to deviate from the main political narrative. In part, this can be explained by the governance structures designed by Dayton, which privileged the continuation of ethno-nationalist politics. Equally, it must be acknowledged that this was not an unfair reflection of popular sentiment, which remained scarred by war and predominantly nationalist in outlook. Additionally, and in spite of the efforts to detain war crimes suspects, and to remove identified politicians from the political process, the somewhat hands-off approach taken by HR Bildt in the first year had the unintended effect of emboldening the nationalist narrative. Considering the first election result, one Bosnia politician suggested that, “far from embracing the spirit of the agreement, they felt it renewed their mandate to pursue their ethnic objectives and consolidate their power”.<sup>398</sup>

The year 1997 marked a renewal of the OHRs efforts to bring domestic politics into line with Dayton’s requirements. Party officials and supporters of all ethnicities were dismissed from official and professional posts (including police positions). Across RS in several areas under the control of the hard-line Karadzic supporters, non-SDS members were removed from their positions as directors of commercial enterprises.<sup>399</sup> Though some

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<sup>397</sup> Bildt, (1996d), para. 60-61.

<sup>398</sup> Interview No. 4. Bosniak politician, Sarajevo, July 2013.

<sup>399</sup> “Bosnian & Herzegovina: Politically Backed Violence”, Human Rights Watch, (1998). [http://www.hrw.org/legacy/worldreport/Helsinki-05.htm#P357\\_89852](http://www.hrw.org/legacy/worldreport/Helsinki-05.htm#P357_89852) (accessed 3 September 2015).



politicians were seen to adopt the rhetoric of Dayton during this period – expressing their commitment to returns and a multi-ethnic society – in practice they often remained obstructive. Despite changes in the RS parliament after the November 1997 elections, and significant international political and financial support, Milorad Dodik was unable to deliver on his promise to ensure the return of 70,000 refugees and displaced persons to the Republika Srpska, or keep his commitment to reform RS property laws by September 1998.<sup>400</sup>

Dodik's power was undermined by a weak coalition, itself representative of a chaotic power struggle within RS politics. This pattern of internal political turmoil was equally evident in the Federation. The assassination of the Federation Deputy Minister of Interior, Jozo Leutar, in a car-bombing on March 16 led to a bitter dispute between Bosnian Croat and Bosniak politicians, with the former accusing the latter of involvement in the attack, temporarily withdrawing from Federation institutions.<sup>401</sup> However such turmoil can also be understood as the first signs of post-conflict political evolution. With the change in rhetoric came a slow but gradual change in voting practices. In the municipal elections of 2000, the moderate Social Democratic Party made “significant gains” in Bosniak areas of the federation at the expense of the nationalist SDA.<sup>402</sup>

However, within months of that result, SFOR was required to intervene when the Croat HDZ party, objected to changes in the electoral system that enabled Bosniaks and Croats in the federation to vote for candidates from the other ethnic group. Organising an ad hoc referendum on Croat self-rule on the same day as general election the HDZ refused to cooperate with the implementation of election results. Following the elections and with the expected Bosniak gains, the HDZ and its nationalist allies proclaimed self-governance in the territory inhabited by a Croat majority. In a response to the declaration of self-rule, SFOR troops and OHR officials entered the main branch of the Hercegovacka Bank in Mostar and blocked the HDZ's access to funds in the bank, “thereby cutting off the sources of funding for the Croat self-governance initiative”.<sup>403</sup> Concurrently, and following a sustained period of OHR and SFOR engagement, “Croat soldiers who had left the joint

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<sup>400</sup> “Bosnian & Herzegovina: Human Rights Developments – Political Developments”, Human Rights Watch, (1999). <http://www.hrw.org/legacy/worldreport99/europe/bosnia.html> (accessed 3 September 2015).

<sup>401</sup> “Bosnian & Herzegovina: Human Rights Developments – Political Developments”, Human Rights Watch, (2000). <http://www.hrw.org/legacy/wr2k/Eca-04.htm> (accessed 3 September 2015).

<sup>402</sup> “Bosnian & Herzegovina: Human Rights Developments”, Human Rights Watch, (2001). <http://www.hrw.org/legacy/wr2k1/europe/bosnia.html> (accessed 6 September 2015).

<sup>403</sup> “Bosnian & Herzegovina: Human Rights Developments”, Human Rights Watch, (2002). <http://www.hrw.org/legacy/wr2k2/europe5.html> (accessed 6 September 2015).

federation army at HDZ's invitation renewed their contracts with the federation army".<sup>404</sup> While it is unclear whether conditional incentives were utilised by either SFOR or the OHR,<sup>405</sup> the desired outcome was achieved through the application of an admittedly innovative coercive measure and through sustained normative pressure.

Further constitutional amendments in 2002 granted the status of constituent peoples on the whole of the territory of Bosnia, thereby enabling the established mechanisms for protection of rights to education, religion, language, promotion of tradition and cultural heritage, and a public information system that helped to unlock the legislative process. For the participation of ethnic minorities in state institutions, these changes provided for ethnically-balanced representation in the entity parliaments and in the highest courts. While the implementation of enabling policy would remain problematic, it is worth noting that the elections of 2002 were among the first to be mainly devoid of the ethnic violence.<sup>406</sup>

While such progress was often dismissed by domestic commentators, it was not without its impact on minority issues. For example, an intervention by the HR in January 2001 on "transparency in the allocation of funds for refugee return in the Entity budgets" was initiated by "an application lodged by three (non-Serb) members of the RS Constitutional Commission who invoked vital national interest to veto the proposed 2002 RS budget".<sup>407</sup>

### 5.32 Characteristics of Domestic Politics

In considering the politics of returns, it is understandable that much commentary focused on ethnically-motivated political intransigence and refusal to embrace the post-conflict structures. That ethnic political reality was compounded by the intense localised power struggles which emerged across Bosnia during this period. A compelling explanation of political behaviour can be found in these internal power struggles and the wider zeitgeist of political turmoil that characterised Bosnian politics. In RS, the continued influence of Radovan Karadžić both in person (up to 1996) and after his disappearance, constantly

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<sup>404</sup> Ibid.

<sup>405</sup> Of those interviewed, neither SFOR nor OHR staff were in a position to state categorically that incentives were used: most thought not.

<sup>406</sup> "Bosnian & Herzegovina: Human Rights Developments", Human Rights Watch, (2003). <http://www.hrw.org/legacy/wr2k3/europe5.html> (accessed 6 September 2015).

<sup>407</sup> Petritsch, (2002), Section V, para. 3. [http://www.ohr.int/other-doc/hr-reports/default.asp?content\\_id=7025](http://www.ohr.int/other-doc/hr-reports/default.asp?content_id=7025) (accessed 6 September 2015). The non-Serb members maintained that insufficient funds had been allocated to returns to the RS in the 2002 budget, and that funds allocated to minority returns in the 2000 and 2001 RS budgets had not been spent.

stunted engagement with his SDS party. Political infighting became the predominant feature of RS politics for much of the period under review. The situation in the Federation was not much different, with the addition of violent tensions between Croat and Bosniak parties.

The synergy between returns and freedom of movement provided a constant source for political tension, exemplified by impromptu road blocks, and the difficulties presented by the organisation of visits for groups of displaced persons to their former residences, which in many cases resulted in violent clashes, necessitating the negotiation of a working agreement to coordinate the conduct of such visits.<sup>408</sup> Two points are worth emphasising in respect of this effort: first, some “go and see” visits were planned and/or targeted by political parties for the purpose of agitation, as they sought to prevent returns and the prospect of long-term resettlement. Occasionally this entailed orchestrated “politicised returns”, in an attempt to tilt a local balance of power to their advantage; to “stack the cards in their favour”, where they could.<sup>409</sup> Second, while the HR emphasised the coordination of UNHCR and UNIPTF, it was increasingly through cooperation with IFOR that control was established over such visits.

Gradually, new parties emerged from the political upheaval, some of which proclaimed their multi-ethnic perspective – a perspective that was nearly always offered in tandem with ambition towards membership of the EU. In some cases, minorities did gain political footholds, though often without the necessary support to capitalize on the gains. A typical example is the experience of towns such as Zepce, Drvar, and Srebrenica: as the pre-war ethnic majority (which had been “ethnically cleansed” during the war and unable to return to their homes) won the majority of seats in the municipal governments, they found themselves unable to act on the results, as the practicalities of having a largely external majority run government had not been thought through.<sup>410</sup>

As early as 1996, the HR noted that support groups such as the Coalition for Return were increasingly prominent in political discourse and for the time were a positive development, along with other fledgling NGOs, helping to raise and sustain the political profile of affected minority groups. By early 1997, despite the generally negative outlook, the HR noted that the estimated figure for minority returns then stood at 10,000, which he hailed for its symbolic rather than numeric importance. He noted softening of attitudes in

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<sup>408</sup> Bildt, (1996b), para. 32-33.

<sup>409</sup> Interview No. 4. Bosniak politician, Sarajevo, July 2013.

<sup>410</sup> “Bosnian & Herzegovina: Elections”, Human Rights Watch, (1998).

[http://www.hrw.org/legacy/worldreport/Helsinki-05.htm#P357\\_89852](http://www.hrw.org/legacy/worldreport/Helsinki-05.htm#P357_89852) (accessed 3 September 2015).

the RS areas of Sapna and Doboј. Similar trends were identified in Brčko, on the basis of sustained normative pressure. Contributing to this progress was the Freedom of Movement Task Force, with representatives of OHR, IPTF and SFOR, which complemented the work of the inter-entity bus lines operated by the UNHCR.

Through the multitude of interactions entailed in these activities, a culture of opportunism emerged at all levels among all parties. Faced with the full weight of international attention and financial support, local actors became adept at “playing the system” to maximise access to funds on various projects. Capitalising on good will, naive planning, and the lack of communication between various actors, some domestic politicians and local leaders extracted significant amounts of aid, both financial and otherwise. As will be seen below, such practices were most clearly evident at municipal levels, and transitioned with the post-conflict effort as international civilian and military actors became much more aware and conscious of the recipients of money and the conditions for its expenditure. Finally, with such intensive engagement over a period of ten years, it is evident that all sides tired of both the scale and reciprocity of such post-conflict interaction. As one Serbian municipal staff officer put it, “you get tired of saying the same thing to the same people day after day”. He also noted that the military propensity to rotate their personnel every six months added to their frustration.

#### *5.4 The Military Role under Dayton*

...we are able to exert pressure on both the local authorities and the military forces in this country at every level, across the whole country.<sup>411</sup>

Broadly, the military contribution to the post-conflict effort in Bosnia involved three different forces: the NATO-led forces of IFOR (1995-96) and SFOR (1996-2004), and from 2004, the EU-led EUFOR BIH. Taking over from UNPROFOR on 20 December 1995, IFOR re-established the international military presence throughout the country. Though Annex 1A of the Dayton Agreement lists a broad range of specified tasks which IFOR were expected to carry out, NATO had been preparing for such a role since 1992 – at SHAPE, NATO staff were working on a series of contingency plans throughout the war.<sup>412</sup> As such, even before IFOR was constituted and deployed, a detailed CONOPS document outlining a five-phased approach to completing the mission was circulated to the key

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<sup>411</sup> “Interview with Lt. Gen. Sir. Michael A. Wilcocks”, Pina, (2000). <http://www.nato.int/sfor/coms-sfor/wilcocks/t000302a.htm> (accessed 13 March 2015).

<sup>412</sup> Kipp et al., (2000), p. 16.

elements of the force, to aid planning and preparation. This document, and the planning processes it emerged from, foresaw NATO cooperation with the UNHCR and the necessity for comprehensive interaction with international and domestic civilian agencies.<sup>413</sup> On deployment, NATO commanders identified a series of specified tasks necessary for the successful completion of the mission, including: “bringing about cessation of hostilities among the FWF; ensuring cooperation of the FWF with the IFOR; separating the FWF by ensuring their withdrawal; ensuring freedom of movement; supervising the transition of control between the elements of FWF in designated areas of transfer; monitoring the status of forces (demilitarization, weapons stockpiles, training) throughout Bosnia-Herzegovina; and transitioning to peace within 270 days of first deployment (D+270).<sup>414</sup>

On SACEURs direction, IFOR was also to be prepared to assist the UNHCR and other international organisations in the humanitarian effort, and through the establishment of the Joint Military Commission, to foster the conditions for negotiations and other measures for peaceful conflict settlement. This broad scope for intervention effectively gave NATO commanders a “*carte blanche*” to engage with international and domestic civilian actors however they saw fit, so long as it supported the completion of the mission.<sup>415</sup> As a result, and in addition to the specified tasks given to commanders on deployment, they were also afforded the space to develop new tasks.

Following deployment, and while the OHR was establishing its structure, IFOR found itself to the fore of the international effort and as a result engaged in issues across the civilian-military spectrum. The intention of this approach was to institute a stable platform and to create the space for the executive leadership of the OHR to establish itself, and ultimately assume lead responsibility. This is significant for two reasons. First, IFOR, through simple weight of numbers and resources, had significantly greater capacity than any other international organisation or group in the country. The establishment of the Joint Military Commission gave IFOR commanders the platform to exercise that power to influence decision-making at all levels of society. Second, the wording of Annex 1A was viewed by the military as imparting a series of ‘implied tasks’ – on issues such as those affecting minority groups – which military commanders at all levels adopted and sought to implement in a variety of ways. That perspective was reflected in the IFOR CONOPS and in the development and delivery of military humanitarian aid programmes. From the

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<sup>413</sup> “General Framework Agreement for Peace in Bosnia”, (1995), Annex 1A, Article VI.

<sup>414</sup> Ibid.

<sup>415</sup> Interview No. 58. Former UK SFOR Company Commander, London, December 2013.

commanders' perspective, Dayton and the NATO CONOPS justified their engagement in what most considered to be civilian tasks. In part, this reflected the practical reality that IFOR had resources which others simply could not match, but it also reflected a new attitude of military experimentation and a willingness to redeploy military capabilities in unconventional ways.

NATO was able to bring its capabilities to bear in three areas of the initial post-conflict effort. First, through its significant logistical capability it was immediately able to address the most acute reconstruction needs, including route repair, reconstruction of essential buildings such as schools, police and medical centres, and temporary provision of services such as water, sewage and electricity works. Such work was considered essential to stimulate recovery, and prepared the way for more comprehensive reconstructive efforts. In time, this capability also proved valuable for sustaining the reconstruction of buildings for returns. Second, through its security role, it was able to ensure freedom of movement for international and domestic persons, removing road blockages and other unofficial or unauthorised impediments to mobility. Third, it was able to use its capability in these areas as leverage to gain political support for its activities at municipal and local levels; thereby aiding the work of the Joint Military Commission.

Though the transition from IFOR to SFOR did result in a troop reduction, it had relatively limited impact on the day-to-day activities of the force and their mandate remained largely unchanged. In fact, SFOR increased both the scale and nature of its interaction with international and domestic civilian actors. Predominantly, this was achieved through widespread engagement in CIMIC activities, and later through the constitution of LOT houses. By the time of SFOR's transition to EUFOR, the total force numbered approximately 7,000 personnel, a figure that would steadily decline in the years that followed. While EUFOR continued with the LOT house concept, CIMIC activity was seen to fall off significantly from 2004 onwards.

### *5.5 Summary*

Military engagement with ethnic minority returns and participation rarely occurred in isolation. It was shaped and influenced – formally and informally – by the key international civilian actors they worked alongside. Whether through OHR pressure on legislative compliance and the application of Bonn powers, OSCE, UNHCR and CE monitoring, or the increasing purchase of the emerging enlargement processes of the EU and NATO, military actors were exposed to and incorporated into almost the full spectrum

of post-conflict responses to ethnic minority issues. From the military perspective that they engaged in that manner was no accident, indeed military planners anticipated much of the civil-military interaction that emerged, as reflected in the NATO CONOPS. The domestic political context that faced the civil-military framework continually challenged its legitimacy and effectiveness necessitating flexible responses from civil-military actors. The specific military response will be analysed in the next chapter.

## Chapter 6

### **The Military Application of Conditionality and Normative Pressure on Ethnic Minority Issues in Bosnia Herzegovina 1995-2005**

This chapter analyses in detail the nature of military engagement with the issues of ethnic minority returns and participation in new state institutions and processes. In considering the success or otherwise of that effort, it also maps the reaction of domestic actors to the military effort and the resultant degree of compliant or non-compliant behaviour and policy implementation.

#### *6.1. Application of Conditionality and Normative Pressure by Military Forces on Ethnic Minority Returns: 1995-2005*

##### 6.1.1 Stabilisation and Reconstruction 1995-1997: Humanitarian Aid

Given the significant scale of inter-ethnic violence encountered on deployment, IFOR was not initially engaged on either returns or participation issues; priority went to separating the former warring factions and the segregation of communities. However, progressively from early 1996, IFOR personnel participated in extensive humanitarian activities, both unilaterally and in cooperation with the UNHCR and international NGOs; NATO's support for their efforts became a feature of their engagement throughout the period under analysis.

NATO aided the humanitarian effort in a variety of ways. Of the 19 humanitarian aid actions completed by IFOR and SFOR between 1996 and 2003 (see Appendix VI), it was found that NATO assisted with returns, reconstruction, education, agricultural, and transportation tasks. In general, it was found that this assistance was delivered without either the application of conditional incentives or normative pressure; only four of the 19 activities examined were relevant to minority participation; all four involved the application of normative pressure relating to returns policy. More typical of the engagement with returns was the provision of containers as temporary housing, where returnees had moved to be closer to their original residences. However, though NATO humanitarian aid activities did not specifically seek to apply conditional incentives or normative pressure on returns or participation, a number of features emerged that are worthy of note.



All but three of the activities analysed were organised unilaterally by individual contingents rather than by IFOR or SFOR higher HQ. Of these, only one involved the promotion of policy on minority participation: a Norwegian funded and implemented bridge reconstruction project in 2001, which secured cross-community support through the presence of minorities at planning meetings as well as representatives from the respective entities.<sup>416</sup> In most cases, funding either came formally from ‘national capitals’ or informally through various charity efforts, typically organised by the soldiers themselves. Such activities ranged from the collection and delivery of children’s toys, the provision of educational items such as stationery and computers, to winter provisions, and building reconstruction efforts. Most activities were modest in scale with budgets of less than €50,000. A notable exception to this was an effort undertaken by Spanish IFOR, in 1997, to reconstruct 140 houses in the “abandoned Bosnian Serb” village of Bacevici in a predominantly Bosnian Croat area near Mostar.<sup>417</sup>

The scale of this unilateral activity was unusual for the time, and quickly ran into difficulties. One Spanish officer reflecting on the project suggested that in their eagerness to assist the population they made a number of mistakes: “we never questioned the fact that it was only the Serbian community we were dealing with. Not long into the project we realised that Croats had lived in the village too. We tried to adapt our plans but it was not easy, commitments had been given...”<sup>418</sup> Over time many of these issues would be addressed, but the Spanish experience was more the rule than the exception at that time. Underlining this feature of engagement, the sample reveals that cooperation with the UNHCR, municipal institutions, and NGOs is seen to gradually increase.

Due the fact that so many of these activities were organised on a unilateral basis, and were not typically recorded by either IFOR or SFOR, it is difficult to deduce the exact number of humanitarian activities carried out by NATO personnel during the period. The sample suggests that NATO assistance was at its highest between 1996 and 1998. Though activities classified as humanitarian continued up to 2003, from 1998 onwards they gave way to more ambitious and complex CIMIC projects. However, it is clear from the sample that humanitarian aid activities were a common feature of operations in all three Multi-National Divisions, until CIMIC programmes became the preferred means of engagement. More importantly, they created the foundation for a network of interaction, if not between

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<sup>416</sup> “United we Stand”, Egeberg, (2000), <http://www.nato.int/sfor/index.htm> (accessed 7 September 2015).

<sup>417</sup> “Revival of a ghost Village”, Boy, (1998), <http://www.nato.int/sfor/humanitarian/ghostvil/ghostvil.htm> (accessed 1 September 2015).

<sup>418</sup> Interview No. 53. Former Spanish SFOR officer, Naqoura, Lebanon, June 2012.

NATO and other international organisations then definitely, with majority and minority communities across the country.

### 6.12 State and Nation-building 1997-2003: CIMIC

While assistance with humanitarian aid was often understood as a ‘hearts and minds’ approach, the development of CIMIC was viewed as a distinct military tool to aid commanders in pursuit of their mission. Once introduced to the concept, NATO commanders were keen to communicate its value. Through continuous Information Operations, they presented the concept of CIMIC to the population as:

the means by which the military command establishes formal relations with national and local authorities, the civilian population, international organisations and non-governmental organisations within its Area of Responsibility.<sup>419</sup>

The earliest CIMIC projects to emerge during this time overlapped with humanitarian aid projects and were unconditional in design and delivery: “the initial focus was on stabilisation, anything more, just wasn’t practical”.<sup>420</sup> However, in the years that followed, the practice of CIMIC evolved significantly, with varying impacts on the delivery of policy on minority returns. Analysis of a sample of 131 CIMIC projects completed by SFOR between 1997 and 2003 (see Appendix VI) reveals multi-level interactions characterised by experimentation with conditional incentives, variation in project design and ownership initiatives, increasing awareness of the complexity of returns issues, and a gradual progression towards more formalised and cohesive military engagements on returns issues.

The sample shows that 37% or 48 of the CIMIC activities engaged in by NATO were directly relevant to the delivery of returns policy. Normative pressure connected to minority returns policy was a feature of all but three activities. An example of an exception was the Italian SFOR project that organised a substantial food and clothing convoy for refugee camps through the G5 (NATO planning cell). This project was typical of the earliest efforts of NATO planners to formalise SFOR engagement with such matters. While not entailing the application of normative pressure or conditionality, the project was carefully planned and directed to the area of greatest need. One refugee emphasised that:

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<sup>419</sup> “A Presentation of CIMIC”, Bergner, (1998), <http://www.nato.int/sfor/cimic/introduction/cimic.htm> (accessed 7 September 2015).

<sup>420</sup> Interview No. 21. Former Irish IFOR staff officer B, Kildare, January 2013.

The aid just arrived at the right time. We have had no help since December, and the government only gives us \$8 per month per each person and that makes life very difficult to manage.<sup>421</sup>

If SFOR personnel were ‘entrepreneurial’ in their attempts to address the ‘humanitarian situation’, the application of CIMIC was intended to provide a framework for formal, better informed and more effective engagement. However, progress was slow. Almost every contingent sought to contribute to the effort which was often executed in parallel to SFOR’s main operational tasks. The situation was confused for a period by the fact that SFOR had distinct cells for humanitarian aid and CIMIC, even though their respective activities overlapped significantly. In rectifying that anomaly, SFOR planners also acknowledged that SFOR had neither the financial assets nor the administrative capacity to assume direct responsibility for all CIMIC activities. Accordingly, they took the view that SFOR CIMIC should primarily operate as an information-gathering and coordinating platform in support to the CIMIC activities of TCCs. While this was a practical ‘management solution’ SFOR, staff acknowledged that it left questions concerning oversight and regulation of TCC CIMIC activity somewhat exposed.<sup>422</sup> Nonetheless, as the concept took hold among TCCs, many innovative practices emerged with varying impact on returns policy.

On taking over from IFOR, the commander of SFOR, Gen. William Crouch, identified the return of refugees and displaced persons as one of six key priorities in his ‘Commander’s Intent’ issued to his subordinates.<sup>423</sup> Such prioritisation was significant for military planners, as linking the issue to the commander’s intent afforded greater flexibility in the allocation of SFOR assets to address returns issues. In civilian terms, they had received a clear order, and it was their responsibility to devise ways to fulfil it. For TCCs planning individual CIMIC projects it meant that their requests for ‘heavy SFOR’ assets to assist in reconstruction or transportation were positively considered. For example, the Austrian SFOR contingent, in cooperation with the Austrian humanitarian NGO

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<sup>421</sup> Dusko Sutanovic quoted in “Initiative gains more than expected”, Hilaj, (1998), <http://www.nato.int/sfor/humanitarian/italian-init/italianini.htm> (accessed 7 September 2015).

<sup>422</sup> Interview No. 23 Former Irish SFOR staff officer, Dublin, April 2013.

<sup>423</sup> “IFOR becomes SFOR”, Crouch, (1997), <http://www.nato.int/sfor/historic-moments/ifor-to-sfor/ifor-sfor.htm> (accessed 7 September 2015). See also SFOR Mission Statement, SFOR, (2003) <http://www.nato.int/sfor/organisation/mission.htm>. Viewed 7 September 2015. It should be noted that in NATO military planning the Commanders Intent derives from the Mission given to him, so it is in itself and extraction and expansion of the initial order; in this case framed in the Dayton agreement. Critically in each instance the articulation of such intent initiates a chain reaction of military activity culminating in specific operational tasks.

CARITAS, designated Fojnica<sup>424</sup> as a “Peace Village – a place where two entities can live together” – targeting the rebuilding of 300 houses and providing over 150 tonnes of related medical, educational and other materials. An alternative approach pioneered by French and Italian SFOR was to inform a village that they were being considered for an “Action Column”, whereby a CIMIC battalion utilising SFOR assets would move to their area for a dedicated period of two to three weeks, establish a base, and address a range of local issues. These operations overtly applied conditional incentives on returns issues:

For a town or village to benefit from such an operation, indications must be favourable for refugee returns. The operation is a gesture towards the opstinas that cooperate. The operations are carefully balanced between the Brigade’s Areas of Responsibilities (AOR) and, also the Entities.<sup>425</sup>

From 2000, SFOR became increasingly active in the delivery of small business projects with aid conditionality attached:

We explain to them it is not just a handout, it's also a hand-up, and they are expected to employ people - mostly returnees, and ideally, a mix of ethnic groups.<sup>426</sup>

Further variation was evident by the end of 2000, when SFOR CIMIC teams started to target local authorities and municipal institutions with various incentives options:

We let them have winter time to work out a schedule of conditions. As soon as spring is here, we will carry out their plans under some conditions. The plans should include all minorities, and have the local Parliament’s agreement. This way we can improve our collaboration with the civilian authorities.<sup>427</sup>

A seasonal dimension to returns was also recognised at this time: by 1999-2000 it was noted that returns generally did not happen during the winter months due to restricted mobility and often the lack of amenities. Quantifying the combined impact of this activity is difficult, but there is sufficient evidence to suggest that the combined impact of SFOR on minority returns, in tandem with the ongoing work of civilian actors such as the OHR, was having a real impact. By May of 2000, it was clear that 1999 had been a largely successful year for returns, though the role played by SFOR in facilitating and coordinating the returns process was not apparent in the HRs review:

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<sup>424</sup> Fojnica located 80km west of Sarajevo.

<sup>425</sup> “A Velika Operation”, Vand de Poele, (1999) <http://www.nato.int/sfor/cimic/velika-ops/t991017f.htm> (accessed 15 September 2015).

<sup>426</sup> “Small business openings”, Adams, (2000) <http://www.nato.int/sfor/indexinf/85/busines/t000414c.htm> (accessed 15 September 2015).

<sup>427</sup> “New Dutch CIMIC Strategy”, Thomas, (2000) <http://www.nato.int/sfor/indexinf/103/s103p03b/t0012203b.htm> (accessed 15 September 2015).

Security incidents are now the exception and not the rule and there is an encouraging shift in many areas from SFOR to the local police as the first port of call for returnee security.<sup>428</sup>

In a sample of 12 CIMIC projects conducted in 1999, five contributed to minority returns, with four projects involving the application of conditional incentives. Former SFOR officers interviewed suggested that these figures would have been broadly representative of SFOR activity across the country.<sup>429</sup> Most prominent of these was the launch of a collaborative initiative with the ECs OBNOVA fund for the rehabilitation and reconstruction of post-conflict areas of South Eastern Europe. This partnership involved the delivery of a series of ‘Micro-Projects’ which SFOR would identify and deliver on behalf of the fund:

To be considered as a Micro-Project, a project normally cannot be more than 50,000 Euros (97000 DM approx.). The SFOR units submit the proposals to SFOR Headquarters (HQ) and after co-ordination, we send them to the Representation Office of the EC (ROEC) in Sarajevo for approval.<sup>430</sup>

Critically, this entailed not only SFOR’s ideas of conditional incentives, but firmly linked compliance to conditions established by the EU. The normative impact of SFOR is also apparent during this period. In areas such as Grapska Gornja, the SFOR CIMIC presence fostered conditions for changes in inter-ethnic behaviour:

“People help each other a lot,” he explained, “the Bosniak inhabitants are concentrated on re-building their houses and they lend their fields to the Bosnian-Serbs that never left the village. In return, Bosnian-Serbs lend them their tools and their vehicles.”<sup>431</sup>

Though still the exception, such inter-ethnic interaction, where it occurred in the samples analysed for this research, was always within the framework of intensive SFOR engagement with both sides of the community. However, given the scale of experimentation it is unsurprising that not all such initiatives worked as intended.

Depending on their areas of operations, most TCCs made every effort to ensure that their Locally Employed Contractors (LECs) were representative of the ethnic balance of the community within which they operated. Generally TCCs offered pay significantly

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<sup>428</sup> Petritsch, (2000), para. 85.

<sup>429</sup> Three former SFORs staff officers were shown this analysis and agreed that it was reasonably representative of the “bigger picture”.

<sup>430</sup> “SFOR micro-projects programs”, Lehmann, (1999) <http://www.nato.int/sfor/cimic/obnova/t991115e.htm> (accessed 9 September 2014).

<sup>431</sup> “The 2nd CIMIC Centre of the NPBG”, Clement, (2000) <http://www.nato.int/sfor/indexinf/89/cimcenter/t000608d.htm> (accessed 9 September 2014).

above the average for the recovering Bosnian economy, with the result that such jobs were highly valued within domestic communities. Recognising this, some commanders started to link job offers to ‘compliance’ with issues on minority returns and participation. While occasionally this approach yielded results, in the main it was not seen as sustainable way of engaging with the community on minority issues: while it was a feature it was not a common or accepted practice.<sup>432</sup>

A more common difficulty to emerge in this period concerned the timing of the delivery of conditional incentives on returns issues. In four of the cases analysed, incentives were delivered to a majority community prior to returns taking place. Such incentives included the reconstruction of roads and civic buildings, but also the reconstruction of minority-owned property. The logic guiding this practice was that minorities were unprepared to return until the structures were in place to accommodate them. However in three of the four cases it was found that returns did not take place even after the incentives were delivered. The other case had more success, as a portion of incentives were withheld pending compliance after the initial delivery of the first phase of incentives.

As CIMIC projects on returns gained momentum, coordination with the UNHCR and RRTF was seen to increase. For the most part, this was as a result of the growing awareness among military CIMIC staffs of the wider dimensions of the work they were doing, and their recognition that a comprehensive and inclusive approach was necessary if their work was to be sustained.

A CIMIC project does not end just because the physical implementation is done, because it’s directly linked to the return process. We have started a close co-operation with UNHCR and OHR because they know where the funding gaps are and when they do not find any donor, we want to assist as and when we can.<sup>433</sup>

This coming together on CIMIC projects served to streamline many aspects of the military approach. Specified pre-established criteria for CIMIC projects became the norm and often entailed a period of cultivation, whereby SFOR CIMIC personnel and civilian staff of an NGO or international organisation would engage a community over a period of time in order to ensure understanding and support for a forthcoming project. Increasingly, these approaches also involved a post-implementation plan in order to support a given project’s

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<sup>432</sup> This practice did not feature in the sample used for this research.

<sup>433</sup> “No mans land”, Lavigne, (2001) <http://www.nato.int/sfor/indexinf/120/p04a/t0104a.htm> (accessed 10 September 2014).

sustainability.<sup>434</sup> Furthermore, as UN resources were diverted elsewhere, and the rate of returns increased, the UNHCR often turned to SFOR to fill the gaps. One UNHCR official in Zvornik emphasised that, “SFOR’s involvement is extremely important. We don’t have the resources they have, and would not have been able to get the information we needed without their help”.<sup>435</sup>

However, if military and civilian cooperation and interaction on returns issues was increasingly evident, it was by no means a linear development. Many civilian actors, particularly humanitarian NGOs, had serious conceptual issues regarding cooperating with military units on issues they understood to be civilian issues.<sup>436</sup> Some NGOs simply refused to work with military CIMIC teams, primarily on the view that they (SFOR) compromised their impartiality in the eyes of the domestic population.<sup>437</sup> While military officers interviewed acknowledged that they were only beginning to consider the implications of their CIMIC actions on civilian actors, many added the proviso that some NGOs simply “did not like the competition that military units provided”.<sup>438</sup> Such tensions were a regular feature of the military experience, often impacting on the cohesiveness of the overall effort on returns.

Finally, as the post-conflict reconstruction effort gained momentum, there was an increasing preference among CIMIC teams for ‘joint projects’ with government, mostly municipal, institutions. Driving this effort was the idea that joint projects pooled and expanded financial resources available for projects, stimulated domestic capacity to plan and execute such projects, and encouraged local ownership and therefore the sustainability of project outcomes. On minority returns, various joint approaches emerged during the period under review including the application of trial returns, where minorities were given the opportunity to demonstrate that they “wanted to come back”, by returning temporarily to “clean and repair the house...”.<sup>439</sup> In the sample analysed, of the 48 returns-related CIMIC projects 23 were ‘joint projects’ run with municipal support. Of these, four projects failed to achieve their intended outcomes due to the unavailability of municipal funds or for lack of municipal support for returns.

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<sup>434</sup> “New funding source for MND-SW CIMIC projects”, Fitzgerald, (2001)

<http://www.nato.int/sfor/indexinf/123/p05a/t0105a.htm> (accessed 10 September 2014).

<sup>435</sup> UNHCR Official quoted in “When words can’t describe”, Egeberg, (2001),

<http://www.nato.int/sfor/indexinf/114/p05a/t0105a.htm> (accessed 10 September 2014).

<sup>436</sup> Scott-Flynn, (1999), pp. 7-9.

<sup>437</sup> For example MSF, see Gheciu, (2011), pp. 99-104.

<sup>438</sup> Interview No. 23. Former Irish SFOR staff officer, Dublin, April 2013.

<sup>439</sup> “Turkish CIMIC team visit”, Maddox, (2000), <http://www.nato.int/sfor/indexinf/93/turkcim/t000730g.htm> (accessed 10 September 2014).

### 6.13 The Impact of Military CIMIC on Returns

Given their relatively modest scale and ambition, most CIMIC projects were completed successfully and therefore the argument can be made the local compliance with the policies identified by SFOR was high. Of the projects examined, only seven completely failed to achieve their objectives, while partially compliant outcomes of varying degrees were evident in all other cases. However, interviews suggest that gains were not always retained, and instances of ‘sustainable’ compliance were somewhat lower. Of the 48 returns-related projects, 20 were unilaterally run by NATO TCCs, without the input of an international or domestic organisation. Though a preference for joint projects did emerge, at no point did they completely replace unilateral projects as the preferred means of engagement. However, what is apparent is that medium- to large-scale projects with budgets in excess of €100,000 were increasingly delivered jointly with funding organisations such as the UNHCR, DFID (UK) and domestic institutions.

It is estimated that over the period in question, NATO CIMIC projects comfortably exceeded 1,000. However, the extent of SFOR’s involvement in delivering policy on ethnic minority issues, particularly returns, is understated in official NATO documents.<sup>440</sup> While NATO did make an effort to record CIMIC activities, it is clear that many TCCs did not report the full extent of their activities. In part this can be explained by a NATO hierarchy who were anxious to emphasise the security aspects of their role, and the fact that much of the activity carried out by TCCs, though sanctioned by SFOR leadership, was independent of SFOR planning or operational control. It also represented the fact that NATO planners themselves were still not sure of the best way to approach their ‘civilian/soft’ role which was seen to continually evolve during the period in question.

Finally, it should be acknowledged that though independent and joint CIMIC activities became increasingly formalised, the ongoing ‘military operational’ effort of patrols, searches, village liaison etc. continued as a vital source of information for all activities. As one Danish officer noted:

We are the guys who are gathering information about the area and about the people who are living here. So when we get back, we make reports and send them forward to the CIMIC and the Battle Group. If there is something interesting out here we'll tell the CIMIC and they can respond.<sup>441</sup>

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<sup>440</sup> Based on the sample analysed.

<sup>441</sup> “CIMIC House opens in Brod”, Adams, (2000), <http://www.nato.int/sfor/indexinf/84/cimicho/t000326a.htm> (accessed 9 September 2015).



#### 6.14 Liaison Networks and Military Leadership 2003-2005: LOT Houses

The LOT concept emerged in response to shrinking financial and human resources and the need to maintain an information-gathering network capable of daily interaction with populations at the municipal level. From a military perspective, they were also viewed as having evolved from the CIMIC house concept that was developed by SFOR post-2000. Their establishment marked the reversal of the pattern of SFOR personnel engaging with populations in their respective community areas: “they were designed to be a one stop shop as we didn’t have the resources to go out into the community as before”.<sup>442</sup> Where present, CIMIC houses were instrumental in connecting military CIMIC projects with municipal activity and were prominent in the delivery of some of the larger joint projects. However, as they transitioned to a LOT house network, SFOR’s and EUFOR’s application of conditional incentives on minority returns was seen to reduce significantly.

The EU formally launched Operation ALTHEA on 2 December 2004. While politically – seen in the context of the Thessaloniki Summit – it was viewed as a signal that the EU was beginning to formally reembrace the region, in practical terms the EU military force that replaced SFOR was largely the same – 7,000 approximately in strength, with 80% of SFOR personnel simply ‘changing hats’.<sup>443</sup> EUFOR’s mission was more restrained than that of SFOR. While the commitment to maintaining a ‘Safe and Secure Environment’ remained, it was the provision of capacity building and training support to the Bosnian Ministry of Defence and Armed Forces that would be its *raison d’être*. NATO did however maintain a military HQ in Sarajevo which played a prominent role in the transformation of the Bosnian Armed Forces, and subsequent progression towards membership of PfP.

In inheriting the LOT House network from SFOR, EUFOR reconstituted their purpose to one of information gathering, through monitoring and community liaison. The byword for those who staffed these houses was ‘situational awareness’. Regarding CIMIC related activities, one former LOT house member noted: “we had neither the capacity or the mandate to engage in CIMIC-style projects”.<sup>444</sup> In some cases, particular during and immediately after the transition period, LOT houses were seen to push the boundaries of their mandates, with some attempting to establish themselves as *de facto* coordinators for CIMIC activities. However, by the end of 2004, this practice was petering out. Commenting on that transition at the time, one Canadian officer noted that:

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<sup>442</sup> Interview No. 54. Former Swedish SFOR staff officer for MND-N, Naqoura, Lebanon, June 2012.

<sup>443</sup> By that time, the vast majority of SFOR personnel were drawn from EU member states.

<sup>444</sup> Interview No. 16. Former EUFOR officer, Dublin April 2014.

The EUFOR mandate does not permit us to rebuild schools or roads, or to provide any monetary assistance. We have no budget for such endeavours. The LO Teams are not the Civil-Military Cooperation Teams (CIMIC) of the past, who were perceived by the local populace to be roaming the country with large sums of money to dispense.<sup>445</sup>

That distinction was often lost on local populations, who had grown accustomed to negotiating with CIMIC team, posing difficulties for LOT houses in the initial ‘start-up’ phase. As a result, quantifying the role of LOT houses in comparison to CIMIC teams is difficult. This research has found that they were not substantially engaged in returns activities beyond monitoring returns and relaying information to international organisations in their area. By the end of 2004, the military involvement in delivering minority returns policy effectively came to an end. Returns assistance continued primarily through EC funded integrated returns projects in partnership with various NGOs, but military participation was no longer a feature of these efforts. The potential of LOT’s houses to participate in that ‘civilian’ process was not seriously considered by the actors involved.

#### 6.15 Liaison Networks and Military Leadership 1995-2005: The role of Military Commanders

Through the Joint Military Commission at the highest level, and at various levels down to battalion commander level, senior military officers were involved in daily formal and informal dialogue with international and domestic civilian actors. Interviews revealed that at all levels, commanders attempted to link various aspects of military activity to incentives on minority returns. As with the evolution of CIMIC practices, SFOR commanders were seen to become increasingly sophisticated in engaging domestic actors on minority returns issues. Commenting on the transition from IFOR to SFOR, commanders noted that there was a gradual move away from the coercive measures that were initially deemed necessary, towards incentivised approaches. In large part, this reflected the reality that NATO personnel were less involved in the separation of FWF and more involved with the civilian population and the emerging representative structures. Commenting on the implication of this change, one UK commander noted that “coercive measures were no longer suitable. We needed to engage with the local population on more positive terms and

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<sup>445</sup> Granatstein, (2007), p. 84.

that meant leveraging the advantages we had for their benefit”.<sup>446</sup> As such, commanders at MND and battalion levels found themselves assuming a semi-political role in the areas within which they operated.

Quantifying the impact military commanders had on returns is difficult, though of the eight commanders interviewed, all were active in applying normative pressure on domestic politicians and community leaders regarding returns issues. Equally, all acknowledged the value of CIMIC, confirming that they had attempted to link the delivery of CIMIC projects to domestic compliance on minority returns policy. Outside of the CIMIC framework, those present in the period 1997-1999 noted that the economic footprint of an SFOR unit was often highly prized by small communities in particular, noting that they were frequently approached by politicians requesting the movement of posts to their area. Such posts, which could range in size from accommodating a platoon (31 personnel) to a company (120 personnel) brought employment to these communities, and boosted sales in local cafes and shops. While commanders acknowledged that they were able to link post movements to minority returns policy, they agreed that it was not a sustainable means of engagement. One noted that the issue became more pronounced as posts started to close: “I was able to get compliance on a number of issues including returns issues by agreeing to delay a post-closure”.<sup>447</sup> The same officer acknowledged that such practices were “one off”, and in no way comparable to CIMIC projects, which offered a more equitable and sustainable means of community engagement.

While this type of interaction was common to all commanders, from MND commanders down to their subordinates, it did not hold for the actions of the overall commanders of NATO forces in Bosnia. Though COMIFOR appointment holders had direct and daily access to the HR, leaders of international organisations and the domestic political elite, and while they maintained the normative narrative, there is little evidence to demonstrate that they sought to apply conditional incentives connected to issues of returns. They did, however, provide a valuable link between the military and civilian sides of the international effort both in keeping the international administration informed of developments at local levels, and in requesting support for political pressure to be applied at the highest levels on various issues. Referring to the latter, one MND commander argued that “the real value of the COM was that you contact him to let him know you were having a particular issue with a municipality or whatever and through his connections with the

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<sup>446</sup> Interview No. 22. Former UK IFOR & SFOR senior staff officer, London, December 2013.

<sup>447</sup> Interview No. 49. Former Italian SFOR commander, Naqoura, Lebanon August 2012.

OHR you would find pressure being applied on the municipality by their own leaders. That was a valuable role from our perspective...”<sup>448</sup> While the potential existed for the commander of NATO forces to orchestrate political pressure at sub-entity levels, of those interviewed, such pressure was only once applied to a matter pertaining to minority returns. However, as will be seen below, the high-level commanders did have more active role on matters pertaining to minority participation.

## *6.2 Application of Conditionality and Normative Pressure by Military Forces on Ethnic Minority Representation and Participation: 1995-2005*

### 6.21 The Dayton Framework for Minority Representation and Participation

Dayton provided for the design and (re)establishment of representative structures and state institutions such as the police and military forces. As such, the external “policy requirements”, including those on minority issues, were built into the constitutional fabric of the post-conflict settlement, with the OHR there to guide and oversee a transition back to normal sovereign state practice. Under Annex 3 of Dayton, the OSCE was tasked to oversee the organisation and conduct of elections, while the OHR coordinated the recovery of Bosnian state institutions.<sup>449</sup> Within and between these tasks, NATO and later EU forces would play a variety of supporting roles, gradually expanding their influence beyond the tasks specified under Dayton. This section explores that dynamic and the impact of military forces on domestic compliance with minority participation policy.

Unsurprisingly, the HR found that the necessary conditions for free and fair elections in general (not just regarding the minority aspects) were not present in early 1996, expressing particular concerns over the media situation.<sup>450</sup> With responsibility for organising elections, the OSCE was to the fore of efforts to ensure that minorities, particularly those in the entities and at municipal level, would be fairly represented in new state and sub-state assemblies. The Provisional Elections Commission (PEC) was the forum through which the OSCE engaged with the OHR, IFOR and domestic representatives to outline plans for the first elections. Setting an initial target period for elections of between 14 June and 14 September 1996, the OSCE drafted rules and regulations for the preparation and conduct of elections. While OSCE staff were generally satisfied that the proposed structures of government were broadly representative, there was

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<sup>448</sup> Interview No. 52. Former UK SFOR MND commander, London, December 2013.

<sup>449</sup>“General Framework Agreement for Peace in Bosnia”, (1995), Annex 3.

<sup>450</sup> Bildt, (1996a), para.56. [http://www.ohr.int/other-doc/hr-reports/default.asp?content\\_id=3661](http://www.ohr.int/other-doc/hr-reports/default.asp?content_id=3661) (accessed 3 August 2014).

some concern that displaced minorities would not be in a position exercise their franchise in their place of origin, in spite of supporting policies. Articles 10-12 of the PEC rules and regulations addressed options and rights available to refugees and displaced persons, including the flexibility for persons then unwilling to return to their place of origin, to vote in their respective local election, or alternatively to vote in their new area of residence if they so wished. Those who were unwilling to return to their area of origin, but who wished to vote, were facilitated with and absentee ballot.<sup>451</sup>

Thus, from the outset, the requirements of ethnic minorities were accommodated both in terms of the electoral systems used and the nature of the representatives structures devised. In this respect, both entities were de facto compliant with the standards identified by the international organisations involved. However, this structure rested on an agreement that did not encourage a specific focus on minority rights, choosing instead to focus on human rights reinforced by the rule of law. As the subsequent difficulties revealed, the unwillingness to engage in a ‘minority rights’ discourse created the space for entity and municipal governments in particular to subvert inclusive elections and structures through selective interpretation of a range of state laws and practices, from citizenship to property rights. As a result, over the period analysed, and acknowledging the technical compliance with Dayton and PEC requirements, the quality of minority (and majority) participation in these structures remained open to question.

## 6.22 Countdown to the First Elections: 1995-1996

Though some interviewees suggested that the power-sharing arrangement, with its emphasis on a national ethnic balance, isolated minority communities, there is sufficient evidence to demonstrate that international staffs were at least mindful of the needs of minorities, particularly those in isolated positions in the respective entities.<sup>452</sup> For example, the OSCE insisted on the creation of ad hoc election commissions for “divided municipalities”, stipulating that elections would not go ahead until they were established.<sup>453</sup> However, incentivising the elections in this way was not a common feature of a process of interaction – like returns – that remained predominantly normative in its conduct for most of 1996:

Despite commitments to uphold the highest standards of human rights protections, the Parties have not fulfilled their obligations in this

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<sup>451</sup> OSCE, Provisional Electoral Commission, (1996), pp. 5-8.

<sup>452</sup> Interview No. 41. Senior staff member, OSCE, Sarajevo, July 2013.

<sup>453</sup> OSCE, Provisional Electoral Commission, (1996), Art. 36-38, p. 12.

regard... the Parties have not taken concrete steps to eliminate conditions which threaten the goal of a multi-ethnic society which had been envisioned in the Peace Agreement... including adoption of amnesty laws, permitting freedom of movement, instructing local officials that harassment and intimidation of vulnerable populations will not be tolerated, bringing property laws into compliance with the Peace Agreement....<sup>454</sup>

While the proposed institutional structures were not considered overly problematic of themselves, it is clear that the political framework within which they were expected to work posed serious difficulties for their effective operation. A myriad of legal and administrative complications combined or were manipulated to delay or compromise the establishment of post-conflict institutions. As a result, the HR became embroiled in intensive engagement with Bosnian political representatives, through which he attempted to draft a series of agreements to facilitate the revision and implementation of a range of laws and practices. One such agreement was that negotiated through the JIC in Sarajevo, which covered the “preservation of property rights, freedom of access and continuity of the educational system and participation in public life.”<sup>455</sup>

During that period, the potential of IFOR assistance for the delivery of policies on ethnic minority participation starts to emerge.

Since the completion of some of the more urgent tasks of military implementation IFOR has been in a position to allocate more assets and resources to meeting the needs of civilian implementation. Coordination meetings are held on a regular basis with participation of major civilian implementation agencies to define the practical modalities of the use of IFOR assets and resources. Some projects in the field of infrastructure restoration, telecommunications, election preparations are already under way.<sup>456</sup>

Up to that point, IFOR’s contribution to the election effort was seen as an extension of their primary tasks of ensuring freedom of movement and providing security. Their involvement in disarming former combatants helped to disestablish the connection between combat units and their political supporters. Demining programmes aided freedom of movement and returns. In many instances, they provided direct security for the work of the OSCE as they developed electoral capacity across the country, vital in areas resistant to change. However, from the summer of 1996, it is clear that NATO, through IFOR, not only

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<sup>454</sup> Bildt, (1996b), para. 47. [http://www.ohr.int/other-doc/hr-reports/default.asp?content\\_id=3664](http://www.ohr.int/other-doc/hr-reports/default.asp?content_id=3664) (accessed 17 September 2014).

<sup>455</sup> Ibid., para. 49.

<sup>456</sup> Ibid., para. 71.

assisted in the delivery of such policies, but – through a willingness to experiment with conditional incentives and normative pressure – gradually started to evolve and adapt its own approach to these issues. This will be explored in greater detail below.

The first post-conflict elections were held on 14 September 1996 at state, entity and cantonal levels. Despite significant international effort, a lower than expected number of ethnic minorities voted, particularly in RS. Significantly, in terms of the implementation of minority policy at municipal levels, municipal elections were postponed due to “evidence of manipulation of the voter registration option enabling refugees to vote where they intend to live”.<sup>457</sup> Once again the role of IFOR is singled out by the HR:

During this phase, military support to civilian agencies has increased. This contribution has been vital to progress in most aspects of civilian activity and the support to the OSCE election management has been essential and extensive. Without this support the elections could not have taken place.<sup>458</sup>

However, in considering the impact of those elections, it is worth noting the HR of the time saw them as completing the third phase of peace implementation and setting up the fourth phase, which he deemed critical to the success of the state in the future, as it would require the newly-elected leaders to embrace the new state structures in the manner intended. OHR staff confirmed that the priority at the time was to “run off” the elections as best they could, and then try to deal with the acknowledged problems in tandem with the newly elected representatives, “warts and all”.<sup>459</sup> Within a month, the process was beset with difficulties, as many of the state, entity and canton outcomes left subgroups of ethnic minorities in positions of uncertainty. This was particularly acute in RS, where from the outset there was significant resistance to participation in the Dayton structures. In particular, the initial refusal of RS deputies to participate in the newly constituted House of Representatives in October 1996 had the effect of placing a further layer of political intransigence between the entity-based ethnic minority groups (in this case Bosniaks and Croats in RS) and the policies that were intended to accommodate their needs.<sup>460</sup>

However, the approach by the OHR and OSCE was not without its merits. Within a year, municipal elections were conducted, and despite widespread and well-founded concerns over boycotts, 80-85% of the electorate responded to the calls of the main

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<sup>457</sup> Bildt, (1996c), para. 26.

<sup>458</sup> Ibid., para. 75.

<sup>459</sup> Interview No. 42. Former senior staff member, OHR, Sarajevo, July 2013.

<sup>460</sup> Bildt, (1996d), para. 29.

political parties (under immense normative and increasing conditional pressure themselves) to turn out for the municipal elections.<sup>461</sup> By 2001, other innovative schemes were being piloted, such as a municipality awards scheme to reward municipalities that demonstrated “tolerance to other ethnic groups”. Various such schemes emerged during the period, including versions run by USAID and the Institute for War and Peace Reporting.<sup>462</sup> Recording limited success, the traction they had with communities remains open to question.

### 6.23 Features of Domestic Politics and Minority Participation: 1997-2004

By the summer of 1997, flaws in the transposition and adoption of “Dayton laws” were manifest in several areas. For example, in the Federation it was noted that “in view of the approaching municipal elections and the failure of the Federation Parliament to reach a compromise on the Municipality Law, disenfranchisement of 60,000 electorates living in divided municipalities in the Federation seems to be unavoidable.”<sup>463</sup> Serious political disputes in RS also hampered policy adoption and implementation, most notably in June 1997, when the Republika Srpska President, Biljana Plavšić,<sup>464</sup> took the decision to suspend the Minister of Interior, owing to corruption allegations. As the Government, guided by the leadership of the Serbian Democratic Party (SDS) in Pale, refused to follow both this and her subsequent decision to dissolve the Parliament, a serious constitutional and political crisis erupted. Differences on the widespread discrimination against ethnic minorities in the field of employment, education and access to government services “supporting the trend towards ethnic separation” were at the core of internal power struggles within the majority ruling parties on all sides, not just the SDS.<sup>465</sup> However, they were also reflective of a degree of normative traction, due to the sustained pressure of international organisations. The OHR, in particular, insisted that entities comply with the Dayton requirements, regarding the participation of minorities in all state institutions. Commenting on the crisis the HR noted that:

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<sup>461</sup> Municipal elections were held on 13/14 September 1997.

<sup>462</sup> “Bosnian village in Line for Tolerance award following story”, Institute for War and Peace Reporting, (2011), <http://iwpr.net/report-news/bosnian-village-line-tolerance-award-following-story> (accessed 4 July 2015).

<sup>463</sup> Westendorp, (1997a), para. 49.

<sup>464</sup> Biljana Plavšić was indicted by the ICTY for war crimes in 2001. She served two thirds of her subsequent sentence and was released in 2009.

<sup>465</sup> Bildt, (1996b), para. 50.



This crisis mirrors a growing rift between SDS hardliners and those who wish to implement the Peace Agreement, and could potentially have serious repercussions on the implementation process.<sup>466</sup>

However, as entities gradually moved into alignment, it became clear that the dynamic of the relationship between the OHR and the main political parties at state and entity levels was stunting the implementation of policy on ethnic minority issues in other ways. Increasingly, political leaders from majority parties pointed towards their structural compliance, and complained of undemocratic interference by unelected international administrators when queried on policy implementation. Furthermore, minority representatives, “frustrated with the game”, either refused to recognise the new structures, or became impatient with the limited potential for favourable outcomes in a zero sum political arena.<sup>467</sup> Thus, in all cases, the ironic situation developed, whereby the one area where standards for ethnic minority participation were clearly defined and established (state and entity representative structures) served to uphold the very ethnic divisions they were intended to address, with little evidence of voting across ethnic boundaries, no substantial shift in the doctrinal positions of parties where candidates retained their ethnic focus, and no meaningful decline in popular support for nationalist hardliners.

The international presence, led by the High Representative, can still intervene in Bosnian politics and annul undesirable decisions, but it is significantly less effective in transforming the character of the political process...in sum, there is now a broad academic consensus that, in terms of long-term peace building, Bosnia today looks much like a failure, and it does so specifically because of the across-the-board institutionalization of ethnicity that was part of the Dayton agreement.<sup>468</sup>

Considering the nature of the international-domestic interaction, the findings suggest that the consociational model devised for Bosnia was ill-suited for the particulars of the post-conflict environment, and representative of a lack of confidence in the domestic potential for change and/or the external potential to influence change. It also appears that the OHR lacked a willingness or ability to move beyond a rather superficial representative balance towards achieving meaningful interaction between majority and minority populations. Time and again, issues such as electricity and water supply and other infrastructural projects were scuppered by ethnic discord at national and local levels, rather than being utilised as conductors for incentivising changes in policy behaviour.

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<sup>466</sup> Westendorp, (1997a), para. 55.

<sup>467</sup> Interview No. 6. Former Bosnian Serb political party official, Sarajevo, July 2013.

<sup>468</sup> Simonsen, (2005), p. 303.

Progress was, however, achieved in certain areas, for example the creation of an ‘Implementation Office’ to oversee the establishment of 12 new municipalities, including the symbolically “significant achievement of the implementation of the 1997 election results in the municipality of Srebrenica where, in June, a multi-ethnic municipal council was finally installed.”<sup>469</sup> While it is evident that NATO was not involved in most aspects of this process, there were some notable exceptions. Foremost, their contribution at municipal levels and secondly their role in the transformation of the Bosnian Armed Forces.

#### 6.24 State and Nation Building: CIMIC 1997-2004

Beyond the initiation of a network of engagement, there is little evidence to show that IFOR’s humanitarian activity had an effect on the delivery of policy regarding ethnic minority participation. While military access to funding and the demand for reconstruction assistance made returns the main effort for many CIMIC teams, it was by no means their only stream of activity. CIMIC teams played a valuable role as interlocutors in their respective areas of operation, on issues as diverse as sharing school facilities and market space to support for local government structures and returns. Regarding the impact of CIMIC activity on minority participation, two features emerge. First, most of SFOR’s engagement at municipal and sub-municipal level regarding the participation of minorities was informal in nature. Indeed, interviewees suggested that the results of the sample only captured part of the interaction, and that informal efforts by SFOR personnel to coordinate contact between majority and minority populations was a regular feature of SFOR’s activity. Second, accepting the informal character of most engagement, there is sufficient evidence to demonstrate that in some cases SFOR successfully linked conditional incentives to policies regarding minority participation. While many of these outcomes did not correspond with policies laid down by the OHR, or the various levels of domestic government, they were nonetheless examples of complaint behaviour. Formally complaint outcomes were in evidence but comparatively, less so, perhaps representative of a reluctance by SFOR to “go too far into domestic governance structures”.<sup>470</sup> Finally, while some of the outcomes identified can be considered as compliant outcomes, the quality of minority participation at municipal levels varied significantly.

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<sup>469</sup> Annual Report 1999 on OSCE Activities”, OSCE, (1999), p. 14.

<sup>470</sup> Interview No. 23. Former Irish SFOR staff officer, Dublin April 2013.

Of the 131 CIMIC activities analysed, 15% or 20 activities involved incentives directly linked to minority participation. While relatively small in the context of the sample, interviews suggest that it does not fully reflect the significant – mostly unrecorded – effort made by SFOR to include minority representatives in all aspects of their activity. Interviews revealed various means of informal engagement with majority and minority groups: for example, the preference of German military CIMIC teams was to engage with parties unilaterally before bringing them together for “round table discussions”.<sup>471</sup> Through such measures, minority participation in discussion on reconstruction, returns, service provision etc., became an accepted part of the modus operandi of SFOR. However, that dynamic was not necessarily reciprocated or visible in municipal administrations: compliant behaviour in ad hoc CIMIC fora for the most part did not transfer to domestic institutions. SFOR personnel indicated that they used these meetings to reinforce “key messages” regarding returns and the inclusion of minorities.<sup>472</sup> This view is supported by the sample which found that normative pressure was a feature of all cases, and for five activities it was the only strategic mechanism applied.

Of the conditional incentives applied, financial incentives were applied in 16 cases, five of these also involved the delivery of capacity building or technical support (such as training). For example, a UK CIMIC project supported by DFID and delivered jointly with the Bosanska Gradiška municipality linked conditions to support for a multi-ethnic school:

Such an initiative is very important, especially in this multi-ethnic school that has students and teachers from Bosnian-Serb, Bosnian-Croat and Bosniac backgrounds. About 75 of the 800 students (aged 7-15) are from ethnic minority families.<sup>473</sup>

The objective of the CIMIC team in that instance was to establish a multi-ethnic forum in order to develop mutual trust between parents, teachers and the municipality for delivering and maintaining a multi-ethnic school. Such initiatives were not always successful, and often compromises were reached, whereby students of the various ethnic groups attended the school at different times. In an interview in the *SFOR Informer*, in 2002, one Spanish CIMIC officer admitted: “Almost every school that I know of here is divided by floors according to the ethnicity of the children... They follow different studies, with different

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<sup>471</sup> “German CIMIC round table session”, Wilczewski, (2000), <http://www.nato.int/sfor/indexinf/83/roundtab/t000317b.htm> (accessed 11 September 2015).

<sup>472</sup> Interview No. 53. Former Spanish SFOR officer, Naqoura, Lebanon, June 2012.

<sup>473</sup> “UK BG: making a difference in the community”, Edwards, (2001), <http://www.nato.int/sfor/indexinf/127/p07a/t0107a.htm> (accessed 11 September 2015).

teachers. There is a long way to go.”<sup>474</sup> The wider political support for such schools was also open to question and became a problem as the international presence declined. Two cases examined involved capacity support only, linking the provision of training for municipal “emergency response management” to the condition that municipal teams were multi-ethnic in composition.<sup>475</sup>

On compliance, 24 cases resulted in partially compliant outcomes – evidence of participation, but not always in accordance with the standards specified by the OHR. However, the sample reveals that such outcomes were predominantly prior to 2003, which would suggest that the introduction of ‘CIMIC Houses’ helped to encourage more formally compliant outcomes, bringing minorities more into contact with domestic institutions. As SFOR resources reduced, the demand for CIMIC activities relating to returns increased during this period. CIMIC houses countered that dynamic providing a means to create a ‘neutral space’ to bring together majority and minority representatives to discuss a variety of issues. In many cases, before minorities were willing to participate in the official local structures (though they were afforded representation), CIMIC houses provided a first step towards full institutional participation. Acknowledging the participatory gap between “round table discussions” and municipal government, CIMIC houses were developed to provide a semi-formal but “non-threatening environment for local citizens to interface with SFOR and other civil authorities, and function as a routing agency to direct local citizens to the assistance they need”.<sup>476</sup> A Dutch SFOR CIMIC team describing their function suggested that:

We encourage people to use the government... In doing projects, we want the mayors and the ministers to have their role. They are responsible ... for running this country. The CIMIC team has also had success in getting former warring factions to co-operate on projects such as road reconstruction and bridge building...<sup>477</sup>

The later aspects of that effort reflected the dominant role played by NATO in reforming the Bosnian Armed Forces where they were in a position to apply a range of conditional incentives. However, they were also representative of the fact that CIMIC liaison officers were appointed to the office of the OHR and to the Regional Joint Civilian Commissions in

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<sup>474</sup> “Aid to Stolac’s school”, González, (2002), <http://www.nato.int/sfor/indexinf/140/p03a/t02p03a.htm> (accessed 11 September 2015).

<sup>475</sup> Interview No. 58. Former UK SFOR Company Commander, London, December, 2013.

<sup>476</sup> “Make yourself at home”, Sater, (2001), <http://www.nato.int/sfor/indexinf/121/p10b/t0110b.htm> (accessed 11 September 2015).

<sup>477</sup> “The Dutch approach to CIMIC”, Fitzgerald, (2001), <http://www.nato.int/sfor/indexinf/125/p15a/t0115a.htm> (accessed 11 September 2015).

Tuzla and Banja Luka. The information provided by these officers often served to direct the more high profile CIMIC activities to the areas of “greatest political return”.<sup>478</sup> Considering the progressive impact of CIMIC houses, it is also worth noting that compliant outcomes were most prevalent in the 2002-2003 period.

In addition to the 24 partially compliant outcomes, two instances of full compliance were found (one-off small scale community events) while non-compliant outcomes were identified in 26 cases. Of these only two were attributable to the failure of engagement by SFOR personnel. However, interviews suggested that instances of complete failure, though relatively rare, were more prominent than the sample suggests. Finally, in considering these findings, it should be noted that compliance was taken at the end of the project in question and does not reflect the sustainability or quality of participation in the years that followed, which varied significantly, but was not the focus of this research. In this case, most instances of non-compliance were explained by that fact that insufficient time had passed for the impact of SFOR actions – as recorded – to be fairly judged.

#### 6.25 State and Nation Building: LOT Houses, Key Leader Engagement and Defence Reform 2003-2005

SFOR’s strength continually and significantly reduced though this period, from 17,000 personnel in 2002, to 12,000 in 2003, and 7,000 upon handover to EUFOR in 2004. Following the CIMIC house approach, the LOT house system was intended to accommodate strength reductions whilst developing SFOR’s understanding of the political dynamics at local levels. Established on order of COMSFOR in autumn 2003, in part they were the legacy of the considered success of CIMIC houses, and for a period they continued to perform many CIMIC tasks: this would diminish rapidly from 2004. It should be noted that, while the LOT House programme was new, the concept was not entirely novel for the region. Several TCC would have established “platoon houses” as de facto bases in the early days of the operation, giving them instant and valuable access to the population. Additionally “faction houses” of fewer than five personnel were used to provide a presence in isolated areas to gather ‘situational awareness’. JCO (Joint Combined Operations) houses were also established for short term periods to support specific operations, including CIMIC operations. From these actions the concept developed for LOT Houses was that:

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<sup>478</sup> Interview No. 50. Former Italian SFOR HQ staff officer, Naqoura, Lebanon, September 2012.

soldiers live not in a military camp but in civilian accommodation among the local population providing the dynamic, responsive and locally-based 'public face' of SFOR. The purpose of LOT is to be more accessible to citizens and authorities<sup>479</sup>

Once the concept was embraced, SFOR established 40 LOT Houses across the country, with the objectives of: maintaining direct contact with local population, institutions and representatives of international organisations; enhancing local coordination and liaison with the international organisations, regional/local civil and police authorities, and the populace; monitoring political, economic, and social developments; building trust and confidence among international actors and service organizations contributing to the development of Bosnia; and evaluating the degree of positive interaction, and identifying any problem areas where SFOR could encourage solutions.<sup>480</sup>

In establishing this network, and in consultation with the EU planning teams, the constitution of LOT Houses was also seen as part of the transition to EUFOR operations. However, for over a year, SFOR operated the houses and found that they were an excellent way to establish a “different presence in the community”:

We lived among them and gradually came to know and better understand the dynamic of the town. This allowed us to identify points of entry with local government structures whereby we could progress particular issues whether minority related or otherwise<sup>481</sup>.

If the characteristics of CIMIC engagement were seen to diminish during this period, relatively quickly a new dynamic is seen to emerge whereby the staff of LOT Houses became ‘honest brokers’ between citizens, international organisations and the local political elite. In this regard, LOT house personnel came to play a significant, though mostly informal, role in encouraging ethnic minority participation at local levels. With limited funding or military guidance beyond “maintaining situational awareness”, LOT House staff often interpreted their mandate in the broadest terms, “each team and each individual within the team [having] an immense amount of latitude as to how the mission was achieved.”<sup>482</sup>

TCCs often – though not always – carefully selected personnel for LOT houses, on the basis of language or legal skills. A common theme emerging from interviews with LOT

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<sup>479</sup>“Liaison and Observation Teams of SFOR”, SFOR, (2004), <http://www.nato.int/sfor/factsheet/lot/t040909a.htm> (accessed 11 September 2015).

<sup>480</sup> Ibid.

<sup>481</sup> Interview No. 51. Former Canadian SFOR LOT House officer Naqoura, Lebanon, September 2012.

<sup>482</sup> Granatstein, (2007), p. 84.

house personnel is that they saw their role as “encouraging trust and cooperation” among the local population. They acknowledged that, in most cases, conditional incentives were no longer an option (though projects organised through national resources remained a feature), but they actively pursued an ‘integration’ agenda to encourage minorities to participate and majorities to allow them.<sup>483</sup> Somewhat paradoxically, the normative pressure applied by LOT house staff was not in response to any clear directive from higher SFOR HQ: “we assumed it was what they wanted us to do and we saw it as part of our co-ordinating function...”<sup>484</sup> Others were more guarded about the extent to which LOT houses impacted on minority participation. A French officer working in the HQ suggested that, while LOT houses did their best to encourage minority participation, in some cases they became the “first and only port of call” for minority groups themselves. “LOT houses were not intended to act as agents for minority groups and we had to be careful to ensure that teams did not undermine their neutrality by over exposure to one side or the other; our byword was – Bosnian solutions for Bosnian problems.”<sup>485</sup>

With the transition to EUFOR, and as the overlap with CIMIC activity effectively ended,<sup>486</sup> the language used by LOT house staff became increasingly calculated. One staff officer noted: “because we had nothing tangible to offer we found ourselves playing the EU [membership] card. Not just on minority issues but on almost all issues we emphasised the importance of complying with EU standards”.<sup>487</sup> Once again however it appears that this was not an orchestrated or planned response, but rather one assumed by the staff themselves. Of the personnel interviewed, none had been directed to emphasise Bosnian membership prospects, though many (including non-EU staffed LOT houses such as those run by Chile, New Zealand or Canada) admitted to doing so.

As noted above, at all levels NATO’s command structure afforded IFOR and SFOR almost daily contact with the political leadership and staff of Bosnian government. Depending on the personalities involved, the nature of the relationships that formed often served to stimulate or stall progress on various aspects of IFOR and SFORs missions. As the mission progressed, relationships consolidated, the respective parties became more

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<sup>483</sup> All former LOT House staff interviewed stated that normative pressure on minority participation was a feature of their engagement.

<sup>484</sup> Interview No. 15. Former New Zealand LOT House officer, Naqoura, Lebanon, September, 2012.

<sup>485</sup> Interview No. 1. Former French EUFOR staff officer, Sarajevo, July 2013.

<sup>486</sup> One *SFOR Informer* article suggests that CIMIC activities ceased in summer of 2004, but interviews suggest that some activities continued up to later 2004 early 2005. See “A whole lot of changes going on”, Keene, (2004), <http://www.nato.int/sfor/indexinf/172/p04a/t02p04a.htm> (accessed 11 September 2015).

<sup>487</sup> Interview No. 15. Op. cit.

familiar with each other, and NATO became increasingly aware of the power of its political influence. Over the period analysed, the application of normative pressure was observed to rise continuously, while the application of conditionality was seen to rise and then taper from 2004.

Part of the reason explaining why NATO's engagement with Bosnian politicians and officials became more sophisticated can be attributed to the fact that military personnel from most TCCs returned to Bosnia repeatedly. For example, speaking during his third trip in 2002 Lt. Gen. John B Sylvester (COMSFOR) noted the contrast between his first and second trips in 1995 and 1998 respectively, and his last trip in 2002; by 2002, "all of the nation building things could occur [...] done by the international community and by the government of BiH, to include the entities, all of the cantons and municipalities".<sup>488</sup> It can also be attributed to the fact that, as the concept of civilian-military cooperation evolved through the interaction of NATO with international organisations and NGOs, NATO personnel become more adept at addressing political, minority and other rights-based issues.

While commanders applied normative pressure at all levels when compared to their engagement with returns (acknowledging the overlap), those interviewed stated they were less inclined to apply conditional incentives to participation issues. In explaining this tendency, many commanders made the point that encouraging inter-ethnic dialogue was their primary aim, whilst also expressing the view that this dialogue eventually carried over into the representative structures. Those who were there between 1995 and 1999 believed that participation was encouraged through sustained dialogue with minority communities and local political leaders, in attempts to facilitate their engagement with the electoral process and in the representative institutions. In many instances, these actions were carried out unilaterally, though more often IFOR personnel worked in conjunction with UNHCR or an international NGO. Where unilateral interaction occurred between NATO commanders and local leaders, it was predominantly informal in manner, and most often linked to the delivery of incentives relating to returns or other issues such as freedom of movement, security, education, medical services etc. – "but the details were generally left to CIMIC teams to work out."<sup>489</sup> The exception to this predominantly informal normative interaction was NATO's contribution to the transformation of the Bosnian Armed Forces.

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<sup>488</sup> Lt. Gen. John B. Sylvester quoted in, "COMSFOR answers to SFOR Informer", [No author listed], (2002), <http://www.nato.int/sfor/indexinf/148/p12a/t02p12a.htm> (accessed 12 September 2015).

<sup>489</sup> Interview No. 53. Former Spanish SFOR officer, Naqoura, Lebanon September 2012.



The contribution of NATO to defence reform in Bosnia was and remains an overtly formal process, involving the clear application of membership conditionality and normative pressure. By the end of the war, Bosnia had three ‘ethnic’ armed groups: the Army of the Federation of Bosnia comprised of the “Bosnian Army”, mostly a Muslim/Bosniak national armed component; the Croatian Defence Council (the HVO), an armed component of Croats; and the army of Republika Srpska, almost completely composed of Serbs from the Republika Srpska.

Initially, the process of defence reform necessarily overlapped with that of police reform as, during the war, the lines between the police and military units were fluid – police forces contributed to the protection of cities throughout the conflict but were also involved in ethnic cleansing.<sup>490</sup> However, in contrast with the stunted process of policing reform, the constitution and evolution of the Bosnian Armed Forces is generally considered to be a success. Nevertheless, given the post-conflict sensitivities, real defence reform did not gather momentum until 2003. Up to that point, NATO HQ and SFOR maintained pressure on both entities to reform their military structures in line with Dayton, and made it explicit that moves to membership of PfP were conditional on convergence into a unified military structure: the Joint Military Commission was at the centre of that process, continuously encouraging and pushing the work of the ‘Inspectors General’.

Force restructuring of the Entities is necessary because as long as BiH retains its current military system, it will be seen as incapable of integrating into the European mainstream and unwilling to develop the prosperous democratic society which its citizens want. DCOMOPS stressed the importance of explaining that the work towards PfP offers a better life for BiH, that the work of the JMC is the key to that better life, and that PfP membership is the final destination for the restructuring effort.<sup>491</sup>

The Office of the Inspector General (OIG) was an independent office subordinate to COMSFOR, established in February 1999. Its mission was to monitor and investigate issues of professionalism and ethical behaviour in the Entity Armed Forces. SFOR used it to socialise EAF officers on the standards of military professionalism required for progression to PfP. Within a year, behavioural change was evident among those EAF officers involved:

They are guardians of the standards of professional armies. They work for and report to their commanders, but their eyes must always be

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<sup>490</sup> Wisler, (2007), p. 259.

<sup>491</sup> Maj. Gen. Philip Trousdell quoted in “Joint Military Commission at Camp Butmir”, Barber, (2000), <http://www.nato.int/sfor/indexinf/92/butmir/t000719b.htm> (accessed 12 September 2015).

focused on clear standards of conduct, applied with integrity and moral courage and without ethnic bias... I would really like to focus a little more on the teaching and sending out of different ideas to the commands so that they can present what they do to lower level commanders, so everyone in their army will understand their missions.<sup>492</sup>

Though NATO's involvement in Kosovo restricted progress on defence reform during the period 1999-2000, positive signs continued to emerge:

In one year the results in the RS range from an uncooperative mood to outright civilian violence and demonstrations in places such as Banja Luka, Brčko, Bijeljina Zvornik to a co-operative mode. Now we are seeing a very co-operative mode and we're on the right track. The swearing in of the new Inspector General, which just happened just a few days ago, is a very positive point in the life of the two EAFs. We're now looking to a main change in the mentality of the officers in charge of those armies. They are much more like western standards. Their generals are now complaining much more to their own politicians, and are co-operating with SFOR, and they rely on SFOR much more than they do their own politicians.<sup>493</sup>

The success of socialisation vehicles, such as the Joint Military Commission and OIG at the operational level, and the joint SFOR/EAF patrolling at the tactical level, became increasingly apparent from 2001. The later establishment of the Defence Reform Commission by HR Paddy Ashdown added momentum at the political level. Since then, much is made of the fact that the Bosnian Armed Forces were one of the few state institutions to 'successfully' conform to a multi-ethnic format. Indeed, NATO declared itself satisfied that all its military/technical criteria were complied with by the end of 2004.<sup>494</sup> By 2005, a unified command structure was in place that reflected the inter-ethnic standards set by the international organisations involved.

In considering that success, three aspects of the international effort stand out: first the continuing provision of security by SFOR, and EUFOR from 2004, created the time and space for reform to take place; second, that the reform process was incentivised by linkage to Bosnian ambitions (formally stated in 2005)<sup>495</sup> to achieve Euro-Atlantic

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<sup>492</sup> Lt. Gen. Ron Adams quoted in "Changing the Guard at the Inspectorate General", Pina, (2000), <http://www.nato.int/sfor/indexinf/89/change/t000608c.htm> (accessed 12 September 2015).

<sup>493</sup> Lt. Gen. Charles-Henri de Monchy quoted in "Lt. Gen. Charles-Henri de Monchy, Deputy Commander SFOR", Pina, (2000), <http://www.nato.int/sfor/indexinf/89/cominter/t000608f.htm> (accessed 12 September 2015).

<sup>494</sup> "Report to the European Parliament by the OHR and EU Special Representative for BiH: January-June 2005", Ashdown, (2005), <http://europa.ba/?p=12939> (accessed 12 September 2015).

<sup>495</sup> "Bosnia and Herzegovina [...] seeks membership in the NATO and other security alliances, as soon as possible...", in Government of Bosnia and Herzegovina, (2005), p. 14.

integration through membership of the PfP and ultimately NATO itself and; third the harmonisation/coordination function of the Defence Reform Commission, created by the OHR under HR Paddy Ashdown.<sup>496</sup>

While the package of conditions applied by NATO on defence reform emphasised the requirement for ethnic balance in the military structures, the ethnic balance that emerged did not amount to full minority representation or participation. In many ways, it was and remains a superficial success, as the structure put in place was one of segregated cooperation rather than integration. Initially, joint exercises were conducted by the Army of the Federation and RS. From 2004 onwards inter-ethnic interactions were formalised at the HQ levels under close international supervision. By 2006, the structure moved away from the entities armies to a more integrated structure composed of the 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> Brigades. Though this ‘step by step’ approach to military reform was sensible (more integrated structures may emerge in time), it is noticeable in almost all documents published at that time, that the ‘ethnic factor’ is down played in favour of an emphasis on democratic oversight, jointness, and technical compliance with the standards outlined by NATO. Ethnic quotas are defined as follows: Bosniaks 45.90% or 4826 persons; Serbs 33.60% or 3533 persons; Croats 19.80% or 2084 persons; and other ethnic groups 0.70% or 74 persons.<sup>497</sup> However, integrated participation exists only at the highest levels and does not permeate to battalion level, where each brigade is composed of three battalions: one of each ethnic group drawn from the former Bosnian Armed Forces, the Armies of the Federation and RS.

Localised incentives were used quite well to encourage inter-ethnic cooperation at HQ levels, a process that was considerably aided by the persistent “international socialisation” of Bosnian officers on NATO courses, programmes and events. In this regard, arguably normative pressure was utilised more successfully to underline the reform process through the socialisation of Bosnian officers from all ethnic backgrounds, often in overseas contexts. Similarly, Bosnia’s commitment to international PSO should aid this socialisation process as they deploy multi-ethnic units overseas. However, while many of the NATO personnel interviewed, including those at NATO HQ, suggested that NATO’s role in defence reform was an example of the explicit linkage of conditional incentives (primarily attached to PfP) to minority representation and participation (and to an extent it was), it would also appear that the participation of minorities in the armed forces can be

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<sup>496</sup> Jazbec, (2005), p. 9.

<sup>497</sup> Ministry of Defence and Armed Forces of Bosnia and Herzegovina, (2011), p. 5.

understood as mirroring the consociational aspects of Dayton. Participation was achieved but only to the point of reflecting the political balance of the country; work towards a more ethnically integrated force continues.

### *6.3 Conclusion: Policy Outcomes and the Nature of Compliance*

“putting the meat on the bones of the UNHCRs efforts”.<sup>498</sup>

The application of conditionality was generally not a feature of militaries’ humanitarian assistance, and there is little evidence to suggest that humanitarian aid was conditionally linked to returns, or the inclusion or participation of ethnic minorities in the emerging state structures. Beyond ‘humanitarian assistance’ the picture diversifies.

The analysis demonstrates that military influence on the delivery of returns policy was most evident through CIMIC programmes and Key Leader Engagement with domestic politicians and officials. From the sample taken, it was found that aid conditionality or technical support conditionality were prominent features of the military interaction on returns issues. Where such conditionality was applied, there is evidence of full or partial compliance in many cases. Reflecting on his experience during the period, one member of the Bratunac municipality noted: “I have only good things to say about CIMIC...others promised a lot and then didn’t do anything. The CIMIC team has made no promises, but we are very satisfied with the end result”.<sup>499</sup> However, non-compliant outcomes are also a persistent feature of the interaction due to both poor military planning and delivery and a lack of domestic willingness to engage.

Interviews with domestic groups also revealed that the constant rotation of military personnel made the reciprocity of the process very frustrating for all parties, often leading to project collapse. Furthermore, it was noticeable, particularly in the early days of CIMIC intervention, that promises were made by military units to local actors that were not delivered upon: often representative of a lack of knowledge and experience in engaging on such issues. A further and more persistent impediment on the impact of NATO activity was the range of domestic factors affecting returns:

Obstacles to return on the political level are compounded by the lack of security, administrative obstacles such as refusal of the municipal

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<sup>498</sup> Interview No. 49. Former Italian SFOR Commander, Naqoura, Lebanon, August 2012.

<sup>499</sup> “No problem too small”, Craig, (2002), <http://www.nato.int/sfor/indexinf/137/p10a/t02p10a.htm> (accessed 12 September 2015).

authorities to register returnees as well as to issue or accept identification cards, the shortage of funding for reconstruction in the housing, infrastructure, social infrastructure and employment sectors.<sup>500</sup>

This is reflected in several reports of the period, and it is clear that as domestic administrative capacity developed, it was often used to hamper and subvert policy initiatives on returns, participation and other areas. This supports the findings of Harvey's research in RS, where she noted that Serbian organisations such as 'Ostanak' were established to actively discourage Serbs from returning to areas within the Bosnian federation.<sup>501</sup>

Normative pressure was universally applied regarding minority returns issues, through military-led projects and in support of the UNHCR or other agencies. With the advent of LOT houses, and the transfer of authority from SFOR to EUFOR, military activity in terms of the application of conditional incentives on minority returns issues was observed to fall off considerably; and by 2005 military involvement in such activity had all but ended. This coincides with the acceleration of EU schemes such as CARDS, and the more active role of the EU mission to Bosnia. While the normative pressure on returns is maintained by military actors, and increasingly includes reference to Bosnia's membership prospects, they are typically not involved in the EU returns effort beyond the provision of information on regional activity. In short, the period from 2004-2005 marks the consolidation of civilian means of engagement with returns issues.

On participation, it is clear that the networks created by IFOR, and carried on by SFOR, established a parallel system of interface often affording ethnic minority groups the opportunity to engage on institutional and other issues prior to their actual participation in state institutions. Awareness of this dynamic was not universally apparent among NATO or civilian persons interviewed. While there is evidence to suggest that CIMIC activity was occasionally linked to formal minority participation in state institutions and processes, it is modest. Conditionality was most evident in accounts of Key Leader Engagement, whereby NATO commanders consistently reinforced the message on minority inclusion, often linking majority support to incentives, ranging from various CIMIC projects to the scaling down of certain military operational activities which were disliked by the public; traffic check points etc. Thus normative pressure for the facilitation of participation is a more prominent feature of the process.

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<sup>500</sup> Westendorp, (1997a), para. 61.

<sup>501</sup> Harvey, (2006), p.96.

Overall, military forces operating in humanitarian aid, CIMIC and LOT house roles did not typically apply conditional incentives on issues relating to minority participation in state representative or other institutions. The exception to this was NATO's facilitation and oversight of the development of the Bosnian Armed Forces, where significant emphasis was placed on achieving ethnic representativeness. Though hailed as a success, it must be noted that ethnic integration does not permeate below Brigade HQ level. Bosnian Battalions remained mono-ethnic and were not representative of the minority elements within the entities themselves. In this regard, it can be said that in the one area where military actors had significant input to the participation of minorities in state institutions, the result is one of partial compliance only. However, common to all interviews, it was felt that the merits of what had been achieved with the Bosnian Armed Forces should not be undermined or underestimated.

**Case Study 2**  
**Kosovo 1999-2009**

## Chapter 7

### **Military Engagement with Ethnic Minority Issues in Kosovo 1999-2009: Framework and Context**

#### *7.1 Introduction*

Two days after the ratification of UNSCR 1244, on 10 June 1999, NATO deployed the Kosovo Force (KFOR) under the code-name of “Operation Joint Guardian”. Prior to their deployment, NATO forces in FYROM were central to the UNHCR’s delivery of humanitarian assistance to the estimated 850,000 refugees.<sup>502</sup> Through the work of various international bodies, including the quint, contact group, NAC, ‘Group of 8’, and ultimately the UN, the international effort in Kosovo was designed to address seven principles, including: the immediate and verifiable end to violence and repression; the withdrawal of the military, police and paramilitary forces of the FRY; deployment of effective international and security presences; establishment of an interim administration; the safe and free return of all refugees; a political process providing for substantial self-government, as well as the demilitarization of the KLA; and a comprehensive approach to the economic development of the crisis region. While comprehensive, the principles were established for a narrative that was coming to an end; a narrative based on the view of the Kosovo Albanians as “the ethnic minority.”<sup>503</sup>

Within a year, and in spite of the widespread destruction of property, the vast majority of Kosovo Albanians returned to their places of origin, if not their homes. Inter-ethnic tension, particularly the intimidation and persecution of the Serbian minority community within Kosovo, resulted in the concurrent exodus of an estimated 215,000 persons.<sup>504</sup> This chapter considers the role of the military in the international structures created by UNSCR 1244, from 1999 to 2009. It will consider how the language and intent of UNSCR 1244, and subsequent policy strategies, shaped military operational decisions

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<sup>502</sup> UNHCR, (2000), p. 345. <http://www.unhcr.org/3e2d4d5f7.html> (accessed 12 September 2015).

<sup>503</sup> A Working Group on National Minorities, under Ambassador Martin Lutz, was active as early as 1995 in attempting to address ethnic Albanian issues in Kosovo within the wider context of Serbian policy at the time. In October 1996, Amb. Lutz was highlighting the modest success of an agreement between Serbia and “legitimate representatives of the Kosovar Albanian” community on education. However, the implementation of that agreement, and the further progress he anticipated, never materialised.

<sup>504</sup> “UNHCR Global Report 2000”, (2001), p. 401. <http://www.unhcr.org/3e23eb747.html> (accessed 12 September 2015). The report noted that ethnic Albanian refugees returned to a devastated Kosovo almost immediately after the withdrawal of Serbian and Yugoslav forces, and soon began a series of revenge attacks against minority communities including a spate of abductions and murders.



on minority issues examined in Chapter 8. It shall also explore the potential impact of the evolution of domestic politics.

### 7.11 The UNSCR 1244 Framework and Policy on Ethnic Minority Issues

In fact, one might say that towards the end, the talks were less about Kosovo and more about relations within the Contact Group.<sup>505</sup>

Though the Rambouillet process ultimately ended in failure, as the respective parties refused to compromise,<sup>506</sup> it had a significant impact on the post-conflict political dynamic and therefore the operation of all aspects of the interim administration and security apparatus. In particular, the inability of the international actors involved to articulate a clear position as to the future of Kosovo – the irreconcilable propositions of self-determination vs territorial unity<sup>507</sup> – created a politically ambiguous space for first the KLA and then Kosovo Albanian politicians to persistently test the bounds of UNSCR 1244 in pursuit of their goals.

UNSCR 1244 did not appear to anticipate the shift in the ‘minorities’, narrative or address the internal political dynamic. In the first instance, insofar as it addressed the issue of returns, its focus was on the then displaced Kosovo Albanian population, “assuring the safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo”. UNMIK staff interviewed, while acknowledging that UNSCR 1244 was “probably not written” with the Kosovo Serbian minority population in mind, argued that there was sufficient scope to deal with the escalating problem of Serbian returns.<sup>508</sup> Likewise, KFOR personnel spoke of “accepting the new reality on the ground and adapting accordingly”, though one officer emphasised the complexity of the situation, wryly observing that “the situation was at times farcical as the international community was talking about returns even before some Serbian families had made the decision to leave”<sup>509</sup> The reference in the preamble to the resolution, referring to the “right of all” to return, would feature prominently in the post-conflict policy initiatives, such as the Constitutional Framework and Standards for Kosovo process.

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<sup>505</sup> Weller, (1999), p. 251.

<sup>506</sup> Though the Kosovo Albanian delegation ultimately voted to accept the text, their signature was contingent on the outcome of a three-week consultation with “the people of Kosovo and its institutions”. That process never took place, as the FRY delegation refused to sign and NATO began its bombing campaign shortly after.

<sup>507</sup> Weller, (1999), p. 248.

<sup>508</sup> Interview No. 61. Former UNMIK international staff officer B, Dublin, April 2013.

<sup>509</sup> Interview No. 30. Former UK KFOR officer, London, December, 2013.

If the language of UNSCR 1244 concerning returns was somewhat adaptable, its stance on transition to substantial autonomy and self-governance, including the initiation of a process to address the status of Kosovo, emboldened Kosovo Albanian politicians – “in one way, the stepping stones were all there”.<sup>510</sup> For many Kosovo Serbs, the reference to “taking full account of the Rambouillet accords and the principles of sovereignty and territorial integrity of the Federal Republic of Yugoslavia”, far from assuaging their suspicions, were viewed as the imposition of terms they had already rejected.<sup>511</sup> In terms of encouraging the participation of the minority Serbian population in the representative and institutional structures that would follow, the framework was overtly weak.

While these weaknesses can be attributed to UNSCR 1244, they also reflect the fact that the institutional vacuum encountered by international organisations upon entry to Kosovo meant that options for the application of conditional incentives linked to ethnic minority issues were highly restricted for the first 12-18 months of international administration. As a result, the informal actions of KFOR on these issues were significant in terms of establishing the international position on returns and participation issues. This aspect will be explored in greater detail below.

Though UNSCR 1244 made several references to returns, and the development of post-conflict institutions of government, there was no reference to minority rights or documents addressing minority rights. Admittedly, it was not intended to serve as a constitutional lynchpin like the Dayton agreement, but even in comparison to UNSCR 1031, it is notable that it did not address questions concerning the relationship between the communities in Kosovo; there was no call to “create confidence between the communities”.<sup>512</sup> UNMIK staff were divided as to the value of the resolution, with some arguing that the lack of prescriptiveness afforded them the room to create policies best suited to the situation, while others suggested that it undermined subsequent policy initiatives, particularly where parties took a conservative position on the text. Over the period under review, and considering the policy initiatives that emerged, it would appear that UNSCR 1244 did not have an obviously positive or negative influence on the application of conditionality or normative pressure.

Insofar as a legal framework emerged for engagement with returns, it was articulated through initiatives such as the Standards for Kosovo process and the institution

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<sup>510</sup> Interview No. 69. Retired Kosovo Albanian politician, Belgrade, September 2013.

<sup>511</sup> UNSCR 1244, (1999), p. 5. Also Interview No. 67. Kosovo Serbian politician, Belgrade, September 2013.

<sup>512</sup> UNSCR 1031 (1995), p. 5.

of the constitutional framework for the PISG.<sup>513</sup> These and other documents served to ground’ policy on IDPs, establishing the right of IDPs and refugees to voluntarily return to their place of origin, based on references to UNSCR 1244 and identified international legal instruments, thereby expanding on UNMIK’s responsibility of “assuring the safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo” in more practical terms. While KFOR was initially tasked with establishing the secure environment – as shall be highlighted below – it quickly assumed a broad interpretation of security. While recognising the extent of the challenge associated with returns was important, translating that into effective policies was an often a fraught and fruitless exercise. Capturing the complexity of the challenge faced by KFOR, a joint OSCE/UNHCR assessment noted:

... it must be appreciated that the rights and guarantees afforded to returnees can only be achieved by addressing the root causes of insecurity, discrimination and alienation between ethnic groups. In the Kosovo context, creating safe and sustainable conditions requires a meaningful process of dialogue and confidence-building measures grounded upon a political commitment to such processes by Kosovo’s majority and minority communities and their leaders. Creating conditions for return cannot be viewed as primarily an exercise of physical protection through the allocation of military or police assets to “ensure” security. Such an approach, necessary to “ensure” immediate physical security in the absence of a fundamental change in social and political conditions, simply cannot sustain a significant return process for the over 200,000 minorities displaced outside of Kosovo.<sup>514</sup>

Initial post-conflict policy emerged ‘from the ground up’ effort of the UNHCR, OSCE and KFOR, rather than through grand policy frameworks. Through 1999 and into 2000, those organisations engaged in a series of activities – bus corridors, humanitarian assistance, security measures – designed to address the influx of returning Kosovo Albanian’s, while attempting to engage effectively with the complex dynamics of the Serbian population who were displaced, fleeing or under siege.<sup>515</sup> More comprehensive programmes to address

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<sup>513</sup> The Constitutional frameworks establish that the “competent institutions and organs in Kosovo [to] take all measures necessary to facilitate the safe return of refugees and displaced persons to Kosovo...”. See UNMIK, (2001), Chapter 3, para. 3.4.

[http://www.unmikonline.org/regulations/unmikgazette/02english/E2001regs/RE2001\\_09.pdf](http://www.unmikonline.org/regulations/unmikgazette/02english/E2001regs/RE2001_09.pdf) (accessed 12 September 2015). It also makes the connection between the right to return and the right to equal protection before the law, the right to liberty of movement, the freedom to choose one’s residence, and the right to property.

<sup>514</sup> “Ninth Assessment of Ethnic Minorities in Kosovo”, UNHCR & OSCE, (2002), p. 44. <http://www.osce.org/kosovo/13289?download=true> (accessed 12 September 2015).

<sup>515</sup> UNHCR, (2001), p. 401. <http://www.unhcr.org/3e23eb747.html> (accessed 12 September 2015). pp. 399-402.

ethnic minority issues started to emerge by spring 2000. Based on the reports of UNHCR, OSCE, and to a lesser extent KFOR, the programmes were the first attempts to provide a more comprehensive framework for engaging on ethnic minority issues. For example, following the launch of policy to address the situation of the Roma, Ashkalia and Egyptian minorities, the UNHCR then sought to get the support of the Kosovo Albanian leaders, through the Transitional Council and Interim Administrative Council, for policies aimed at “exploring the safe and sustainable return of ethnic Serbs to Kosovo”.<sup>516</sup> A Joint Committee on Return (JCR) of Kosovo Serbs was established in May 2000, producing the “Framework for Return 2001”, which set out the basic principles guiding both organised and spontaneous returns of displaced persons to their places of origin, while proposing details on how to create conditions conducive to safe and sustainable return.

Throughout 2001, the ethnic minority focus of the international effort became more pronounced. A UN Security Council Mission travelled to Kosovo in June 2001 with the express intention of conveying “a strong message to local leaders and all others concerned about the need to reject all violence, ensure public safety and order, promote stability, safety and security, inter-ethnic reconciliation and inclusion”.<sup>517</sup> It is evident, from their report and interviews with UNMIK and KFOR staff of the period that the idea of ‘promoting multi-ethnicity’ was becoming central to the effort of the international administration. The key document to emerge in this period was the ‘Constitutional Framework for Provisional Self-Government in Kosovo’, which provided clarity on the standards to be applied to issues concerning minority returns and participation.

### *7.2 Constitutional Framework for Provisional Self-Government in Kosovo and Parallel System of Serbian Governance*

In establishing a position on ethnic minority issues, the Constitutional Framework referenced several key treaties, including the European Charter for Regional or Minority Languages and the Council of Europe’s Framework Convention for the Protection of National Minorities.<sup>518</sup> However, the document stopped short of using the word ‘minority’,

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<sup>516</sup> Ibid., p. 402.

<sup>517</sup> “Report of the Security Council Mission on the Implementation of Security Council Resolution 1244 (1999)”, UN Security Council, (2001), p. 1.

[http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/2001/600](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2001/600) (accessed 12 September 2015).

<sup>518</sup> “A Constitutional Framework for Provisional Self-government in Kosovo”, UNMIK, (2001), Preamble. [http://www.unmikonline.org/regulations/unmikgazette/02english/E2001regs/RE2001\\_09.pdf](http://www.unmikonline.org/regulations/unmikgazette/02english/E2001regs/RE2001_09.pdf) (accessed 12 September 2015).

substituting ‘community’, partly in an attempt to avoid political sensitivities on both sides, regarding the use of the term minority.<sup>519</sup> On specific issues the standard was clear:

Reaffirming the commitment to facilitating the safe return of refugees and displaced persons to their homes and their exercise of the right to recover their property and possessions, and the commitment to creating conditions for freedom of movement for all persons;  
Recognizing the importance of creating a free, open and safe environment which facilitates the participation of all persons including all members of Communities in the process of establishing democratic institutions of self-government.<sup>520</sup>

Reflecting the desire to facilitate the institutional participation of ethnic minority communities, Chapter 4, the “Rights of Communities and their Members”, emphasised that “the Institutions [...] shall promote the preservation of Kosovo’s cultural heritage of all Communities without discrimination”.<sup>521</sup> Unlike the Dayton Agreement, the Chapter 4 provisions outlined a detailed framework of minority/community rights supported by a “committee on rights and interests of communities”, thereby giving significant normative scope to those tasked with delivering policies. Chapter 8, which focused on “the Powers and Responsibilities reserved for the SRSG”, allowed for the application of external coercive measures. Both chapters provided the framework – absent until then – for the more explicit application of incentives in the period up to the end of 2003.

In a somewhat ironic twist to the immediate post-conflict outcome, the operation of a parallel system of governance – which had been the hallmark of Kosovo Albanian resistance prior to the conflict – became the preferred *modus operandi* of the Kosovo Serbian population. Openly supported by Belgrade, and incorporating the maintenance of public salaries, and where possible the continued provision of public services, it facilitated an attitude of resistance among the Kosovo Serb population, and more importantly imparted responsibility for policy positions to Belgrade, rather than to Kosovo Serbian municipal leaders. That the Serbian population responded to the post-conflict outcome in that manner was not unexpected. UNMIK staff practically sought to engage with Belgrade as well as Kosovo Serbian representatives, and recognised “almost immediately” that Belgrade’s input was “one of the key pillars of progress”.<sup>522</sup> This strategy was reaffirmed by the Security Council Mission, whose members emphasised their preference for

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<sup>519</sup> Kosovo Albanians viewed themselves as minorities within the wider FRY, while Kosovo Serbs objected to the term, using the same logic that they were in fact members of the majority community.

<sup>520</sup> UNMIK, (2001), Preamble, *Op.cit.*

<sup>521</sup> *Ibid.*, Chapter 3, para. 4.3.

<sup>522</sup> Interview No. 60. Former UNMIK international staff officer A, Dublin, May 2013.

“pursuing parallel political and security tracks to improve the situation for all of Kosovo’s communities in an effort to encourage participation in the UNMIK-led process [...] particularly the Kosovo Serb community.”<sup>523</sup>

Unsurprisingly, such UNMIK policy initiatives were met with counter demands from Belgrade with President Kostunica seeking:

additional confidence-building measures for the protection of minority communities; the immediate commencement of return of refugees and IDPs; the need for institutional links between UNMIK and Belgrade, particularly in the areas of education, media, the protection of culture and historical monuments; establishing cooperation between KFOR, UNMIK Police and the Yugoslav police.<sup>524</sup>

While the rhetoric on both sides emphasised the “rights” of minority communities, the relationship between Belgrade, the Kosovo Serbian community and UNMIK deteriorated steadily throughout the period under review. Frustration with the lack of progress impacted ethnic minority policy development and delivery at all levels, impeding implementation and fuelling political intransigence, unrest and hostility on all sides.

### 7.3 Standards for Kosovo

These standards reinforce Kosovo’s parallel progress towards European standards in the framework of the EU’s Stabilisation and Association Process, based *inter alia* on the Copenhagen criteria. The standards describe a multi-ethnic society where there is democracy, tolerance, freedom of movement and equal access to justice for all people in Kosovo, regardless of their ethnic background.<sup>525</sup>

The Standards for Kosovo process provided an explicit and comprehensive framework for the application of normative pressure and conditional incentives on ethnic minority issues. Also known as the “Standards before Status” process, it was an open attempt by UNMIK and its partners to leverage progress in eight areas, to a commitment to address the future status of the province. The eight areas identified for progress were: functioning democratic institutions; rule of law; freedom of movement; sustainable returns and the rights of communities and their members; Kosovo’s economy; property rights; dialogue with Belgrade; and the Kosovo Protection Corps. Through reference to the EU’s Stabilisation

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<sup>523</sup> “Report of the Security Council Mission on the Implementation of Security Council Resolution 1244 (1999)”, UN Security Council, (2001), p. 2.

[http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/2001/600](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2001/600) (accessed 12 September 2015).

<sup>524</sup> *Ibid.*, p. 6.

<sup>525</sup> “Standards for Kosovo”, UNMIK & PISG, (2003), p. 3.

Tracking Mechanism (established in 2002), and following from the commitments of the Thessaloniki summit of June 2003, the document outlined a path to membership of the EU and introduced the means of membership conditionality to the domestic arena.

As with the Constitutional Framework, the document was explicitly “communitarian” and therefore quite specific in its approach to minority issues. For example, regarding the PISG, it required that the “interests and needs of all Kosovo communities are fully and fairly represented in all branches and institutions of government”, and that those communities should “participate fully in government”.<sup>526</sup> The European prospective is inherent throughout its content, requiring in the first instance, the disestablishment of parallel structures and that “the laws and functions of the PISG approach European standards”.<sup>527</sup>

In an attempt to address the “sustainability” of returns, Chapter IV presents standards on returns jointly with those of community rights, insisting that “the laws of Kosovo provide a full range of protection for human rights and the rights of communities and their members, consistent with European standards”. Concurrently, the PISG was also required to provide adequate resources and staff at all levels of government to ensure that mechanisms – such as Municipal Community Offices, Municipal Assembly, and Communities and Mediation Committees – had the resources and staff, to functioning effectively.<sup>528</sup> Furthermore, the PISG was to participate in the Council of Europe implementation process for the Framework Convention for the Protection of National Minorities, and fully implement recommendations resulting from that process. The prominence of the Council of Europe in the document is representative of the significant role that body had in shaping post-conflict policy development, particularly on ethnic minority issues, and perhaps more pertinently, recognition of the view of some Kosovo Albanian politicians, that Kosovan membership of the Council of Europe was “an achievable goal”.<sup>529</sup> In an attempt to leverage that position, “the Standards” also sought evidence of behavioural change requiring “visible support of the returns process by community leaders and public information and education efforts supported by the PISG [in order to] create a climate of tolerance and support for the right to return”. Regarding the progress of returns, chapter IV also outlined a benchmarking process requiring that “the

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<sup>526</sup> Ibid., p. 5.

<sup>527</sup> Ibid.

<sup>528</sup> Ibid., p. 10.

<sup>529</sup> Interview No. 34. Kosovo Albanian politician B, Pristina, September 2007. Supported by interview No. 33. Kosovo Albanian politician A, Belgrade, September 2013.

number of municipalities with sustainable returns increases, [...] the pace of returns overall accelerates, and the level of unmet demand for return has been substantially reduced”.<sup>530</sup>

The Standards process evolved from 2004 and through the PISG’s “Kosovo Action Plan” increasingly acquired an EU-centric focus while accommodating the input of NATO, the OSCE and CE. As a result of this interaction, the PISG produced compliant legislation in a number of areas relating to ethnic minority issues, such as Law No. 2004/3 on anti-discrimination, and other issues relating to education, planning, property rights and heritage. More specifically, the creation of a Ministry for Communities and Returns was intended as a signal of intent regarding the PISG’s apparent determination to address ethnic minority issues. However, this progress did not correspond with the development of implementation strategies and in many cases legislative approval did not occur until the period after 2007.<sup>531</sup>

Such delays reflected the inertia of both international and indigenous institutions, as they attempted to address the question of Kosovo’s status. In a negative, but generally accepted, critique of the process, the then vice president of the PDK, Professor Dr. Hajredin Kuç, observed that:

the concept of ‘Standards before Status’ psychologically involves asymmetric actions of the main actors because political objectives substantially differ when dealing with the legal and political status of Kosovo. While the Albanian majority wants an independent state and the Serbian minority wants to return to the previous status, the International Community is occupied with assessments of how to measure the implementation of the Standards. In the meantime, everyone is following its own direction and the accomplishment of the Standards is perceived more and more as a tool to achieve personal political objectives.<sup>532</sup>

However, though policy on ethnic minority issues may not have been formally operationalised by the PISG, they were nonetheless established “on the books and ready for delivery”.<sup>533</sup> In this regard, it can be argued that a policy capacity developed through close interaction with international organisations, but that compliance was continually restrained by the zero sum politics of the status question. While the ‘Comprehensive Proposal for a Kosovo Status Settlement’ drafted by Martti Ahtisaari in March 2007 may

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<sup>530</sup> “Standards for Kosovo”, UNMIK & PISG, (2003), p. 10

<sup>531</sup> For example, Law No. 2004/3 The Anti-discrimination law was not published until 1 July 2007. The implementation of that law since 2007 varies considerably.

<sup>532</sup> Kuçi, (2004), p. 6. Note Kuçi was Vice President of the PDK and Member of the Assembly of Kosovo in 2004.

<sup>533</sup> Interview No. 35. Former Kosovo Albanian politician, Pristina, September 2007.



have served as a reference point for conditionality, it never got the opportunity to be utilised in that manner due to Belgrade's rejection of the plan and Pristina's decision to act unilaterally. The institutional dynamic changed significantly, from 2007 to 2009, not least due to the unilateral declaration of independence in 2007. From that period, the nature of interaction between international organisations and the Government of Kosovo changed, with the latter's desire to have its independence recognised, more or less replacing the focus on the question of status and therefore bypassing the incentivised structure of the Standards for Kosovo process.<sup>534</sup> Post UDI, policy initiatives were seen to emerge from the Government of Kosovo rather than the international administration, leaving the STM as the primary framework for conditional reference and oversight of policy compliance.

#### *7.4 The Evolution of International Administration: 1999-2009*

If the perceived failure of UNPROFOR precluded the UN from a leadership role in Bosnia, Kosovo was to mark the beginning of a tentative rehabilitation. In spite of misgivings during the Rambouillet process – “a certain unwillingness to get involved in NATO's mess”<sup>535</sup> – and deficiencies in communication between the Contact Group, NATO and the UN regarding the conduct of the bombing campaign and their respective intentions regarding post-conflict strategy, the UN found itself as the preferred choice among Contact Group members for the coordination of the post-conflict effort. The UN Security Council vested UNMIK “with authority over the territory and people of Kosovo, including all legislative and executive powers and administration of the judiciary”.<sup>536</sup> Recognising the considerable political and institutional vacuum that existed in Kosovo, this authority extended to responsibility for fulfilling “basic civilian administrative functions; promoting the establishment of substantial autonomy and self-government in Kosovo; [and] facilitating a political process to determine Kosovo's future status”. Furthermore, UNMIK was also tasked to oversee the “coordination of humanitarian and disaster relief of all international agencies; supporting the reconstruction of key infrastructure; maintenance of civil law and order; promotion of human rights; and assuring the safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo”.<sup>537</sup>

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<sup>534</sup> The author acknowledges that the question of Kosovo's status remains unresolved.

<sup>535</sup> Interview No. 62. UNMIK official, Pristina, September 2007.

<sup>536</sup> “UNMIK: United Nations Interim Administration Mission in Kosovo”, UN.

<http://www.un.org/en/peacekeeping/missions/unmik/background.shtml> (accessed 12 September 2015).

<sup>537</sup> Ibid.

In a collective acknowledgement of the “scale of the task”, and some of the “lessons learned” from Bosnia, international administration was delivered to Kosovo through a pillar structure (outlined in Chapter 4) incorporating a clear international division of labour. Between 1999 and 2009, four phases of governance are identifiable: the initial post-conflict period within which NATO established its control, while UNMIK and its partners developed their administrative capacity; the second period under the JIAC; the third period of the PISG, following the introduction of the Constitutional Framework; and the fourth phase, following the UDI, where several powers were transferred to domestic institutions that coexisted alongside a significantly scaled down international administration.

#### 7.41 KFOR to the Fore

It was one of our core tasks to try to retain as many Serbs as possible. If too many of the Serbs left, the Western ideal of ethnic balance would appear to be hollow. Their security was at the heart of this.<sup>538</sup>

NATO remained outside the pillar structure with responsibility for eight areas, including overseeing the withdrawal of Federal and Republic military, police and paramilitary forces; demilitarising of the KLA; establishing a ‘safe and secure environment in which refugees and displaced persons could return home in safety’, and supporting and coordinating closely with the work of the international civil presence.<sup>539</sup> With a strength of 50,000 personnel, KFOR rapidly established its presence and set about fulfilling the tasks. Within eight days of KFORs deployment to Kosovo, all Serbian personnel had withdrawn from the province. Equally pressing, was the need to deal with a KLA that was involved in reprisals across the province and whose leadership actively attempted to exploit the power vacuum in Kosovo through efforts to establish a government; in contravention of UNSCR 1244. KFORs initial primary concern was with demilitarisation, eventually securing the KLA’s commitment to an ‘Undertaking’, renouncing the use of force and agreeing to demilitarise within 90 days. Acknowledging the calls of the KLA leadership for the “special recognition” of the KLA’s contribution to the “liberation” of Kosovo, both KFOR and UNMIK moved to re-establish the KLA as a civil defence body. Following 92 days of often difficult negotiations, agreement was reached that the new body should be formed

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<sup>538</sup> Jackson, (2007), p. 342.

<sup>539</sup> UNSCR 1244, (1999), p. 3.

under the name, Kosovo Protection Corps.<sup>540</sup> In delivering the policy to the Kosovan leadership in particular, both UNMIK but primarily KFOR, insisted on a multi-ethnic platform necessitating minority participation. This normative emphasis was clear from interviews of the period:

... not only have they transformed the organisation, but also they are transforming their culture and their approach. It [the Kosovo Protection Corps] must be multi-ethnic, it is very clear in the documentation. That will be difficult, but they have to do it.<sup>541</sup>

As with IFOR, KFOR established an extensive network of international and domestic contacts at local/municipal levels. Unlike Bosnia however, where a domestic policing capacity (however flawed) remained in place, KFOR was also tasked (within means) to fill the policing vacuum while UNMIK-P was developing its capacity, placing KFOR personnel on the fault line of inter-ethnic tension for a longer than anticipated period.

UNMIK's key failure was its inability to protect Kosovo's non-Albanian population from revenge attacks. The U.N.'s civilian police force was very slow to deploy, largely because individual countries were remiss in providing personnel, leaving KFOR to undertake certain police functions.<sup>542</sup>

Through activity in a variety of security, humanitarian and related post-conflict areas, KFOR's junior commanders found themselves in positions of "inordinate power" during the initial post-conflict phase.<sup>543</sup> KFOR commanders controlled and facilitated freedom of movement, were central to the reconstruction effort, restrained the activity of the KLA, and engaged in intensive "inter-community dialogue", in an attempt to achieve a "reasonable working compromise that allowed the communities to at least co-exist".<sup>544</sup> The initial civil-military dynamics of international administration in Kosovo also contrasted with Bosnia. While a JIC was established to oversee the demilitarisation of the KLA, KFOR did not enjoy the access to the civilian administration afforded to IFOR through the JIC and JMC.

That KFOR's initial contribution to returns was comparatively modest is unsurprising. UNHCR reports acknowledged that the majority of "Kosovo Albanian" returns occurred without the direct input of international organisations. KFOR was,

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<sup>540</sup> "On the Establishment of the Kosovo Protection Corps", UNMIK, (1999), [http://www.unmikonline.org/regulations/unmikgazette/02english/E1999regs/RE1999\\_08.htm](http://www.unmikonline.org/regulations/unmikgazette/02english/E1999regs/RE1999_08.htm) (accessed 12 September 2015).

<sup>541</sup> Gen. Sir. Mike Jackson quoted in Haugsboe, (1999), p. 3.

<sup>542</sup> "Federal Republic of Yugoslavia", Human Rights Watch (1999) <http://www.hrw.org/legacy/wr2k/Eca-26.htm> (accessed 12 September 2015).

<sup>543</sup> Interview No. 32. Former Irish KFOR platoon commander, Dublin, July 2013.

<sup>544</sup> Ibid.

however, central to the provision of humanitarian support, freedom of movement and security, and in this regard gradually gained the respect if not support of the minority Serbian community. Throughout the first 12 months of the mission, KFOR personnel engaged on issues concerning participation on a daily basis. Thereafter it applied most of the techniques developed in Bosnia for the delivery of humanitarian and CIMIC assistance; the impact of that effort on ethnic minority issues will be analysed below.

#### 7.42 The Role of UNMIK in Post-conflict Governance: Joint Interim Administrative Council, Provisional Institutions of Self-Government and the Unilateral Declaration of Independence

Interaction between international and domestic actors, initially ad hoc in nature, was gradually formalised from May 2000 with the creation of the Joint Interim Administrative Structure. The JIAS incorporated the functions of four bodies: the eight person Interim Administrative Council, chaired by the SRSG, that included the Kosovo Albanian leaders Ibrahim Rugova, Hashim Taçi and Rexhep Qosja and the Serbian president of the Serbian National Council for Kosovo and Metohija, Rada Trajkovic – who participated as an observer only; the Kosovo Transitional Council, a 35-member group comprising political and civil society leaders including representatives of national minorities, with advisory and supervisory powers over the activity of 19 administrative departments; the Administrative Departments, jointly headed by Kosovan (almost exclusively Kosovo Albanian) and UNMIK representatives served as de facto ministries guiding the work of; Municipal Boards, who oversaw local governance controlled by UNMIK administrators. By the end of 2000, the domestic presence within these structures was enhanced by the establishment of 27 municipal assemblies.<sup>545</sup> Though in one sense these structures were representative of significant administrative progress in an extremely difficult post-conflict environment, that progress was largely unseen regarding minority issues.

In tracing the evolution of international administration on ethnic minority issues, it is clear that the collective administrative response lagged behind the recognition of the Serbian population within Kosovo as the “new minority”. For example, similar to the OHR’s response in Bosnia, a year passed before a dedicated body was established by UNMIK to address the question of minority returns; and it would be another six months

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<sup>545</sup> Thirty municipal assemblies for provided for however the assemblies in the majority Serb areas of Loposavic, Zubin Potok and Zvecan were not constituted as the turnout in these areas was negligible. See “Report of the Secretary General on the United Nations Interim Mission in Kosovo.”, UN Security Council (2000), p. 1. [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/2000/1196](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2000/1196) (accessed 12 September 2015).

before a “Framework for Returns” was agreed in cooperation with the UNHCR. The institutional crystallisation of the ethnic minority (Kosovo Serbian) aspect of returns did not happen in Kosovo until the tenure of the third SRSG, Michael Steiner, in late 2001, almost two and a half years post-conflict.<sup>546</sup> While to an extent this timespan can be explained by the scale of housing reconstruction required throughout the province, and the fact that domestic institutions and infrastructure had to be developed from very low levels of capacity and capability, it is also representative of a planning deficit and institutional inertia on the part of the UN in particular, which appeared to indulge the idea “of not pushing the process too far too soon”, to the point that fewer and fewer Kosovo Serbs expressed a desire to return.<sup>547</sup>

Conversely, UNMIK did establish a “Housing and Property Directorate” and a “Property Claims Commission” within five months, to address HLP issues, including the adjudication of housing and property rights claims. Serious steps to re-establish a land cadastre, and to rebuild the administrative capacity needed to address HLP issues, were also taken at that time. Though these initiatives and others developed for representative participation did emerge at that time – as early as autumn 1999 in the case of municipal elections – without the support of the Serbian community they were slow to produce the results intended.<sup>548</sup>

If progress was slow during that period, UNMIK did provide for greater cohesion and cooperation between international organisations, introducing innovative and enterprising schemes on returns and related issues. For example, cooperation with the Norwegian People’s Aid, Norwegian Refugee Council and KFOR, which jointly engaged the Stimlje municipality to fund and guide a programme for the sustainable return of Kosovo Serbs to the municipality, or the use of mobile teams working for the Housing and Property Claims Commission, which proved effective in registering claims and resolving some property disputes. The activities of the commission were complemented by the work of the OSCE, which sought to encourage comprehensive and inclusive outcomes, linking returns and property issues to normative projects such as the “Minority Voices project”.<sup>549</sup>

A joint report published by the OSCE and UN in 2002 highlighted “a slow but gradual improvement in the security situation, and stressed that the key problems for

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<sup>546</sup> Hochschild, (2004), p. 298.

<sup>547</sup> “Report of the Secretary General on the United Nations Interim Mission in Kosovo”. UN, (2000), p. 9. [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/2000/1196](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2000/1196) (accessed 12 September 2015).

<sup>548</sup> *Ibid.*, p. 2-3.

<sup>549</sup> “Annual Report on OSCE Activities 2002”, OSCE, (2003), p. 19.

minorities were the freedom of movement and a growing entrenchment of parallel structures. They also noted that returns were facilitated by the establishment of the SRSGs office for returns and communities”.<sup>550</sup> Insofar as the report made recommendations, it is notable that they are based on the application of normative pressure rather than incentives. Though UNMIK did improve the cohesiveness of efforts relating to broader aspects of the returns process, emphasis on conditionality does not appear to have been evenly shared across the four pillars until at least 2004. While rhetoric associated with minority returns – delivered by high-level visits and the socialisation of domestic institutions and actors – peaks during this phase, only the EU and to an extent NATO (at local levels) appeared to have pursued conditionality – mostly financial conditionality linked to reconstruction – as a formal mechanism to address minority returns.

With the application of the Constitutional Framework, in May 2001 the JIAS were replaced by the PISG. Facilitating the appointments of the President and Prime Minister, the PISG were composed of the Assembly of Kosovo and the Government of Kosovo, with a judiciary appointed by the SRSG on the recommendation of the Judicial and Prosecutorial Council. With an emphasis on developing ‘state’ administrative and institutional capacity in advance of the resolution of the status question, the PISG involved the close cooperation of international and domestic staffs at all levels of government within a broad framework of benchmarking linked to the transfer of competence. As powers were transferred, the prominence of the respective international actors involved was observed to change, with the EU increasingly assuming a leadership and mentoring role in several areas, notably moving beyond the parameters of Pillar IV, as originally designed. For the delivery and implementation of ethnic minority policy, this was significant, as it introduced the application of membership incentives – later underpinned by the commitments given to Kosovo at the Thessaloniki summit of 2003 – to the post-conflict narrative. The nature of normative pressure on ethnic minority issues was also observed to change during the lifetime of the PISG, as intensive international/domestic socialisation was a prominent feature of capacity-building mechanisms such as the EU’s twining initiative.<sup>551</sup>

The March riots of 2004 were both a serious setback for Kosovo and a positive stimulus, as international actors re-engaged with a stagnant political process. Responding to the setback, the main international organisations sought to reinvigorate a “Standards for

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<sup>550</sup> “Ninth Assessment of Ethnic Minorities in Kosovo”, UNHCR & OSCE, (2002), op. cit., p. 1.

<sup>551</sup> The twining programmes involved various civil and public servants from EU member states working side by side with newly appointment Kosovan staff.

Kosovo Process” that had struggled to gain momentum since its launch in 2003. Though much of the rhetoric associated with the initiative was that of membership conditionality, what became known as the “Standards before Status” was primarily designed around the application of policy conditionality linked tacitly to membership conditionality through the SAP Tracking Mechanism.<sup>552</sup> In tandem with the relaunch of this process in 2004, a number of agencies were also set up to support the process by applying financial conditionality at local levels. For example, the Ethnic Communities Sustainability Fund (ECSF) sought:

the reconciliation and integration processes of smaller communities through small but effective inter-ethnic and tolerance-building projects such as peace-building and social education activities in Gjilan/Gnjilane and a bus line offering services to Kosovo Bosniaks and Kosovo Serb returnees in Prizren.<sup>553</sup>

Though UNMIK remained as the lead focal point for the international effort in Kosovo, by the summer of 2007 it primarily served as a coordinating actor increasingly leaving political and policy specific engagement to the EU, OSCE and NATO. By February of 2008, the balance of international administration evolved once more with a scaling back of UNMIK’s remit and role. On 16 February, the EU assumed lead responsibility for judicial and policing issues through the deployment of the EULEX Rule of Law mission. The next day, the Kosovo government unilaterally declared independence.<sup>554</sup> At that time, and with the exception of the incorporation of a chapter on communities’ rights in the new draft constitution, none of the standards outlined in the Standards for Kosovo process were met in respect of the ethnic issues analysed in this research.

#### 7.43 The Role of the UNHCR

Due to insufficient capacity, the fact that its focus had been on administering camps in Macedonia, and also the pace at which events unfolded, the UNHCR found itself struggling to respond to the “areas of greatest need” in Kosovo in 1999. In the initial post-conflict phase, the majority of returns happened without UNHCR input or coordination. Within a year however, and following close cooperation with KFOR leadership and planners, the UNHCR adapted its field presence to engage in an impressive range of issues. Recognising the changes in the internal ethnic dynamic, the UNHCR prioritised protection

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<sup>552</sup> “Annual Report on OSCE Activities 2004”, OSCE, (2005), p. 55.

<sup>553</sup> Ibid., p. 57.

<sup>554</sup> With the support of the USA and some EU member states.

for refugees, returnees, and displaced persons alongside the initiation of policies intended to promote “an environment which allows people to exercise their right to return or to remain”.<sup>555</sup> As with Bosnia, practical measures such as bus services, community dialogue and the provision of legal aid were delivered (often in close cooperation with KFOR) as “confidence building” measures.

By 2001, responsibility for delivering these measures was increasingly transferred from the UNHCR to newly-established sections in UNMIK. From that period, the UNHCR invested significant time and resources in reconciliation projects such as the establishment of six multi-ethnic Regional Women’s Councils within the framework of the Kosovo’s Women’s Initiative. However, the impact of such initiatives in encouraging returns was “well below what was hoped for”.<sup>556</sup> The UNHCR’s records for 2001 show that only 200 Serbian refugees returned from Serbia to Kosovo, while a modest 500 availed of the facility for “go and see” visits.<sup>557</sup> Though the numbers of returnees increased in 2002, in the context of the numbers displaced, it remained at the modest level of 1900 persons.<sup>558</sup> From 2002, the UNHCR, scaled down its field engagement with returns, transferring chairmanship of the regional and municipal working groups on returns to UNMIK’s Office for Returns and Communities, while seeking to establish clear benchmarks on returns and minority participation as part of the drafting process for the Standards for Kosovo. In keeping with their *modus operandi*, the UNHCR’s policy was increasingly delivered through international and domestic NGOs, which by 2002 numbered 11 international and three domestic NGOs. Through the sustained application of normative pressure on minority returns, in cooperation with UNMIK, OSCE and KFOR, the UNHCR successfully managed to establish a “minority rights rhetoric”, exemplified by an open letter issued in July 2003 by all non-Serb leaders of Kosovo appealing to IDPs residing in Serbia, Montenegro and refugees in FYR Macedonia to return to their home communities in Kosovo.

However, the degree to which political rhetoric corresponded with behavioural compliance is open to question. The Regional Returns Units established by UNMIK during the same period did not garner the hoped-for levels of support at municipal levels.<sup>559</sup> The

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<sup>555</sup> UNHCR, (2001), p. 399. Op. cit.

<sup>556</sup> Interview No. 74. UNHCR staff member A, Lipjan, Kosovo September 2007.

<sup>557</sup> UNHCR, (2002), p. 363. Op. cit.

<sup>558</sup> UNHCR Global Report 2002: Federal Republic of Yugoslavia”, (2003), p. 376. <http://www.unhcr.org/3edf4ffc0.html> (accessed 12 September 2015). 2003 would see the figure rise to 3,629 but that figure included all ethnic-minority returns not just Serbian.

<sup>559</sup> Interview No. 76. UNMIK official, Pristina, September 2007.



riots of March 2004 checked progress on minority returns, with an additional 4,200 Serbs displaced by the unrest.<sup>560</sup> Due to the manifest problems of limited freedom of movement, unresolved property issues and the persistent lack of economic opportunities, the uncertainty regarding the final status of Kosovo continued to paralyse the returns process. Acknowledging such difficulties, the UNHCR changed its conceptualisation of minority issues in 2005, with an increased emphasis on “durable solutions”, rather than returns.

Mirroring the CIMIC work of KFOR, the UNHCR part-funded and organised 43 community development projects aimed at fostering “reconciliation and reintegration”, in order to encourage spontaneous minority returnees in their places of origin.<sup>561</sup> In attempting to target Serb returns, the UNHCR also chaired a Belgrade-Pristina Direct Dialogue process that culminated with a protocol on voluntary and sustainable returns to Kosovo.<sup>562</sup> Both of these initiatives predominantly involved the application of normative pressure, with limited reference to conditional incentives beyond a somewhat cursory link to the resolution of the status question. Once again, however, these initiatives were only moderately successful,<sup>563</sup> adding to the frustration of UNHCR staff who were sceptical of the value of such initiatives in the absence of certainty regarding status.<sup>564</sup>

Despite agreeing a Memorandum of Understanding with the provisional authorities in Kosovo, to help build the capacity of municipal authorities on returns and reintegration issues, by mid-2007, the “returns process stalled”, primarily due to the lack of durable options and the continued uncertainty of Kosovo’s future status. Thereafter, while the UNHCR continued to transfer components of its programmes to the relevant Kosovo authorities and civil society actors, the implementation of its policy on returns continued to fall short of expectations. With UDI and the discontinuation of UNMIK’s operational role, the UNHCR increasingly adopted an oversight role, applying normative pressure on Kosovo authorities – particularly the Ministry for Communities and Returns – to abide by the provisions of international conventions related to human rights, and their obligations under the Constitution of Kosovo regarding the right of all refugees and displaced persons from Kosovo to return to their homes and recover their property and personal possessions.<sup>565</sup>

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<sup>560</sup> UNHCR, (2005), p. 428. <http://www.unhcr.org/42ad4dbe0.html> (accessed 12 September 2015).

<sup>561</sup> UNHCR, (2006), p. 380. <http://www.unhcr.org/4492678d0.html> (accessed 12 September 2015).

<sup>562</sup> The Protocol was agreed on 6 June 2006.

<sup>563</sup> The UNHCR attributed less than 2,000 returns to these programmes.

<sup>564</sup> Interview No. 75. UNHCR staff member B Lipljan, Kosovo, September 2007. Supported by UNHCR staff officer A, interview no. 74, Op. cit.

<sup>565</sup> UNHCR, (2009), p 250. <http://www.unhcr.org/4a2e14ee2.html> (accessed 12 September 2015).

UNHCR reporting during the period appeared to prioritise the needs of the RAE (Roma Ashkalia and Egyptian) minorities over those of the Serbian community – it is not until 2004 that the Serbian minority population is specifically identified in the UNHCRs global reports. Such reports did not reflect the reality of the daily and intensive engagement of the UNHCR with the minority Serb community. That this was not reflected in UN reports can be explained by an institutional uncertainty regarding the status of the Serbian population and the understandable UN policy of continuing to formally deal with Kosovo as a province within Serbia. Towards the end of the period, and while several issues remained unaddressed, the impact of UNHCR initiatives was observed to decline considerably. To an extent this can be explained by the fact that other international organisations were more formally involved in addressing areas of the UNHCR remit. The EU had moved beyond reconstruction to state-building measures that included policies for minority returns and participation. Likewise, the OSCE increasingly addressed returns-related issues such as property rights and legal access. Finally, there was also a view that the efforts of the UNHCR had run their course with the potential for return... “almost exhausted.”<sup>566</sup>

#### 7.44 The Role of the OSCE

One discernible leitmotif emerges from this report. Revenge. Throughout the region the desire for revenge has created a climate in which the vast majority of human rights violations have taken place.<sup>567</sup>

With responsibility for institution building, democratisation (including elections) and the monitoring and protection of human rights, the OSCE’s engagement in Kosovo became the largest field mission in its history. In taking that role, the OSCE was seen to build on the commendable work of its Verification Mission (KVM), which successfully documented the scale and nature of human rights violations from 1998 through to the early post-conflict phases. In conjunction with the UNHCR, the OSCE produced a series of reports on the situation of ethnic minorities, which provided the basis for both the application of normative pressure and conditionality. By late 1999, OMIK (OSCE Mission in Kosovo) published the findings on human rights violations to show that “the overwhelming weight

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<sup>566</sup> UNHCR, (2012), p. 254. <http://www.unhcr.org/4ec2310915.pdf> (accessed 12 September 2015).

<sup>567</sup> “As seen as told, part two, 14 June-31 October 1999”, Gresh *et al.*, (2006), <http://www.monde-diplomatique.fr/cahier/kosovo/oscepart2-en> (accessed 12 September 2015).

of evidence points to violations against non-Albanians”.<sup>568</sup> Regarding the promotion of policy on minority returns and participation, the OSCE highlighted the difficulties caused by the “UCK’s dominance of the self-styled municipal administrations”. While the KFOR-led process of demilitarising the UCK was intended to curtail the coercive power of the UCK in Kosovo politics, the OSCE noted that even after the end of the demilitarisation process, it was “clear that the UCK stepped in to fill a law and order void, performing a ‘policing’ role unrestrained by law and without legitimacy”.<sup>569</sup> Therefore, in the initial post-conflict phase, it is clear that there was a widespread breakdown in the rule of law within which minority issues were but a few of many complicating a volatile situation.

Through its electoral and institution building roles, the OSCE was the key international actor regarding the establishment of standards for minority participation in representative assemblies and state institutions. Primarily, its approach was normative in its application, with an emphasis on the promotion of dialogue between the communities. Drawing on its Bosnian experience, the OSCE moved quickly to engage local media as a means to influence discourse that was almost wholly sectarian in nature. Working with the UNMIK-appointed Temporary Media Commissioner, OSCE staff consistently highlighted instances of hate speech and prejudiced reporting in the local media.<sup>570</sup> At municipal levels, the OSCE focused on local compliance with Regulations and Laws, and the support for the establishment and conduct of Community and Mediation Committees. These interactions would become highly significant for KFOR commanders deploying LMTs.

If the OSCE’s engagement was predominantly normative in nature, it was not exclusively so: from late 2001, OSCE’s records in Kosovo reveal that the delivery of capacity-building projects at municipal levels was generally made “conditional upon the inclusion of minority beneficiaries in project objectives”.<sup>571</sup> Thus the OSCE’s engagement with returns from 2001 onwards can be characterised by a diverse application of normative pressure, with the direct or indirect (through a third party) application of conditionality, where appropriate, to improve the effectiveness of their measures.

Through these roles, the OSCE also became a key promoter of socialisation initiatives such as specialised training programmes to aid institutional development. Such initiatives helped to set the parameters for the newly-elected municipal assemblies, from

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<sup>568</sup> Ibid.

<sup>569</sup> Ibid.

<sup>570</sup> “Mission in Kosovo: Institution-Building Pillar’s Mission Statement on Kosovo’s Communities”, OSCE, (2002), p.1.

<sup>571</sup> Ibid.

their constitution to the responsibilities of their members. For example, responding to a number of challenges identified in the Kosovo Assembly, a multi-agency support programme, the Assembly Support Initiative (ASI) was designed to encourage more effective parliamentary work by focusing on developing a competent and representative legislature with an emphasis on transparency, ethical conduct, and democratic governance.<sup>572</sup> The OSCE oversight of the Assembly Support Initiative was a key driver of minority participation. This initiative allowed for the continuous application of normative pressure by the OSCE on Kosovo Assembly members. Though the implementation of policy was slow (and can be explained to a degree by deficits in institutional capacity), it is clear that the rhetoric on minority issues starts to evolve during this period among Kosovo Assembly members. Other examples included the establishment of the Institute for Civil Administration (ICA) for “fostering a professional and independent public sector based on the rule of law...” or the “Your Municipality - Your Rights” programme to promote citizens’ awareness of, and participation in, municipal and central governance structures.<sup>573</sup>

Recognising the almost total deficit of a legal and administrative capacity to support the regulation and governance of property rights – a situation that impacted disproportionately on vulnerable ethnic minority groups – the OSCE promoted reform on a variety of levels. Assuming a valuable oversight role, the OSCE recorded illegal evictions and occupations, monitored the development and implementation of property legislation, access to the Housing and Property Directorate (established by UNMIK to resolve most residential property disputes), and the activities of the municipal authorities and the law enforcement agencies. Highlighting illegal occupancy, evictions and inconsistencies in practice, where they amounted to discrimination, the OSCE also established the Kosovo Judicial Institute and the Kosovo Law Centre, providing training on property laws to the judicial and legal communities.<sup>574</sup>

In part due to information gathered by KFOR patrols and liaison teams, the OSCE argued forcibly for the imposition of appropriate planning legislation and structures, and the regulation of illegal construction, correctly identifying the absence of a cadastre and an urban plan, as both facilitating abuses and preventing reform. Noting the nature of abuses,

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<sup>572</sup> “Mission in Kosovo: Supporting Democracy in Kosovo”, OSCE, (2002b), p. 1.

<sup>573</sup> *Ibid.*, p. 2.

<sup>574</sup> “Mission in Kosovo: The OSCE and Residential Property Rights”, OSCE, (2002c), p. 1.

OSCE reports emphasised that the duty to regulate construction fell squarely within the competencies of the municipalities.<sup>575</sup>

The importance attached to minority participation in “political life” was a prominent feature of OSCE record and discourse, and considered a key indicator of the “normalisation of life” for minority communities. Within a year, however, it was clear that the envisaged degree of minority participation in several institutions, ranging from the KPS and the judiciary, to the newly formed JIAS, “fell considerably short of expectations”.<sup>576</sup> By late 2000, of the 10% of positions in the KPC reserved for minorities, just 100 applications were received from Muslim Slavs, Turks and Roma. None were received from Kosovo Serbs.<sup>577</sup> The establishment of the Joint Committee for the Return of Serbs, intended to provide a working mechanism for all concerned actors to discuss issues of common concern and develop a “comprehensive approach from the international community on all the issues affecting minorities...”, did not have the desired impact – lacking political investment on all sides and “reaffirming a suspicion among domestic politicians that the international community was only prepared to push so far in the absence of agreement on the status question”.<sup>578</sup>

Considering the potential of KFOR’s activities, the OSCE noted as early as 2000 that “the *modus operandi* of KFOR seems to be more oriented towards the protection of minorities, and is seen to be so.”<sup>579</sup> Reports highlighted examples from the field where:

successful KFOR operations corresponded with increases in minority employment. In Gnjilane/Gjilan, for example, Kosovo Serbs were re-employed in the Morava and Paralovo quarries as a result of a consistent policy both to recruit minorities and to provide security for them. The last figures obtained by OSCE indicate that over 60 Kosovo Serbs were working in these quarries, and that they were escorted to and from work by KFOR.<sup>580</sup>

What is not reflected in the OSCE reports is the degree to which the KFOR commander in Gnjilane/Gjilan leveraged the provision of security and related KFOR assistance in the area

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<sup>575</sup> Ibid.

<sup>576</sup> Interview No. 43. Former OSCE staff member, Brussels, February 2014.

<sup>577</sup> “Assessment of the Situation of Ethnic Minorities in Kosovo: November ‘99 to January ‘00”, OSCE & UNHCR, (2000a). p. 3.

<sup>578</sup> “Assessment of the Situation of Ethnic Minorities in Kosovo: No. 6 June 2000 to September 2000”, OSCE & UNHCR, (2000). p.3. Also interview no. 44. Former UK OSCE staff, Mission in Kosovo, Sarajevo, July 2013.

<sup>579</sup> Assessment of the Situation of Ethnic Minorities in Kosovo: No. 6 June 2000 to September 2000”, OSCE & UNHCR, (2000). p. 9.

<sup>580</sup> Ibid., p. 26.

through CIMIC projects to incentivise Kosovo Albanian support for the proposed initiative. The extent of this type of activity will be considered in greater detail below.

By spring of 2001, the frustration of the lead international organisations engaged with minority issues was evident in both the content and tone of their reports: “with the passing of time the lack of lasting improvements for minority populations means that we are at increasing risk of merely repeating issues, concerns and recommendations addressed at length in previous assessments”.<sup>581</sup> Recognising a failure in delivering the normative message on returns, the OSCE acknowledged that though there was a “general recognition of the right to return”, it was not matched by sufficient action on the part of local communities to demonstrate their commitment to this principle:

Against a backdrop of intolerance and ongoing violence there are few who have had the courage to take a firm stance and speak out against the current situation backing their words with concrete actions.<sup>582</sup>

Through a series of reviews on minority participation and engagement with returns, the OSCE identified a number of features of the post-conflict environment that impacted on minority communities. First, the importance of addressing the connection between the fair resolution of property disputes and the equitable distribution of reconstruction assistance as a means to promoting an environment suitable for returns. Second, deficiencies in funding for returns and related issues were identified as a key obstacle to progress. For example, an OSCE report in February 2001 highlighted insufficient funding as a serious impediment to the effectiveness of the Housing and Property Directorate. They also noted the shift in emphasis from ensuring that minorities were represented in the post-conflict structures to initiatives aimed at encouraging their participation.<sup>583</sup> This became particularly important following the establishment of the PISG, including a Kosovo Assembly and Executive branch comprising all ethnic groups. Third, related to the function of the PISG, was the impact of the parallel structures operated in Serbian areas. Finally, there was a general recognition of the degenerative impact of widespread discrimination, compounded by the absence of “clear laws and effective remedies”<sup>584</sup>:

fundamental societal problems (such as lack of inter-ethnic dialogue) and institutional deficiencies (such as lack of implementation of property legislation) continued to be largely neglected. The root causes

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<sup>581</sup> “Assessment of the Situation of Ethnic Minorities in Kosovo: No. 7, October 2000 to February 2001”, OSCE & UNHCR, (2001), p. 1.

<sup>582</sup> Ibid.

<sup>583</sup> Ibid., p. 2.

<sup>584</sup> “Ninth Assessment of the Situation of Ethnic Minorities in Kosovo: No. 9, September 2001 to April 2002”, OSCE & UNHCR, (2002), p. 2.

of insecurity, discrimination and alienation between ethnic groups still remain to be addressed.<sup>585</sup>

In response to those challenges, the UNMIK pillars pushed for a more “joined-up approach”, through the creation of bodies such as the inter-agency Advisory Board on Communities (ABC) and the SRSG’s Office of Return and Communities (ORC).<sup>586</sup> These bodies served to coordinate minorities’ assessment and activities, giving high prominence to inter-agency efforts to facilitate the small-scale return of displaced minorities. For example, following a sustained period of “consensus building”, the period of September 2001-March 2002 marked the first organised returns of Kosovo Serbs to Kosovo, facilitated by UNHCR, UNMIK, KFOR and other partners. Through these activities, the OSCE and its partners, including KFOR, sought to underline the linkage between respect for minority rights (including returns) and the maintenance of a durable peace in Kosovo and in the region. There was a noticeable qualitative shift in the political rhetoric during the period, specifically, an increasing tendency towards openness in discussing the minority situation and increased references made to the causal link between respect for minority rights and European integration.

Following Kosovo-wide elections of November 2001, Kosovar leaders and opinion makers from the majority community demonstrated an increasing willingness to publicly acknowledge the need for minority stabilisation, integration and minority return; prior to the elections, public discourse on returns was largely limited to international actors.<sup>587</sup> Recognising the political ambitions of particularly Kosovo Albanian politicians, from 2002, the OSCE, EU and KFOR increasingly sought to present minority returns and participation issues in the context of incentivised human rights linked to the standards expected for future integration.<sup>588</sup> Acknowledging this trend, the OSCE noted that it was increasingly important to ensure that policies and practices related to returns were firmly grounded in a human rights framework:

The modalities of returns planning and implementation, while adapted to the realities of Kosovo, must uphold fundamental humanitarian principles of voluntary return and reintegration through the application of a rights-based approach.<sup>589</sup>

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<sup>585</sup> Ibid.

<sup>586</sup> Interview No. 43. Former OSCE staff, Brussels, February 2014.

<sup>587</sup> “Ninth Assessment of the Situation of Ethnic Minorities in Kosovo: No. 9, September 2001 to April 2002”, OSCE & UNHCR, (2002), p. 2

<sup>588</sup> Ibid., p. 7.

<sup>589</sup> Ibid., p. 44.

On participation, the OSCE's contribution to the establishment and training of the KPS was perhaps the best example of an effective marriage between the requirement for an operational police force that adhered to human rights principles in practice and theory, and a police force that was a visible manifestation of the multi-ethnic composition of the province. While the participation of Kosovo Serbs was below the anticipated numbers, by the end of the period under review, there were considerably more Serbs active in the KPS than in many other state institutions, including a KSF overseen by KFOR.

In considering the contribution of the OSCE, it is clear that while its focus did not change, its capacity to engage minority issues gradually diminished. Several OSCE staff interviewed cited staff shortfalls as having a negative impact on their ability to influence policy compliant behaviour, particularly at municipal levels. For a period, KFOR was in a position to negate that deficit, but over time the prominence of both returns and participation as issues for the OSCE in Kosovo is observed to decline.

#### 7.45 The Growing Role of the EU

Within the framework of Pillar IV the EU established itself as the fulcrum of the reconstruction and "state-building" effort. Initially the EU operated the European Commission Task Force for the Reconstruction of Kosovo which administered the OBNOVA fund,<sup>590</sup> targeting priority areas within the immediate post-conflict effort, including support for public utilities, demining, winterisation programmes, and efforts to stimulate basic domestic activity such as the Village Employment and Rehabilitation programme. Inherent in its operating principles was a commitment to ensuring that the projects funded should be consistent not only with UNSCR 1244 but with EU values and norms. In early 2000, the task force was replaced by the European Agency for Reconstruction,<sup>591</sup> which openly linked conditional incentives to capacity-building measures in several areas, including those affecting minority rights issues. Acknowledging the impact of the EU's effort, the UN Security Council Mission that visited Kosovo in 2001 noted that the:

Village Economic Rehabilitation Programme (VERP),<sup>592</sup> funded by the European Union, had proved one of the most effective tools in getting ethnic groups working together. The Mission believed that to overcome

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<sup>590</sup> The European Commission's reconstruction fund in Kosovo.

<sup>591</sup> The EAR was replaced by the CARDS programme in 2008.

<sup>592</sup> The EU referred to it as the Village Employment Rehabilitation Programme.



the stalemate in Mitrovica, all communities must come together in social, economic and religious projects.<sup>593</sup>

While the rhetoric linking ethnic minority issues to EU incentives was seen to grow throughout the period, it was not necessarily reciprocated in policy implementation or behavioural compliance. An independent evaluation of the work of the EAR conducted in 2004 cautioned that despite the apparent success of the EAR's efforts, it was clear that the framework as defined for the development of the Agency's annual action programmes, varied from being too broad, "providing only limited direction to the Agency for its programming", to "too precise and prescriptive, giving the Agency hardly any flexibility in its programming and development of action programmes".<sup>594</sup> In considering those findings, the report noted that the strategic framework provided did "not guarantee the political and policy dialogue necessary to foster" the SAP tracking mechanism, "especially after the acceleration given to the process after Thessaloniki and the introduction of the European partnerships".<sup>595</sup> Such difficulties and anomalies were identifiable at numerous levels. For example, while the presence of the representative of the Serb National Council – Gracenica, on the Kosovo Transition Council was interpreted (by some UNMIK staff) as an example of the participation of minorities, from the Kosovo Serb perspective it was viewed as "close observation without participation, before reporting to Belgrade".<sup>596</sup>

In the final two years of the EARs activity (2006 – 2008), the nature of interaction with the Serbian community was seen to change. A more decentralised approach to local governance with increased autonomy was the central element of a PISG reform package intended to encourage Serb participation in elections in 2007. Concurrently, the agency focused more intently on the "return and reintegration of minorities", launching a series of initiatives with a particular focus on economic stimulation. The response from the Serbian community in Gracenica was one of "resigned pragmatism" rather than enthusiastic engagement, but nonetheless there was recognition that "participation was becoming inevitable". Mitrovica, however, continued its strategy of non-participation.<sup>597</sup>

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<sup>593</sup> Report of the Security Council Mission on the Implementation of Security Council Resolution 1244 (1999)", UN Security Council, (2001), p. 5., op. cit.

<sup>594</sup> "Evaluation of the Implementation of Council Regulation 2667/2000 on the European Agency for Reconstruction", Development Researcher's Network Consortium, (2004), p. 46-47. [http://ec.europa.eu/enlargement/archives/ear/publications/main/documents/Evaluation\\_on\\_the\\_work\\_of\\_EA\\_R\\_June2004.pdf](http://ec.europa.eu/enlargement/archives/ear/publications/main/documents/Evaluation_on_the_work_of_EA_R_June2004.pdf) (accessed 13 September 2015).

<sup>595</sup> Ibid.

<sup>596</sup> Interview No. 65. Kosovo Serb representative, Gracenica, September 2007.

<sup>597</sup> Ibid.

If EAR was the figurehead of the EU's field engagement, it was supported incrementally by intensive interaction between senior EU leaders and the domestic political elite. High profile and highly publicised visits from the HR Javier Solana and DG External Relations, Chris Patten exposed Kosovo's elite to a continuous cycle of 'Europeanisation'. The traction of such engagement by the EU is difficult to gauge. In a critical assessment of the PISG response to the riots of 2004, where "there was an attempt to blame everyone but themselves for what had happened", Chris Patten singled out the response of PM Rexhepi, for showing the courage to visit trouble-spots, and demonstrating an understanding of the role the PISG should be playing to diffuse the situation by setting up a reconstruction fund with an initial budget of €5 million. In a speech to the European Parliament in March 2004, Patten observed that "he did not come to Pristina to promise that European tax payers' money would be used" to address the situation, stating, "That would be unacceptable." However, acknowledging Rexhepi's promise that "rapid action would be taken to repair damaged property so that people could get back to their homes as quickly as possible", Patten emphasised that "Javier and I promised to come back as soon as we could in order to see for ourselves that progress on reconstruction was actually occurring".<sup>598</sup>

While discussion of returns and participation formed a prominent part of such exchanges, the EU's lack of credibility on minority rights, and inability to project a consensus on what the status of Kosovo should be, served, at times, to undermine EU efforts to encourage compliance on minority related policy.

### *7.5 The Domestic Context for Military Engagement: Reconstruction and Institutionalising the Politics of War*

NATO found itself, as with Bosnia, protecting a population whose security forces were NATO's enemy only weeks before. However, this was but one (temporary) aspect of the Kosovo's post-conflict reality, within which policies on ethnic minority issues were assimilated, adapted, distorted or disregarded. Between 1999 and 2009, Kosovo's body *politique* was faced with a series of challenges from the practical implications of rebuilding the physical and institutional capacity of the province; responding to the emergence of parallel Serbian structures, independent of PISG; being seen to address the at times

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<sup>598</sup> Patten, (2004), p. 2. [http://europa.eu/rapid/press-release\\_SPEECH-04-166\\_en.htm](http://europa.eu/rapid/press-release_SPEECH-04-166_en.htm) (accessed 13 September 2015).

competing demands of various international actors, while delivering on the desire of the overwhelming majority of Kosovo's population for a declaration of independence.

The scale of the requirement for reconstruction in Kosovo presented both practical and political challenges. At the cessation of conflict, almost half of Kosovo's housing stock was damaged or destroyed. Transport infrastructure was similarly damaged, with several communities isolated due to destroyed bridges, cratered or mined roads. A total of 50% of the population had access to piped water, while less than 30% were connected to a working sewage system. These issues were compounded by a legacy of degenerative rule from Belgrade, which resulted in a range of underfunded and barely operational services from local government and health, to the electricity company KEK, that was (and continues to be) the epitome of Kosovo's political and economic dysfunction.<sup>599</sup>

Relative to the size of its population, Kosovo received a staggering volume of financial support during the period analysed. In 1999 alone, the EU provided €127 million for reconstruction.<sup>600</sup> Since 1999 it is estimated that the EU had provided in excess of €2 billion in support to Kosovo.<sup>601</sup> Initially, such donor support was focused on addressing the humanitarian crisis. However, as the reconstruction effort evolved, funds increasingly came with conditions relating to various issues, in most cases linked to compliant behaviour, regarding the rights of ethnic minorities. In this context, KFOR was one of many actors attempting to influence policy on minority issues through the conditional delivery of CIMIC funding. However, the degree to which international organisations and NGOs adhered to their own policies on conditional aid varied greatly, with widespread allegations of misspent funds, fraud and corruption: "you need only to question where all those hotels around Pristina and on the route to Skopje came from to find where so much well intentioned money was spent. Many Kosovar's did exceptionally well while the majority still have to make-do..."<sup>602</sup>

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<sup>599</sup> "European Agency for Reconstruction Annual Report 2000", EAR, (2001), pp. 11-25. <http://ec.europa.eu/enlargement/archives/ear/publications/main/documents/EARAnnualReport2000.pdf> (accessed 13 September 2015). The post-conflict transformation of KEK was further impeded by the embezzlement of €3.9 million by a German UN official in 2001/2. See "OLAF investigation concerning EU funds in Kosovo, former United Nations official jailed for embezzlement", EU OLAF, (2003), [http://ec.europa.eu/anti-fraud/media-corner/press-releases/olaf-investigation-concerning-eu-funds-kosovo-former-united-nations\\_en](http://ec.europa.eu/anti-fraud/media-corner/press-releases/olaf-investigation-concerning-eu-funds-kosovo-former-united-nations_en) (accessed on 5 June 2016).

<sup>600</sup> Ibid.

<sup>601</sup> European Union Office in Kosovo, (2015), [http://eeas.europa.eu/delegations/kosovo/eu\\_kosovo/political\\_relations/index\\_en.htm](http://eeas.europa.eu/delegations/kosovo/eu_kosovo/political_relations/index_en.htm) (accessed 13 September 2015).

<sup>602</sup> Interview No. 68. Member of EU Office in Kosovo, September 2007.

Before even provisional institutions could be established, the international organisations operating under UNMIK's umbrella were faced with a KLA/UCK leadership intent on leveraging their position "as Kosovo's liberators", for political gain. At the municipal level, KLA personnel were almost immediately active in establishing themselves both as quasi municipal governors and police; the latter aspect being particularly problematic in the context of widespread revenge attacks and the general harassment of minority communities. While some of the activities of the KLA were opportunistic in nature, they were for the most part orchestrated. Gradually, the KLA leadership of Taçi and Çeku realised that it could not be sustained, however, for the purpose of DDR negotiations with UNMIK and KFOR: it afforded them "a certain capital" with which they could bargain and improve their standing opposite moderates such as Ibrahim Rugova's LDK.<sup>603</sup> As a strategy, it did not bear the hoped-for results, and the municipal elections of October 2000 returned a decisive victory for the LDK with 58% of the overall vote, to 27.3% for the PDK and 7.7% for the AAK.<sup>604</sup>

Kosovo's Serbian community did not participate in the elections of 2000, in part due to directions from Belgrade, but also as a result of sustained and increasingly organised attacks on communities across the province.<sup>605</sup> In that context, calls for "minority communities to realize that there was no alternative to establishing a multi-ethnic society"<sup>606</sup> were viewed by many "with scorn" given the failure of UNMIK and KFOR to provide the protection they promised in the face of frequent violent attacks.<sup>607</sup>

While such violence was a feature of daily life for Kosovo Serbian communities, it also became a feature of the Kosovo Albanian political dynamic as internal feuding grew more pronounced, resulting in numerous murders and attacks on all sides, but particularly against the moderates of the LDK.<sup>608</sup> Rivalry between the two main political parties to emerge from the KLA, the PDK led by Hashim Taçi and the AAK led by Ramush Haradinaj, also became increasingly violent. For example, in the summer of 2000, former KLA commander, Haradinaj, was wounded in a gun attack; a week later a close aide was murdered; while later again that summer the Albanian head of Kosovo's Housing and

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<sup>603</sup> Interview No. 69. Retired Kosovo Albanian politician, Belgrade, September 2013.

<sup>604</sup> European Parliament, (2003), p. 8. [www.europarl.europa.eu/.../04A-POLI\\_INF\(2002\)080060\\_EN.doc](http://www.europarl.europa.eu/.../04A-POLI_INF(2002)080060_EN.doc) (accessed 13 September 2015).

<sup>605</sup> Ibid.

<sup>606</sup> Report of the Security Council Mission on the Implementation of Security Council Resolution 1244 (1999)", UN Security Council, (2001), p. 8., op. cit.

<sup>607</sup> Interview No. 66. Kosovo Serb village leader, Lipljan municipality, September 2007.

<sup>608</sup> "Kosovo: Human Rights Developments", Human Rights Watch, (2001a), <http://www.hrw.org/legacy/wr2k1/europe/yugoslavia-kosovo.html> (accessed 13 September 2015).

Reconstruction department, Rexhep Luci, was murdered in a gun attack. A further element to this dynamic was the power and influence of organised criminal gangs – often clan based with strong links to the KLA – on the political establishment. The combined impact of such actions meant that for many Kosovo Albanian politicians the international calls for them to “be more forthcoming with regard to improving the treatment of the minority communities...promoting a culture of peace and non-violence” were almost always secondary to their daily struggle to establish their post-conflict credentials in a highly volatile and dangerous political climate.<sup>609</sup>

Within a trend of an upsurge of attacks against minorities and their property, ethnically-motivated violence peaked in February 2001, with the targeting of the “Nis Express” bus service, in which ten Kosovo Serbs, including a couple and their infant child, died. While these attacks compounded the fear of minorities, who felt increasingly exposed, they also became a source of considerable frustration to the majority Kosovo Albanian population. For KFOR personnel, the Nis attack was a serious setback for what many considered to be a mission progressing well. The fact that the convoy was escorted by KFOR personnel, and that two KFOR vehicles passed the charge eventually detonated under the bus of civilians, served to undermine trust in KFOR’s ability to provide security, and equally caused KFOR to question its tactics.

#### 7.51 The Politics of Minority Participation and Returns: Revenge, Accommodation and Benign Attrition

In part due to the climate of fear and lack of confidence in the international organisations, and despite its significant efforts to provide an inclusive format, the constitutional framework was rejected by Serbian groups, who were particularly displeased at the “inclusion of the judiciary and presidency” in the text.<sup>610</sup> As a result, efforts to encourage the Kosovo Serbian participation in elections repeatedly failed due both to Kosovo Serbian dissatisfaction with the process of post-conflict administration, and clear instructions from Belgrade not to participate. By May of 2001, some Kosovo Serbian politicians had engaged with the Municipal Elections Committee, though they remained outside the process overall. Throughout the period, the Serbian communities across Kosovo maintained parallel systems of governance and education. Linking those activities to the Belgrade administration was the FRY Committee on Kosovo, chaired by Momcilo

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<sup>609</sup> Report of the Security Council Mission on the Implementation of Security Council Resolution 1244 (1999)”, UN Security Council, (2001), p. 8., Op. cit.

<sup>610</sup> Ibid., p. 4.

Trajkovic, including Alekesandr Simic, the Kosovo Serb representative in the Joint Working Group on the Constitutional Framework.

In considering the nature of interaction between international and domestic actors, a number of features emerged during that period which impacted on attempts to address ethnic minority issues. One Serbian politician interviewed argued that Serbian frustration with the pace of returns had its roots in the decision of the Joint Committee for Return of Kosovo Serbs to prioritise “conditions that were conducive to return rather than actual returns”.<sup>611</sup> The publication of a “Statement of the Principles on Kosovo Serbs Return”, by the Interim Administrative Council, linking returns to a willingness to participation in the PISG, was “not taken seriously” by the Kosovo Serbian community, as the PISG were “just not acceptable as they were”.<sup>612</sup> The logic driving the approach taken by UNMIK was that unless the physical and institutional capacity was present, an accelerated approach to returns might have been counterproductive.<sup>613</sup> However, by mid-2001, several reports, including that of the Security Council Mission, noted that though signs of a transition from reconstruction to sustainable institutions were evident in the territory; they were not reciprocated by increased minority returns. The gap between creating the domestic institutions necessary for minority returns to take place and actual returns was never bridged.

The second feature of the period was the “kin-state” role played by the government in Belgrade. Backed by Belgrade, the FRY Committee on Kosovo argued that the process of registering Kosovo Serbs should be done through their committee. They also voiced concerns that the plight of the missing and the general security situation regarding the Serbian community were not being adequately addressed. Over the course of several exchanges, UNMIK officials consistently cited the parallel structures of the Serbian community, particularly prevalent in places such as Mitrovica, as an impediment to the progression of the post-conflict effort on a range of issues, including returns, participation and the missing. For the Serbian community, in the absence of certainty as to their future in Kosovo, parallel structures were viewed as a necessary comfort and source of income.

Modest signs of progress regarding political participation were recorded in late 2001, when a coalition of 20 Kosovo Serb parties and organisations registered for the

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<sup>611</sup> Interviews No. 68. Kosovo Serbian politician, Belgrade, September, 2013.

<sup>612</sup> Ibid.

<sup>613</sup> Interview No. 59. Former UNMIK international staff member, Naqoura, Lebanon, March 2012.

November election under the name Coalition Return.<sup>614</sup> This development was reinforced by the registration of 170,000 Kosovo Serbs (including 100,000 living outside of Kosovo in Serbia and Montenegro) and a turnout of 46% of the registered vote for the election; lowered by a minimal turnout in the northern areas around Mitrovica, where voter intimidation directly impacted on turnout.<sup>615</sup> Ultimately 35 seats, including 20 guaranteed by the Constitutional Framework, went to the Coalition Return. However, if this was a step forward for minority groups in Kosovo, changes to the political balance of power within Kosovo Albanian politics, amplified by the failure of the LDK to win an outright majority, led to a protracted period of fractious negotiations between the LDK, PDK and the Alliance for the Future of Kosova, which eventually culminated almost four months later with the election of Rugova as president, and the PDK's Bajram Rexhepi as the head of government.

In spite of SRSB Steiner's announcement in 2002, of a series of benchmarks (including standards on returns and participation) necessary for attainment before the question of status would be considered, the PISGs were seen to "side step many of the main requirements".<sup>616</sup> For example, within months of the formation of the PISG, and in an attempt to expand their power, Kosovo Albanian dominated institutions began to reinterpret the property rights of the Serbian community. Additionally there is reasonable evidence to suggest that Kosovo-Albanian dominated municipalities produced a series of planning decisions that appeared to encroach on the traditional boundaries of Serbian villages, in what they deemed to be a soft form of ethnic cleansing.<sup>617</sup> This issue was substantiated by OSCE reports from as early as 2000, that identified illegal construction as "one of the major problems reported across Kosovo".<sup>618</sup> Narratives similar to this were also recorded by the OSCE in Croatia and Bosnia alike, but what is striking about the Kosovo experience is the alarming lack of progress in subsequent years. For example, as late as 2009, a report on Kosovo's property situation noted continuing problems relating to the

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<sup>614</sup> Twenty-six political parties, including the representatives of five minority groups, were registered by the OSCE in advance of the November election.

<sup>615</sup> "Kosovo: Human Rights Developments", Human Rights Watch, (2002), <http://www.hrw.org/legacy/wr2k2/europe23.html#developments> (accessed 13 September 2015).

<sup>616</sup> Interview No. 62. UNMIK official, Pristina, September 2007.

<sup>617</sup> Interview No. 10. Finnish CIMIC officer B, Lipjan, July 2007. He referred to the municipalities of Lipjan and Stimlje between 2006 and 2007, noting in particular the practice of approving Kosovo Albanian applications for construction in areas adjacent to Serbian villages or more often the failure to halt illegal construction.

<sup>618</sup> "One aspect of illegal construction is building work being carried out on land that is illegally occupied. [...] Such incidents appear to be rising, particularly in Prizren, indicating an organised pattern." See "The Impending Property Crisis in Kosovo", OSCE Mission in Kosovo, (2000), p. 4. <http://www.osce.org/kosovo/13065?download=true> (accessed 13 September 2014).

establishing of rights of ownership to property, the observance of a number of bad practices, including, violations of procedural law common to property cases, and the circumvention of the requirement for a written contract.<sup>619</sup>

While the PISG were active in achieving legislative compliance – for example in the spring of 2002, the Kosovo Assembly passed a Resolution on Returns, which committed the Assembly to create conditions conducive to the return of minorities – legislation was rarely followed by any kind of implementation initiative.<sup>620</sup> UNMIK’s attempts to enforce the rule of law through the arrest and prosecution of former KLA members for serious crimes were met with negative reaction from the Albanian public, and accusations by the main Albanian parties that UNMIK’s actions were politically motivated.<sup>621</sup> In part due to such practices, as well as frustration with the continued slow pace of returns, Serbian parties boycotted the municipal elections of October 2002. Attempts by the SRSG and UNMIK throughout 2003 to address the governance practices of the PISG, by linking UNMIK’s “willingness to transfer further authority within the existing legal parameters” to the performance targets, similarly failed to achieve traction with Kosovo Albanian political parties.

In response to their rhetoric on independence, the SRSG also felt compelled to “remind the population of Kosovo”, in a publicly televised address, that “external relations, the fight against organized crime, security and minority rights would not be transferred and that the time for solving Kosovo’s final status would come, but not in 2003”.<sup>622</sup> Complementing this effort in a speech delivered to the Assembly of Kosovo, Chris Pattern, underlined the importance of regional cooperation while formalising the prospect of membership of the EU when stressing that:

Implementing the reforms similar to those in the rest of the region will bring you closer to Europe. You will be able to benefit from the advantages of the regional cooperation that is being established in South East Europe. A clear example is the Free Trade Agreement that UNMIK has just signed with Albania, under the auspices of the Stability Pact. Participating in this network of agreements will improve your market access and will make Kosovo more attractive for investors... To that end, the EU has launched this year, in cooperation with you, the PISG,

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<sup>619</sup> “Litigating Ownership of Immovable Property in Kosovo”, OSCE Mission in Kosovo, (2009), pp. 2-3. <http://www.osce.org/kosovo/36815?download=true> (accessed 13 September 2015).

<sup>620</sup> UNHCR, (2002), p. 378.op. cit.

<sup>621</sup> “Kosovo: Human Rights Developments”, Human Rights Watch, (2003a), <https://www.hrw.org/legacy/wr2k3/europe17.html#Kdevelopments> (accessed 13 September 2015).

<sup>622</sup> Steiner, (2003), pp. 3-8.



and UNMIK, the SAP Tracking Mechanism, [...] to guide you closer to the EU through a process that will sometimes, frankly, be arduous.<sup>623</sup>

Within six months of Patten's speech, the province once again descended into violence, with the eruption of widespread riots that left over 18 people dead and hundreds injured, shattering "the illusion of security for Kosovo's minority communities and significantly undermining confidence in both NATO and UNMIK".<sup>624</sup> Though this was described as yet another "back to the drawing board moment" for international organisations in Kosovo, it did not result in a substantial change in UNMIK strategy, or in the nature of international/domestic interaction. The Standards for Kosovo process that was already in existence was effectively relaunched, with a commitment by international organisations to address the central issue of status more expediently: until that commitment was delivered upon, Kosovan politics remained "a zero sum game".<sup>625</sup> It would take until October 2005 before the UN Security Council was prepared to approve a decision to start negotiations on Kosovo's final status.

If "the status question" had been used by all sides as a means to avoid complying with policy for various issues, the decision to formally open discussions on Kosovo's future status did not have a noticeable impact on complaint policy behaviour. The Human Rights Watch group argued that the negotiations over Kosovo's final status overshadowed its pressing human rights problems during 2006. Shortfalls in the judicial system and the failure to bring to justice those responsible for serious crimes added to "a climate of impunity" that was keenly felt by minority communities, whose confidence in the systems of criminal justice system and rule of law continued to decline.<sup>626</sup> The indictment of Ramush Haradinaj (then Prime Minister of Kosovo) by the ICTY in March of 2005, while viewed by some as a sign of progress, did little to alter the political dynamic in the province. By the summer of 2006, "the return of refugees and displaced persons to their homes had all but come to a halt..."<sup>627</sup> A year later, elections to the Kosovo Assembly (parliament) were devalued by the large number of Serbs heeding Belgrade's call to

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<sup>623</sup> Patten, (2003), <http://reliefweb.int/report/serbia/speech-assembly-kosovo-commissioner-chris-patten> (accessed 13 September 2015).

<sup>624</sup> "Serbia and Montenegro", Human Rights Watch, (2005), p. 417.

<https://www.hrw.org/legacy/wr2k5/pdf/serbia.pdf> (accessed 13 September 2015).

<sup>625</sup> Interview No. 69. Retired Kosovo Albanian politician, Belgrade, September 2013.

<sup>626</sup> Human Rights Watch, (2006), p. 396. <http://www.hrw.org/legacy/wr2k6/wr2006.pdf> (accessed 13 September 2015).

<sup>627</sup> Human Rights Watch, (2007), p. 415. <http://www.hrw.org/legacy/wr2k7/wr2007master.pdf> (accessed 13 September 2015). pp. 411-419.

boycott.<sup>628</sup> The emergence of anti-UNMIK/international administration parties such as the *Vetevendosje!* Self-Determination Movement, led by Albin Kurti, were representative of a growing frustration among the majority Albanian community with the failure to deal with the status questions, and the related lack of reform across state services.

The unilateral declaration of independence in February 2007 did little to alter the political dynamic, as it failed to clarify Kosovo's international legal status, and equally failed to unlock the multitude of stalled policy initiatives in Kosovo's governing institutions. Attempts by the Kosovo institutions to address returns questions were sporadic and often poorly executed. For example, an attempt to return Albanians to reconstructed homes in a Serb-controlled neighbourhood in Mitrovica led to numerous violent clashes between Albanians and Serbs in the area.<sup>629</sup> The requirement to appoint an ombudsman for human rights-related issues was persistently deferred; indeed it was not until June of 2009, three years after the intention to appoint an ombudsman was announced, that, the Kosovo Assembly elected Sami Kurteshi as Kosovo's ombudsperson, with a five-year mandate.<sup>630</sup>

#### 7.52 Characteristics of Domestic Politics

In considering this narrative, it is understandable that much commentary focuses on the intransigence of the majority Kosovo Albanian political parties on minority issues. As with Bosnia, ethnically-motivated national sentiment was compounded by intense localised power struggles. Within and around those struggles, a number of features emerged that would impact on the delivery of policy on ethnic minorities and the role of KFOR in the effort. The kin-state influence of the Belgrade government also remained a prominent feature of Kosovo politics throughout the period analysed. While several new parties emerged, some of which proclaimed a multi-ethnic, pro-EU perspective, they found it difficult to break the control of the main Albanian parties or the Belgrade-influenced Serbian parties.

The degree to which the Serbian community themselves rejected the minority policies intended to help them, cannot be discounted. For many Serbian parties and communities, particularly in the years immediately after conflict, to cooperate with proposed policies on returns and particularly participation was seen as legitimising what

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<sup>628</sup> Human Rights Watch (2008), p. 425. [http://www.hrw.org/legacy/wr2k8/pdfs/wr2k8\\_web.pdf](http://www.hrw.org/legacy/wr2k8/pdfs/wr2k8_web.pdf) (accessed 13 September 2015).

<sup>629</sup> Human Rights Watch (2010), p. 444. <http://www.hrw.org/sites/default/files/reports/wr2010.pdf> (accessed 13 September 2015).

<sup>630</sup> *Ibid.*, p. 448.

most viewed as an illegal incursion of sovereign Serbian territory. The maintenance of parallel structures, including the continued payment of public servants by Belgrade, served to sustain that dynamic. However, as the research into KFOR's impact reveals, more pragmatic attitudes did emerge in areas outside of Mitrovica. Meanwhile, reports produced by the OSCE and UNHCR repeated the claims that the continued existence and entrenchment of parallel structures – notably in the judicial system, education and health – were undermining the delivery of policy for a multi-ethnic society; perpetuating the isolation of minority communities. Though the suggestion that these services “provided an unsustainable second-class service for minorities” proved prescient overtime it did however fail to account for the view, prevalent among Kosovo Serbs that the services being funded by Belgrade, though localised, were often of a higher standard to those offered under the PISG, and in their own way became symbols of Serbian identity and resistance.<sup>631</sup> However, regardless of the quality of the service provided, at some point they almost always lacked the capacity and scale to adequately cover shortfalls in minority access to the courts, hospitals, schools, centres for social welfare and other public services. Overtime it would get progressively more difficult for Serbian communities in Kosovo to avoid engagement with ‘Kosovo-run’ domestic services.

While the facility of minority representation was a feature of post-conflict representative structures, the concept of minority representatives did not progress beyond the political sphere at the pace anticipated by UNMIK. The records of the Kosovo assembly show that some Serbs did participate: the Coalition Return and Democratic Party of Serbia were active to some degree as early as 2001 with attempts to open dialogue with Belgrade forming the stimulus for engagement.<sup>632</sup> However, ethnic minorities experience of state institutions and authorities was more often characterised by widespread discrimination, exacerbated by the absence of clear laws and effective remedies and sanctions, particularly through the justice system.<sup>633</sup> Even where authorities engaged in returns and participation initiatives, their commitment to the policies advocated was questionable. Opportunism emerged at all levels, among all parties, with many seeking “to play the system” to maximise access to funds on various projects. As the findings below reveal, domestic actors were often in a position to capitalise on the lack of communication between various international actors, their good will and naive planning, with some

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<sup>631</sup> Ninth Assessment of Ethnic Minorities in Kosovo”, OSCE & UNHCR, (2002), p. 1. Op. cit.

<sup>632</sup> Tahiri, (2003), p. 9.

<sup>633</sup> Ninth Assessment of Ethnic Minorities in Kosovo”, OSCE & UNHCR, (2002), p. 2. Op. cit

domestic politicians and local leaders extracting significant amounts of aid, both financial and otherwise, often with dubious linkage to its intended purpose. Finally, it is also apparent that following such intensive engagement over a period of ten years, fatigue, related to both the scale and reciprocity of post-conflict interaction, was a further negative factor influencing the implementation of policy on minority issues.

### *7.6 The Military Role under UNSCR 1244*

KFOR was initially composed of four multi-national brigades, with an approximate strength of 50,000 personnel. In 2005, responding to external pressures to reduce the size of the force, and the need for a more flexible approach to interaction with the domestic institutions and population, the force was reorganised into five multi-national task forces, each with an allocated geographical 'area of operations'. KFOR was somewhat uncertain of the operational scope afforded by UNSCR 1244. Considered a vague mandate by civilian and military staff alike, KFOR commanders initially "erred towards a minimalist interpretation of their role", which left some minority communities exposed to intimidation and revenge attacks.<sup>634</sup> As the post-conflict character of Kosovo emerged in early 2000, KFOR commanders applied a broader interpretation of UNSCR 1244, to allow for the appropriate adaptation of operational procedures.<sup>635</sup> As a result of this interpretation, UNSCR 1244 provided the framework for a broadly similar range of tasks to those carried out by NATO in Bosnia:

KFOR is not at all failing. On the contrary, the average number of murders per week has fallen from 30 in early June to six in mid-October. Since our troops arrived in Kosovo, violence has continuously and significantly decreased. This development is clearly to be credited to KFOR. Our troops have achieved this, not only by using their professional military skills, but also by taking over responsibilities that go far beyond normal military duty. They were policemen and firemen, they ran prisons, they administered towns and villages, and took care of people's social needs. I can only congratulate the soldiers who have done all this, and I am proud of them.<sup>636</sup>

Of foremost importance for KFOR was the deterrence of renewed hostilities, withdrawal of Serbian forces and enforcement of the ceasefire. While this task was fulfilled with general ease (as seen above), the demilitarisation of the KLA and the establishment and

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<sup>634</sup> King & Mason, (2006), p.233.

<sup>635</sup> Interview No. 70. Former UK senior KFOR planner, London, December 2013.

<sup>636</sup> Gen Dr. Klaus Reinhardt (COMKFOR) quoted in "A growing trust in KFOR", Haugsboe, (1999a), p. 13. [http://nato.int/KFOR/chronicle/1999/chronicle\\_199902/p13.htm](http://nato.int/KFOR/chronicle/1999/chronicle_199902/p13.htm) (accessed 13 September 2015).

maintenance of a safe and secure environment within “which refugees and displaced persons can return home in safety, the international civil presence can operate, a transitional administration can be established, and humanitarian aid can be delivered” was more problematic.<sup>637</sup> In establishing the parameters for future civilian-military cooperation, KFOR was also tasked to support “and as appropriate, coordinate closely with the work of the international civil presence”, to support “the development of a stable, democratic, multi-ethnic and peaceful Kosovo”, while maintaining their primary role, the provision of protection and freedom of movement.<sup>638</sup>

The unilateral declaration of independence by Kosovo’s PISG did not significantly alter either the status or operation of KFOR units, which were committed by the alliance to remain in Kosovo on the basis of UNSCR 1244. NATO did, however, seek to alter the nature of its contribution in June of 2008, when it formally adopted new tasks, most notably assuming lead responsibility for the standing down of the Kosovo Protection Corps, while supporting the development of the Kosovo Security Force as “an all-crisis voluntary, professional, multi-ethnic, lightly armed force with a mandate encompassing crisis response, assistance to civil authorities in responding to natural and other disasters and emergencies, Explosive Ordinance Disposal and civil protection”.<sup>639</sup> NATO’s impact on this transition will be explored in greater detail in the next chapter.

### *7.7 Summary*

The structures established for post-conflict Kosovo engendered diverse sources for policy on ethnic minority issues, including UNSCR 1244, the constitutional framework and the standards for Kosovo process. The pillar structure established a clear division of labour among international actors, though arguably lacking some of the civil-military inclusivity observed in Bosnia; the framework for military contributions was not as formalised in Kosovo. Nonetheless, military actors were socialised and exposed to ideas on ethnic minority issues emanating from UNMIK, OSCE, UNHCR, and an EU tentatively progressing an enlargement prospective. Once again, military planners anticipated much of the civil-military interaction that emerged (reflected in the CONOPS), which not only envisaged conditions on deployment, but also identified key transitional steps in the long-term state- and nation-building effort. The domestic political context that faced the civil-

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<sup>637</sup> UNSCR 1244, (1999), p. 3.

<sup>638</sup> “NATO’s role in Kosovo”, NATO, (2015), <http://www.aco.nato.int/kfor/about-us/natos-role-in-kosovo.aspx> (accessed 13 September 2015).

<sup>639</sup> *Ibid.*

military framework was found to be dominated by three identifiable features: disingenuous engagement by PISG on issues affecting the minority Serbian population – where the idea of creating the conditions and capacity necessary for returns was rarely followed through to policy initiatives, pronounced kin-state influence, and the zero sum politics induced by the unresolved status question. Chapter 8 will consider the nature of the international military response to emerge within that context.

## Chapter 8

### **The Military Application of Conditionality and Normative Pressure on Ethnic Minority Issues in Kosovo 1999-2009**

This chapter analyses the nature of military interaction on ethnic minority returns and participation in new state institutions and processes. In considering the success or otherwise of the military effort, it also considers the extent of compliant and non-compliant behaviour and policy implementation.

#### *8.1 Application of Conditionality and Normative Pressure by Military Forces on Ethnic Minority Returns 1999-2009*

##### 8.11 Stabilisation and Reconstruction: Humanitarian aid 1999-2000

As military planners have come to appreciate more clearly the relationship between security and reconstruction, they have fudged the distinction between the work of soldiers and the work of NGOs. This puts aid workers at risk.<sup>640</sup>

With the rapid withdrawal of Serbian forces leaving the KLA unopposed and minority communities exposed, KFOR's initial focus was on the protection of minorities, as opposed to the separation of forces that defined much of the early effort in Bosnia. While the initial hostility of the Serbian population towards KFOR was unsurprising, KFOR personnel were forced to adapt to counter a diverse range of threats to the Serbian community, compounded by a destroyed or malfunctioning infrastructure that sustained allegations of subterfuge and retaliation:

In the Serb part of town, personnel from the Dutch support element are handing out water to the population, since there is not a single drop in the water pipes. A Serb man is angry with KFOR because he believes that the reason why the pipelines in the Serb area are empty, is that all the water is given to the Albanians.<sup>641</sup>

In moving to address these concerns (and establish their authority) KFOR was immediately engaged at the inter-ethnic interface, developing a range of responses to the problems

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<sup>640</sup> Patten, (2005), pp. 167-68.

<sup>641</sup> "Protecting Minorities", Haugsboe, (1999b), p. 12.

[http://nato.int/KFOR/chronicle/1999/chronicle\\_199902/p12.htm](http://nato.int/KFOR/chronicle/1999/chronicle_199902/p12.htm) (accessed 13 September 2015).

encountered, from the provision of hard security to the deployment of “twelve female military social workers attached to the Moroccan field hospital in MNB North...” within the context of a wider humanitarian effort.<sup>642</sup> In securing minority communities, KFOR provided both static and mobile area security, while also securing minority movements to and from various locations such as markets, hospitals and financial institutions. Over time, the provision of such security was transferred first to the UNMIK-P and later to the KPS, though KFOR involvement continued in some locations up to 2007.<sup>643</sup>

Due to the scale of the violence encountered, and the concomitant fact of Serbs fleeing the province, a focus on Serbian returns did not emerge as a feature of KFOR operations until late 2000. Securing the participation of Serbian community leaders in local initiatives was, however, a feature of KFOR operations from the outset, where KFOR personnel found themselves most often in the role of interlocutors between the opposing communities. For the most part, such local initiatives revolved around the provision of humanitarian aid, both unilaterally and in cooperation with UN agencies and related NGOs.

In a sample of 54 humanitarian aid and civil support actions completed by KFOR, between 1999 and 2009 (see Appendix V), it was found that KFOR assisted in reconstruction, medical, education, agricultural and transportation tasks. Normative pressure was applied by KFOR personnel on issues relating to participation in seven activities, with conditional incentives applied in two cases. Normative pressure was applied to returns-related issues in just one case, which also involved the application of conditional incentives. In considering these findings, two variables are worthy of note. First, unlike Bosnia, the demographics of Kosovo (where ethnic Albanians accounted for approximately 90% of the population) ensured that the majority of humanitarian aid was delivered in a mono-ethnic environment. Second, during the period when the humanitarian aid process was at its peak (1999-2002), the return of the Serbian community did not form a prominent part of the approach undertaken by KFOR.

All but two of the activities analysed were organised unilaterally by the troops of the TCCs, rather than by KFOR *per se*. However, the single returns project identified, was run by Norwegian KFOR in partnership with the Norwegian Refugee Council.

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<sup>642</sup> “Never touch!”, Haugsboe, (1999c), p. 14.

[http://nato.int/KFOR/chronicle/1999/chronicle\\_199904/p14.htm](http://nato.int/KFOR/chronicle/1999/chronicle_199904/p14.htm) (accessed 13 September 2015).

<sup>643</sup> “Prizren KFOR Office helps more than 80,000 people”, Puetger, (2002),

[http://www.nato.int/Kfor/chronicle/2002/chronicle\\_10/13.htm](http://www.nato.int/Kfor/chronicle/2002/chronicle_10/13.htm) (accessed 13 September 2015).



These findings reveal that insofar as KFOR was involved in returns issues during the period 1999-2002, it was predominantly restricted to questions of security. Efforts to encourage the return of the displaced Serbian population did not really gather momentum until post-2002, and even then only modestly so. For example, of the NOK 105 million spent by the Norwegian government on projects in Kosovo in 2001, most was allocated to humanitarian projects, democratisation, infrastructure and institutional strengthening “in anticipation of returns”, rather than necessarily progressing returns at that point in time.<sup>644</sup>

Funding for humanitarian efforts either came formally from TCCs’ capitals, or informally through various charity efforts organised by the soldiers themselves. Such activities ranged from the collection and delivery of children’s toys, the provision of educational items from stationery and computers to winter provisions, and building reconstruction efforts. Similar to Bosnia, most activities were modest in scale, with budgets of less than €50,000, and were conducted on a unilateral basis. Once again, the activities of Spanish military units stand out through their attempt to encourage returns in the Istok area through reconstruction projects in 2002. German units in the Prizren area were also quite innovative:

Since almost all kinds of public administration are missing, it is a part of our task to enforce pension entitlements and child benefits. We also support them by getting substitute driving licenses from Germany, just to give you a few examples of our daily work.<sup>645</sup>

A German Colonel operating in the Prizren CIMIC office in 2002 observed that the KFOR office was accessed by all ethnicities and had developed into a firm institution, well known beyond the city borders of Prizren; “everybody can come to us - no matter what ethnicity they belong to. We set great store on this...”.<sup>646</sup> Though KFOR maintained more detailed records on CIMIC activities than IFOR or SFOR, with few exceptions,<sup>647</sup> it did not maintain a comprehensive database on humanitarian activities. The sample suggests that KFOR’s humanitarian activities peaked in late 2000 and was more or less completely replaced by CIMIC activities by mid-2002. However, as the CIMIC sample reveals, humanitarian activities featured throughout the period reviewed.

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<sup>644</sup> Interview No. 39. Former member of Norwegian KFOR, Naqoura, Lebanon April, 2013. See also “Norway’s role as lead nation”, Govt. of Norway, (2001), <http://www.regjeringen.no/en/dep/fd/documents/Handbooks-and-brochures/2001/KFOR-5---Norways-role-as-Lead-Nation-text-ed.html?id=419335> (accessed 13 September 2015).

<sup>645</sup> “Prizren KFOR Office helps more than 80,000 people”, Puetger, (2002), Op. cit.

<sup>646</sup> Ibid.

<sup>647</sup> By May of 2002, the German-led CIMIC office in Prizren stated that German KFOR had assisted 80,000 people since deploying to Kosovo.

## 8.12 KFOR Policing Role

During the stabilisation and reconstruction phase, and for a period during the state and national building phase, KFOR was the primary provider of policing services in Kosovo. In addition to the primary tasks associated with securing minority and other vulnerable communities, KFOR assumed de facto responsibility for traffic control, border management and at local levels undertook many of the tasks typically associated with community policing. For example, one unexpected feature of this effort was the necessity for KFOR personnel to provide security for Serbian persons while in hospital, with an OSCE/UNHCR report noting that Kosovo Serbs were particularly vulnerable to restricted access to medical facilities, resorting in many cases to KFOR military hospitals, where security and impartiality of service was effectively guaranteed.<sup>648</sup>

While UNMIK-P gradually assumed the policing burden, their difficulty reaching the levels of staff identified for the mission meant that KFOR maintained an involvement in policing activities for significantly longer than anticipated. KFOR personnel interviewed were generally positive about their relationship with UNMIK-P, noting that their lack of staff was a mutual source of frustration. On issues pertaining to minorities, UNMIK-P and KFOR combined effectively to produce statistical information on crime rates, including identifying the specific impact on minority groups. In turn, this information was used by groups such as the UNHCR to plan bus lines serving minorities, and for the development of strategies to allow for the secure movement of the Serbian population. As the situation improved, school escorts would also become a feature of the process.<sup>649</sup> UNMIK-P and KFOR also combined to maximise utility of their respective resources: for example, KFOR personnel were often brought in to restore power to locations where power lines had been cut.<sup>650</sup> On more technical policing issues such as forensics, KFOR Military Policy also provided occasional support (though never formalised) to their UNMIK-P counterparts.

As state and nation-building activities developed, KFOR increasingly accompanied KPS patrols, including on often sensitive search and detention operations. This cooperation and support was generally viewed positively by both sides; however, it is notable after 2004 that KFOR required the KPS to adhere to their multi-ethnic principles by, among

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<sup>648</sup> “Assessment of the Situation of Ethnic Minorities in Kosovo”, OSCE & UNHCR, (2000a), p. 16, para. 51. Op. cit.

<sup>649</sup> “Patrol helps kids safely go to school”, Grzyb, (2002), [http://www.nato.int/Kfor/chronicle/2002/chronicle\\_12/06.htm](http://www.nato.int/Kfor/chronicle/2002/chronicle_12/06.htm) (accessed 13 September 2015).

<sup>650</sup> “Assessment of the Situation of Ethnic Minorities in Kosovo”, OSCE & UNHCR, (2000a), p. 22, para. 75. Op. cit.

other things, requesting that where KFOR provided support in particular areas of the province, they be accompanied by KPS Albanian and Serbian officers.<sup>651</sup> Such approaches were, for the most part, informal in application, but effectively complemented the minority policy components promoted by the OSCE in the KPS training academy.

### *8.2 State and Nation Building 2000-2008: CIMIC*

Within six months of the international intervention in Kosovo, a “Joint Committee on Returns (JCR)” was established jointly by the UN and OSCE in May of 2000. Incorporating KFOR and EU representatives, the committee was designed as a forum for engagement between displaced Serbs and emerging institutions of self-government at both national and municipal level. As with other initiatives of the period, the efforts of the JCR were not without success. However, in the context of the numbers of displaced Kosovo Serbs, it had a negligible impact in proportion to the effort invested by international organisations. One such effort, overseen by the JCR, involved the successful return of 50 Kosovo Serbs to various villages in the Pristina/Gracnica/Lipljan area during 2000. However, for a project involving contributions from KFOR, UNHCR, UNMIK, OSCE, UNICEF and international NGOs, the number of successful returns was considered modest: “To sustain this small scale return has demanded immense resources, including the provision of 24-hour security by KFOR and intensive follow up by an array of international organisations to ensure delivery of humanitarian assistance and the rebuilding of houses and a school”.<sup>652</sup> Nonetheless, staff involved argued strongly that such investment was vitally important at that time as “it was important to achieve a symbolic victory on returns”.<sup>653</sup> Under the chairmanship of the SRSG, the forum evolved to specifically targeted “the practical realities of Serb return”, which, given the extent of their network, brought KFOR to the centre of its efforts:

Many Kosovo Serb communities in the central area of Kosovo encompassing Pristina/Prishtine, Obilic/Obiliq, Lipljan/Lipjan and other areas, have benefited from activities carried out by KFOR and others within the framework of Operation Trojan.<sup>654</sup>

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<sup>651</sup> Interview No. 57. Former Finnish staff officer of MNTF (C), Naqoura, Lebanon, July 2012.

<sup>652</sup> *Ibid.*, pp. 35-36.

<sup>653</sup> Interview No. 29. Former German KFOR officer involved in support the function of the JCR, Naqoura, Lebanon, March 2012.

<sup>654</sup> “Assessment of the situation of Ethnic Minorities in Kosovo”, OSCE & UNHCR, (2000), p. 35, para. 125. *Op. cit.*

Though KFOR's CIMIC capability was not fully established until late 2001, many of the characteristics of CIMIC operations were already in evidence through KFOR activities carried out under Operation Trojan. Operation Trojan was a multi-faceted programme primarily targeted at Kosovo Serb communities, and designed to improve their overall quality of life, while also striving to achieve Kosovo Albanian support by delivering benefits to them related to progress on Serbian returns and participation. Initially, activities tended to focus on security related issues: "escorting arrangements to facilitate school attendance; the construction of access roads to improve freedom of movement in conditions of security; enhanced security measures during harvest time".<sup>655</sup> In carrying out these tasks, KFOR planners recognised that KFOR was in a position "to expand and diversify the nature of its actions". One planning officer involved in the operation noted:

Relatively quickly we realised that we could get involved in a wide range of tasks to support the returns and reconciliation effort so long as we were prepared to assume a broad understanding of security.<sup>656</sup>

From this position, KFOR expanded the remit of Operation Trojan to incorporate a more explicit application of financial and technical support incentives, such as the promotion of minority returns through "income generating activities geared towards improving the self-sufficiency of communities in meeting certain aspects of their daily needs e.g. flour milling and bread production".<sup>657</sup> In time, as concepts of CIMIC evolved, the application of such initiatives changed. However, as a first effort by KFOR to engage on such issues, Operation Trojan was considered "a successful model for effective civil-military co-operation, incorporating [...] a strong element of close inter-action with local communities in the development and implementation of all activities."<sup>658</sup>

In a sample of 76 CIMIC activities between 1999 and 2009, it was found that application of conditional incentives and normative pressure accounted for on average 9% of all returns related activity analysed, predominantly in the period 2003-2008. A more specific analysis of Serbian areas south of the river Ibar (excluding Mitrovica) reveals that KFOR's effort to encourage compliance on returns predominantly occurred in the ethnically-mixed villages and towns of MNTF (C) and in German and Spanish KFOR's area of operations. For most KFOR units in the province returns related activities were

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<sup>655</sup> Ibid.

<sup>656</sup> Interview No. 46. Former Italian senior officer of KFOR HQ staff, Naqoura, Lebanon September 2012.

<sup>657</sup> "Assessment of the situation of Ethnic Minorities in Kosovo", OSCE & UNHCR, (2000), p. 35, para. 125.

Op. cit.

<sup>658</sup> Ibid.

therefore not an issue of concern. Of the seven returns-related projects identified in the sample, six were delivered by CIMIC teams based in those areas. These findings correlate with interviews of KFOR personnel, who agreed that the focus on returns formed a comparatively small part of their effort when compared to the efforts on participation, and that where KFOR did engage on returns issues it was usually in the area of Gracenica and Lipljan, known as the Serbian crescent.<sup>659</sup> In all but one case, CIMIC projects designed to encourage returns were delivered jointly with municipalities or NGOs. These projects were, for the most part, focused on housing reconstruction in an attempt to encourage returns, in some cases supported by efforts to restore schools and through the application of conditional incentives secure agreement from predominantly Albanian staff for Serbian access to school facilities. For example, German KFOR-led school reconstruction projects in Kijevo and Balince were, in part, delivered to “lay the ground for potential returns”.<sup>660</sup>

From late 2002, KFOR’s approach to returns policy, though modest in scale, showed signs of increasing sophistication, with attempts to formalise the role played by KFOR within the wider international effort:

As you may already know, our UN partners in Kosovo will put more priority on encouraging returns of displaced people to Kosovo during 2003. If returns are to be successful anywhere, we must carefully prepare the groundwork in partnership with UNMIK, local authorities and Non-governmental Organizations (NGOs). From a military perspective, this means our operations must be extremely well coordinated with UNMIK authorities and we must leverage our civil-military cooperation to facilitate respect for the rule of law and acceptance of civic responsibilities.<sup>661</sup>

Contributing to a returns project in Novo Selo (in cooperation with the Lutheran World Federation NGO and the Municipal Working Group) German CIMIC teams specifically targeted returns through a process that involved intensive and focused interethnic dialogue in order to gain agreement for the phases of the project, which included the rebuilding of 35 houses in 2003 and an additional 35 houses in 2004. The project also targeted the reestablishment of 25 farms, supported by related CIMIC projects on service networks,

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<sup>659</sup> Centred on the villages of Dobrotin, Donja and Gornje Gusterica.

<sup>660</sup> Interview No. 63. German CIMIC officer, Pristina, September 2007. These projects cost €1.1 million. In an article in the *KFOR Chronicle* (2002), it was highlighted that from 1999 to 2002 the German CIMIC unit alone spent €6.8 million in more than 188 projects. Often in partnership with private investors and NGOs. See “Message from COMKFOR”, Valentin, (2002), [http://www.nato.int/Kfor/chronicle/2002/chronicle\\_04/07.htm](http://www.nato.int/Kfor/chronicle/2002/chronicle_04/07.htm) (accessed 13 September 2015).

<sup>661</sup> “COMKFOR Chronicle Editorial”, Mini, (2003), [http://www.nato.int/kfor/chronicle/2003/chronicle\\_01/00.htm](http://www.nato.int/kfor/chronicle/2003/chronicle_01/00.htm) (accessed 13 September 2015).

roads and the provision of a social centre.<sup>662</sup> This effort recorded the first notable success of KFOR CIMIC with the return of 19 Serbs to the Novo Selo area in October 2003. A fact underlined by the visit of outgoing NATO Secretary General, Lord Robertson, who emphasised KFOR's role in providing the necessary "backdrop for other international organisations to fulfil their work".<sup>663</sup>

Adapting methods observed in places such as Novo Selo, a Spanish CIMIC team that oversaw a partially successful returns project in 2002 placed a particular emphasis on economic based incentives which benefited the Albanian community – "together with the NGOs, we are establishing new, small enterprises. And people are really looking forward to start working"<sup>664</sup> – but which were also used to incentives Serbian returns. Over an extended period, potential Serbian returnees were invited to participate in a number of "go and see visits", during which the potential job opportunities were highlighted by KFOR:

A project called "Go and see" has been ongoing for some time now. It includes people from Serbia who will travel back to the valley to find out what happened to their houses. Afterwards they decide whether to stay or not. About 200 people are back already, and by the end of the year KFOR expects 400 more.<sup>665</sup>

These visits were also used to allow Kosovo Serbs to engage with local (Albanian) contractors to discuss the rebuilding of homes and the possibility of return.<sup>666</sup> However, in spite of their significant investment, including the innovative application of conditional incentives, and constant normative pressure on the Kosovo Albanian community in the area, the Spanish found it difficult to sustain the rate of returns. One officer noted that "even when we achieved returns they tended to be of the older generation, more often than not where younger people returned they quickly sold-up and moved back to Serbia. They had no intention of staying no matter how we tried to encourage them".<sup>667</sup> Over time, the Spanish contingent envisaged a local trade network between Kosovo Albanian and Serbian villages in the area, "it would be beneficial to have trade relations with the nearest

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<sup>662</sup> "Returns Project to NOVO SELO", (2003), [http://www.nato.int/kfor/chronicle/2003/chronicle\\_10/14.htm](http://www.nato.int/kfor/chronicle/2003/chronicle_10/14.htm) (accessed 13 September 2015).

<sup>663</sup> "NATO Secretary General makes final visit to KFOR, Kosovo", Ackerman, (2003), [http://www.nato.int/Kfor/chronicle/2003/chronicle\\_11/11.htm](http://www.nato.int/Kfor/chronicle/2003/chronicle_11/11.htm) (accessed 13 September 2015).

<sup>664</sup> "Returning home at last", Petrenko, (2002), Op.cit.

<sup>665</sup> Ibid. In interviews conducted with Spanish personnel it was noted that less than half of the projected 400 returns materialised. They also noted that from 2004 onwards the approaches used in projects such as this were subjected to substantial diminishing returns. Interview No. 31. Former Spanish KFOR Officer, Naqoura, Lebanon, March 2012. And Interview No. 55. Former Spanish KFOR CIMIC Officer, Naqoura, Lebanon, September 2012.

<sup>666</sup> "Returning home at last", Petrenko, (2002), [http://www.nato.int/Kfor/chronicle/2002/chronicle\\_08/10.htm](http://www.nato.int/Kfor/chronicle/2002/chronicle_08/10.htm) (accessed 13 September 2015).

<sup>667</sup> Interview No. 55. Former Spanish KFOR CIMIC officer, Naqoura, Lebanon, September 2012.

Albanian villages, rather than having to drive 200 kilometres to buy the goods they need. To develop that would be a very important step forward, but they will need more time to establish such strong relations”.<sup>668</sup>

In contrast, the Finnish approach to the economic side of returns was more complex, with an investment of €250,000 per annum from 2004 to 2007 on “Small Business Enterprise Projects” in their area of operations, centred on Lipljan. Liaising with the International Organization for Migration and Pristina University, Finnish CIMIC teams monitored the impact of their projects with a specific focus on both returns potential and participation impact. Through a qualification process conducted in liaison with local municipalities, businesses were identified for investment based on potential in several areas, including a willingness to employ people from minority communities in the area:

The currently active projects are in Lipljan/Lipjan, Pristina/Prishtine, Glogovac/Drenas and Shtime/Stimlje. The projects vary from metal workshops to dressmaking. It is always a prerequisite that the businesses chosen for the program represent a wide range of ethnic groups.<sup>669</sup>

Recognising that such intensive efforts could not be sustained, KFOR planners (along with those from the UN, OSCE and EU) turned their focus to increasing the role of municipal administrations. Initially this involved requesting municipalities to provide Local Community Officers to assist international staffs in distributing and collecting information and applications related to returns initiatives as a means to develop interaction between Kosovo Serbs and their respective municipal administrations, but also to encourage inter-ethnic dialogue. The response of municipalities to such efforts varied from outright refusal to cooperate to a tentative willingness to participate. For example, the municipality of Lipjan/Lipljan specifically enlisted the assistance of KFOR, a step that was viewed by KFOR commanders as a “vote of confidence” in their efforts to engage that particular municipality.<sup>670</sup>

Nevertheless, as highlighted above, sources of municipal intransigence varied, with internal political power struggles often pushing issues beyond the reach of KFOR proposals. Additionally, as the efforts of international actors evolved, a seasonal pattern of returns emerged across Kosovo with various international organisations working through

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<sup>668</sup> “Returning home at last”, Petrenko, (2002), Op.cit.

<sup>669</sup> Capt. Ari Alanene quoted in “Helping people help themselves”, Autti, (2007), p. 19, [http://www.aco.nato.int/resources/site7423/General/Chronicle%20Archive/2007/chronicle\\_10.pdf](http://www.aco.nato.int/resources/site7423/General/Chronicle%20Archive/2007/chronicle_10.pdf) (accessed 13 September 2015).

<sup>670</sup> “Assessment of the situation of Ethnic Minorities in Kosovo”, OSCE & UNHCR, (2001), p. 27, Op. cit. Also interview No. 47. Finnish senior staff officer of MNTF (C), Camp Vielle, Lipljan, Kosovo, September 2007.

the winter towards specified summer dates for returns. However, the volume of returns recorded in the period under review never amounted to more than 3,000 per annum, and for the period 2007 to 2009, all but stopped.<sup>671</sup> As noted above, the rate of returns varied according to the location of origin, security available, economic prospects, age profile, and political context of those being targeted for returns. Various aspects of these issues were identified by CIMIC's teams and linked to processes of normative pressure and targeted financial and technical support incentives – membership-based incentives were not identified as a factor in KFOR's attempts to delivery policy for minority returns.

Reflecting the conceptual ambiguity within military circles, as to how CIMIC should be practiced, and even where minority issues were evident, some CIMIC teams (for example those provided by the Czech Armed Forces) did not engage on returns issues at any point during the period under review. The reasons explaining this were varied, and predominantly reflected a lack of financial commitment on the part of the TCC. However, it was also reflective of substantial variations in the TCCs' perceptions of CIMIC purpose. For example, the Czech CIMIC team viewed CIMIC activity as a key component of their "finding out intelligence information".<sup>672</sup> For others, such as the Finnish and Irish, the idea of a CIMIC team "doing intelligence" was counterproductive and dangerous; KFOR was reluctant to provide clear guidance on the issue, particularly where non-NATO countries were "spending their own money".<sup>673</sup> The extent to which these differences impacted on the ability of KFOR CIMIC teams to encourage returns is difficult to gauge. However, it is notable that the Finnish approach was cited by many KFOR personnel of various ranks and nationality as being particularly successful.<sup>674</sup> This was attributed to their provision of substantial financial support to their CIMIC teams and the fact that team members were often carefully selected to ensure that the skills and talents of Finnish civilian personnel on military service were maximised where possible. As noted above this facilitated partnerships with a range of civilian and military actors (such as Pristina University) and fostered innovated programmes often with an emphasis on socio-economic issues in their area. In the period 2003-2004, Finnish CIMIC teams established 43 enterprise projects, of

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<sup>671</sup> See successive "UNHCR Reports" from 1999 to 2009.

<sup>672</sup> "Group CIMIC 4th CZ/SK BG", Krajc, (2004),

[http://www.nato.int/kfor/chronicle/2004/chronicle\\_01/05.htm](http://www.nato.int/kfor/chronicle/2004/chronicle_01/05.htm) (accessed 13 September 2015).

<sup>673</sup> This argument was emphasised in almost all interviews with Finnish and Irish personnel.

<sup>674</sup> Interview No. 48. Former Italian KFOR CIMIC officer, Naqoura, Lebanon, March 2012.



which approximately one third could be described as indirectly linked to returns initiatives including housing reconstruction, and small business development.<sup>675</sup>

We have supported 43 enterprises in five municipalities including Pristina, Lipljan, Kosovo Polje, Stimle and Glogovac. Approximately 150 people are now employed with our support... The selection of the entrepreneurs involved was executed in close co-operation with local administrations and UNMIK. In each case, representatives of the local municipalities gave recommendations and the CIMIC office made the final decisions. Beneficiaries represent all ethnic groups in Kosovo.<sup>676</sup>

In terms of compliant outcomes, Finnish CIMIC initiatives on Serbian minority returns were comparatively more successful than any other KFOR TCC. Of the two, Finnish returns projects analysed in the sample both were partially successful in achieving complaint outcomes, while interviews suggest that this was true of other Finnish CIMIC activities not captured in the sample. However, Finnish officers admit that the rate of returns achieved never matched their levels of ambition. The expectation “that where a small number returned more would follow” never really materialised. “Sure, some of the enterprise projects failed (we expected that) but then we had houses built for Serbs that they never occupied despite agreeing to do so. In some of these cases they just waited until the house was built and then moved to sell it. How that fitted with aims of what we were trying to do in Kosovo, I’m not sure...”<sup>677</sup> In considering the nature of compliance, the Finnish experience reveals that the sustainability of compliant outcomes once achieved was particularly difficult. The same Finnish officer identified above noted that in some of the projects they considered most successful, the returns were reversed in the period after 2009.<sup>678</sup>

The Irish approach in many ways mirrored that of the Finnish, in terms of project design and ambition. All Irish KFOR projects were delivered in partnership with Irish Aid, which provided a civilian framework for project analysis and management. Working from an annual budget that varied between €50,000 and €120,000, the Irish specifically targeted returns in three of the projects analysed in the sample. The first project, a house reconstruction project, failed to achieve any outcome, when municipal support was withdrawn close to the end of the construction phase due to a lack of political support for

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<sup>675</sup> As these were predominantly enterprise projects, for the purposes of the sample taken these were not treated as return initiatives and were therefore not included.

<sup>676</sup> “New Entrepreneurs Start With a Little Help From Friends”, Tuhkanen, (2004), [http://www.nato.int/kfor/chronicle/2004/chronicle\\_10/06.htm](http://www.nato.int/kfor/chronicle/2004/chronicle_10/06.htm) (accessed 13 September 2015).

<sup>677</sup> Interview No. 17. Follow-on interview with former Finnish CIMIC officer A, Brussels, February, 2013.

<sup>678</sup> The author also is aware of a number of instances post-2009, where the returns achieved have been reversed.

Serbian returns, and an internal municipal dispute as to ownership of the land on which the houses were constructed. Following a move by one municipal member to secure one of the houses for his own family, a compromise was eventually reached with the Irish to accommodate displaced minority families from non-Serbian backgrounds in the house. From the Irish perspective, a valuable lesson was learned which was reflected in subsequent projects that were more closely managed and less ambitious in their objectives. Those projects achieved greater success, with one housing project in Stimlje eventually achieving a partially-compliant outcome with the return of two Serbian families, though once again it was noted that the age profile of the families in question was high.

Overall, the sample reveals that KFOR initiatives on returns more or less ceased from 2005 onwards, with only one project recorded in 2008, and none in 2009. By 2006, it was acknowledged that the KFOR's capacity (including that of its TCCs) was insufficient to deliver the types of returns projects that were prominent from 2001-2005. It is also representative of the fact that the numbers expressing a desire to return fell significantly during that period, with the OSCE and UNHCR in particular suggesting that the focus needed to shift to "sustainable outcomes" for displaced communities, rather than returns, even though UNSCR 1244 still prioritised the returns effort.

#### 8.21 Liaison Monitoring Teams

Liaison and Monitoring Teams emerged in Kosovo as a result of shrinking financial and human resources available for CIMIC-type interaction and initiatives. LMTs were first introduced in late 2004 in order to address an identified "information gap" caused by the reduced number of KFOR patrols. In a small number of cases, they assumed some of the duties performed by CIMIC houses established by individual TCCs: however, unlike in Bosnia, CIMIC houses were not as numerous in Kosovo. LMTs did initially forge close relationships with CIMIC teams, but operated within their own chain of command that was consciously developed to facilitate the passage of information between UNMIK, OSCE, IOs and NGOs, and mayors, as well as the heads of public institutions and municipalities.

LMTs typically operated from civilian houses in identified villages and towns throughout Kosovo. They deliberately sought to establish themselves within these areas as trusted interlocutors on any issue concerning KFOR, or the delivery of UNSCR 1244. From KFOR's perspective, their primary purpose was to "enhance situational awareness". As a result of this structure and approach, LMTs were not prominent in KFOR activities related to returns issues, with the exception of occasionally passing on information to

CIMIC teams regarding the potential for returns in a particular area, or more often, reasons why CIMIC returns projects were not having the desired impact – the latter aspect reflecting the ability of LMTs to become part of local political interaction and dialogue.

Commenting on their lack of a role on returns-related issues, one LMT officer noted, “we did meet NGOs occasionally to discuss the goings on in the area and to see if conditions were appropriate for returns, but conversations on returns became less common over time”.<sup>679</sup> Another officer who was a member of a LMT in late 2007 observed that “returns were rarely mentioned: we were primarily focused on improving relations between the groups that were there”.<sup>680</sup> While one instance of LMT involvement in CIMIC activities related to returns was identified, it was ad hoc in nature, and reflected the fact that the officer in question had previously served as a CIMIC officer during an earlier tour of duty in Kosovo. LMTs were significantly more active on participation areas: this will be analysed in greater detail below.

## 8.22 Key Leader Engagement and the Role of Military Commanders

A defining feature of KFOR engagement with both returns and participation issues was the role played by its military commanders at all levels. Military leaders in high command consciously sought to encourage KFOR personnel to be creative in their dealings with Kosovo’s population. Writing in the KFOR Chronicle in 2002, the then COMKFOR argued that:

One of the best ways to stay focused on the mission is to think of unique ways to accomplish it. We need to always be looking for creative ways to engage with the people of Kosovo and to get them to engage with each other. [...] This edition is full of examples of KFOR people finding a way to engage with the population and make a difference. What are you doing to leave this place better than you found it?<sup>681</sup>

On specific issues of concern, KFOR commanders were often more calculating in their dealings with local leaders and politicians, applying the strongest of rhetoric on returns and participation, while often leveraging the potential benefits of various CIMIC projects. In his Christmas message of 2002, the then COMKFOR captured the evolution of the role of KFOR noting:

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<sup>679</sup> Interview No. 36. Former Irish LMT officer, Kildare April, 2013.

<sup>680</sup> Interview No. 38. Former Swedish LMT officer, Dublin, March, 2013.

<sup>681</sup> “Message from COMKFOR”, Valentin, (2002), [http://www.nato.int/Kfor/chronicle/2002/chronicle\\_04/07.htm](http://www.nato.int/Kfor/chronicle/2002/chronicle_04/07.htm) (accessed 13 September 2015).

Only with UNMIK's success will our role here continue to diminish. Likewise we will continue fostering the capabilities and encouraging the local Kosovar institutions to take on responsibilities; especially their responsibility to ensure the security, access to services and freedom of movement for minority members of their communities. They must come to realise that the international community expects them to create an environment where displaced peoples can return to their homes without fear, and the sooner they assist in the process the sooner Kosovo's status will be resolved – General Fabio Mini.<sup>682</sup>

References to membership conditionality also emerge in this context, particularly from 2004 onwards, where almost all COMKFORs highlighted the importance of compliance with policies on various issues (including minority issues) for successful progression towards EU membership. In January 2004, COMKFOR Gen. Kammerhoff addressed the Kosovo public in a televised interview, during which he explicitly linked compliance with various policies to a future within Europe:

The Year 2004 will be a challenge to you all, the citizens of Kosovo. You can start on the road to reach the European standards. For the first time, the document "Standards for Kosovo" sets out a clear definition of the kind of society Kosovo can have. KFOR supports the achievement of the standards within means and capabilities. Change is not easy. With hard work at all levels the path to Europe will be open for you, your families and children. [...] I am convinced and we in KFOR feel that you can attain these launched standards in the given timeframe. Our soldiers are prepared along with UNMIK to assist you and your government to reach this goal.<sup>683</sup>

Alongside such public pronouncements, successive COMKFORs actively applied normative pressure on Kosovo Albanian and Serbian political elites to address returns issues. Responses to these calls varied from reciprocated rhetoric to outright refusals to acknowledge KFORs recommendations. In some instances KFORs attempts to promote norms on returns were compounded by the somewhat disingenuous responses of the PISG. For example, a letter circulated to IDPs by "Kosovo's leaders" in July 2003, encouraging them to return home, had the effect of antagonising Serbs by its continuous reference to "Kosova" (the Albanian spelling for the province). KFOR somewhat unwittingly circulated this letter, publishing a summary in their monthly newsletter.<sup>684</sup> While the importance attached to returns was prominent in COMKFOR discourse between 1999 and 2003, it is

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<sup>682</sup> "COMKFOR's Editorial, Mini, (2002), [http://www.nato.int/Kfor/chronicle/2002/chronicle\\_19/02.htm](http://www.nato.int/Kfor/chronicle/2002/chronicle_19/02.htm) (accessed 13 September 2015).

<sup>683</sup> "With hard work at all levels the path to Europe will be open to Kosovo", Kammerhoff, (2004), [http://www.nato.int/kfor/chronicle/2004/chronicle\\_01/03.htm](http://www.nato.int/kfor/chronicle/2004/chronicle_01/03.htm) (accessed 13 September 2015).

<sup>684</sup> "Welcome home", (2003), [http://www.nato.int/kfor/chronicle/2003/chronicle\\_07/08.htm](http://www.nato.int/kfor/chronicle/2003/chronicle_07/08.htm) (accessed 14 September 2015).

rarely features thereafter, and interviews with senior staff from COMKFOR's office suggest that the returns issue gave way to other priorities from 2003, "somehow it got lost in the dialogue on standards before status".<sup>685</sup>

If COMKFORs played a modest role in progressing policy on returns, KFOR commanders at Task Force and Battlegroup level demonstrated significantly greater degrees of engagement. All four of the former Task Force commanders interviewed confirmed that applying normative pressure on returns was a regular part of the work between 2002 and 2007. Equally, all attested to leveraging the work of CIMIC teams as a means to incentivise compliance. To the extent that they were successful, most were unsure, with only two commanders pointing to specific instances where they felt their intervention with political leaders at municipal level produced visible progress on returns. One commander qualified these findings by noting that:

It was difficult to measure the extent to which we were having an impact on those kinds of issues [returns] however I felt it was important to keep the issue on the table. It was part of our remit and I know others [Task Force Commanders] felt the same way but it was slow work...<sup>686</sup>

Of all the commanders analysed, it was found that commanders at Company and Battalion level were most likely to be engaged on returns-related issues, and in almost all cases this engagement was achieved through their respective CIMIC teams at local levels. To varying degrees, military commanders at those levels were involved in all of the CIMIC projects analysed in the sample, with some even taking personal responsibility for the management of CIMIC projects. As with their superior officers, junior commanders actively applied normative pressure on returns issues often in tandem with the local representatives of UNHCR, OSCE or various NGOs. The incentivised delivery of CIMIC projects related to returns was also most apparent at that level, with evidence of commanders insisting that projects would not go ahead until they were supplied with written commitments from local political leaders that they would support the initiative, to more complex engagements with local municipalities, where commanders insisted that funds for various projects would only be released in a phased process when specified returns targets were achieved.<sup>687</sup> When commenting on the nature of that engagement, all commanders noted that they were "only

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<sup>685</sup> Interview No. 37. Former US member of COMKFOR staff, London, December 2013.

<sup>686</sup> Interview No. 13. Former MNTF (C) commander, Dublin, November, 2013.

<sup>687</sup> Interview No. 78. Former Finnish Battalion Commander, MNTF (C), Naqoura, Lebanon, March 2012. Interview No. 79. Former Swedish Battalion Commander, MNTF (C), Dublin, April 2013. And Interview No. 24. Former Irish Company Commander B, MNTF (C), Dublin, May 2013.

really getting to grips with the situation” just prior to their departure from the mission. One commander summarised the frustration generated by military rotations:

We would push hard to get a deal but increasingly the municipalities were aware that if they played for time they could wait for the next commander to come along and maybe he would be more amenable to their demands. We did our best to ensure that continuity was not lost during at handover but inevitably some momentum would be lost and depending on the characters involved in some cases progress could stop entirely. If you are looking for a reason why so many of these projects didn't achieve all that we wanted, I believe the fact that we all had to up-sticks and change around every six months was a big reason...<sup>688</sup>

For negotiations associated with returns, this dynamic was viewed by all officers interviewed as being particularly problematic, and one that was never successfully addressed. Consistent with findings for higher level commanders, junior commanders present in Kosovo from 2005 to 2009 acknowledged that focus on returns reduced significantly, though encouraging the participation of minorities remained an important part of their effort.

Finally it should be acknowledged that though the 6 monthly rotations of NATO troops were problematic for all parties, it was mitigated to some degree by KFORs importance to the local economy. While troop numbers were falling, (by the end of 2003, KFORs strength stood at 20,000) the numbers of local civilians working in and supporting KFOR camps had risen significantly. In an interview in late 2003, the then COMKFOR, General Kammerhoff, suggested that the net worth of KFOR local employment to the Kosovan economy was in the region of €7.2 million:

Many hundreds of local people are employed by KFOR, thus providing them with steady employment and an income to support their families. In Film City alone, over 200 local people are either directly employed by KFOR or work for one of the many shops and restaurants operating on the camp.<sup>689</sup>

KFOR was careful in ensuring that their local workforce was ethnically representative, and though a small number of regional commanders admitted to attempts to leverage the prospect of employment in KFOR to progress on local issues, it was not common practice and was not identified in this research as a means to incentivise returns or participation.<sup>690</sup>

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<sup>688</sup> Interview No. 3. Former Irish Company Commander A from MNTF (C), Dublin, April 2013.

<sup>689</sup> “COMKFOR Initial Press Conference”, (2003),

[http://www.nato.int/kfor/chronicle/2003/chronicle\\_11/07.htm](http://www.nato.int/kfor/chronicle/2003/chronicle_11/07.htm) (accessed 13 September 2015).

<sup>690</sup> Interview No. 19. Former German KFOR officer, Naqoura, Lebanon, September 2012.

### *8.3 Application of Conditionality and Normative Pressure by Military Forces on Ethnic Minority Representation and Participation 1999-2009*

If KFOR engagement with returns-related issues varied and ultimately dissipated over the period under review, engagement with minority participation remained a prominent feature throughout. As with returns, KFOR initiatives on minority participation emerged through various humanitarian activities, were developed further in Operation Trojan, and consolidated through the mechanisms of CIMIC, LMTs and elite engagement. A further element of NATO engagement in this regard was the extent to which NATO contributed to, and led, specific aspects of institutional capacity building; policing support and the development of the KPC and later the KSF.

#### 8.31 State and Nation-building 2000-2008: CIMIC

Of the 76 CIMIC activities identified between 1999 and 2008, it was found that projects encouraging compliance on minority participation related issues accounted for on average 47% of all activity analysed. Unlike returns-related projects, KFOR's engagement with participation remained constant throughout the decade. Variations emerge (as expected) in terms of geographical focus, with the greatest number of initiatives taking place in the MNTF (C) area of operations. However, whereas KFOR did not generally engage in returns initiatives in the Mitrovia area, KFOR efforts to encourage minority participation were a small but constant feature of the sample, with initiatives taking place between 2002 and 2007, peaking in 2003. Of the 37 participation-related projects identified in the sample, 13 were delivered in the MNTF (C) area of operations by Finnish, Irish, Swedish and Czech CIMIC teams. The Task Forces led by German, French, Spanish and Italian KFOR were also prominent averaging five participation related projects during the period. Proportionally, these findings correlate with the geographic disposition of minority communities and with interviews of KFOR personnel, who agreed that there was a greater emphasis on encouraging minority participation on the part of almost all KFOR TCCs, and while many efforts were concentrated on the Gracenica/Lipljan area, there was significant ongoing activity in all KFOR TF areas of operation.

The sample also shows that KFOR was more willing to engage on participation initiatives unilaterally, with 15 of the 37 projects examined conducted on a unilateral basis. However, the interviews also revealed a substantial degree of variation in both the ambition and complexity of projects delivered by KFOR, ranging from modest multi-cultural festivals closely monitored by KFOR security, to more complex socio-economic

initiatives often developed and delivered in partnership with local municipalities and NGOs. Unilateral projects tended to be less ambitious in their application, though not exclusively so. As a result of these features, the quality of compliant outcomes varies considerably – two ethnic groups agreeing to share a hall for a cultural event cannot be compared to active participation of minorities in all aspects of municipal governance. Of the 37 examples of KFOR engagement with participation-related issues, identified, 18 initiatives produced low to medium levels of compliance, with four producing high levels of compliant behaviour. All involved the application of normative pressure, with ten incorporating the application of various levels of conditional incentives, predominantly linked to financial and technical support. Fifteen initiatives failed to have any impact on compliant behaviour.<sup>691</sup> A trend towards more progressively sophisticated engagement is recognisable over time.

At the outset, CIMIC teams tended to focus on common security concerns, with mine awareness training used as an opportunity to bring minorities – particularly children – together. While this training was initially delivered by KFOR unilaterally, KFOR's contingent increasingly tried to get participation from elements of the emerging state structures. In Lipljan, the Finnish CIMIC team relaunched mine awareness training in partnership with the KPS as a means to improve mine awareness but also “to provide legitimacy for the role of the KPS in both communities”.<sup>692</sup>

Views varied on the value of small-scale CIMIC efforts on participation, such as multi-ethnic concerts, children's sports days etc. One officer dismissed them as being more about “KFOR feeling good about itself than for the benefit of the community”.<sup>693</sup> This was not the generally held view, as more experienced CIMIC officers stated that they often provided the foundations for more intensive engagement on more ambitious projects: “the inter-ethnic network and dialogue developed for a multi-ethnic sports day can provide the basic structure for the development of a returns project or help to encourage some Serbs to join the KPS; it all has to start somewhere...”<sup>694</sup>

Examples of this logic in practice are evident throughout. Connections developed for a Swedish project in Obilic to develop a municipal sports park in a predominantly Serbian area were re-engaged on infrastructure projects, where “we had a group of Serbs

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<sup>691</sup> There was no identifiable difference between unilateral KFOR projects and those projects run in partnership with other agencies.

<sup>692</sup> “Finnish battalion goes to school”, (2002), [http://www.nato.int/Kfor/chronicle/2002/chronicle\\_07/01.htm](http://www.nato.int/Kfor/chronicle/2002/chronicle_07/01.htm) (accessed 13 September 2015). And interview no. 9. Finnish CIMIC officer A, Lipljan, September 2007.

<sup>693</sup> Interview No. 26. German KFOR HQ staff officer, Pristina, September 2007.

<sup>694</sup> Interview No. 47. Finnish senior staff officer MNTF (C), Camp Veille, Lipljan, September 2007.



working together with an Albanian firm”.<sup>695</sup> In Pec, the reconstruction of the town’s theatre was linked to the signing by all communities of an agreement to share the facility.<sup>696</sup> Similarly, Irish CIMIC teams made some of their larger projects contingent on the agreement of all leaders in the locality. One such project involving the refurbishment of a number of schools and a “shared sports” facility was successfully delivered, only for a dispute to occur among the Albanian and Serbian communities as to when they could use a sports complex. In this instance, the Irish commander in the area ordered his troops to cover the complex playing area with barbed wire and to lock the gates of the facility until the community leaders agreed to honour their initial commitments. Four months later, when all sides agreed to implement the original terms, the complex was reopened with an inter-ethnic football tournament: the Irish KFOR team was defeated in the first round!<sup>697</sup>

Significant variation in the types of engagement by KFOR CIMIC teams was evident from 2004. Once again, Finnish CIMIC teams engaged Pristina University to evaluate the impact of their projects with a view to making them more effective: “since 2004 over 130 enterprises have received SBE-support through Finnish CIMIC. In 2007 approximately 100 new jobs were created in small businesses [...] We are continuously evaluating this concept and with cooperation of Pristina University; we want to develop this to be even better and better.”<sup>698</sup> The degree to which this partnership produced effective outcomes is, however, open to question. Finnish CIMIC officers interviewed conceded that though the initiative had its merits the information garnered from the University’s analysis probably came too late to have meaningful impact: “had we started the partnership two years earlier we would have achieved a lot more”.<sup>699</sup>

In MNTF (N) a French-led project to establish a multi-ethnic market “tried every trick in the book” in an attempt to encourage Serbs and Albanians to share the facility.<sup>700</sup> The market was eventually established through incentivising the participation of Serbian and Albanian companies with significant funding provided by a joint French-Swiss initiative. The extent to which the market functioned in any normal sense is open to

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<sup>695</sup> “KFOR soldiers help cleaning a multi-ethnic area to help Serbs and Albanians to live together”, Walla, (2002), [http://www.nato.int/Kfor/chronicle/2002/chronicle\\_08/01.htm](http://www.nato.int/Kfor/chronicle/2002/chronicle_08/01.htm) (accessed 12 September 2015).

<sup>696</sup> Ibid.

<sup>697</sup> Interview No. 24. Former Irish Company Commander B, MNTF (C), Dublin, May 2013.

<sup>698</sup> “Finish KFOR members assist small businesses (in Task Force Centre)”, Heikkila, (2008), pp. 10-11. [http://www.aco.nato.int/resources/site7423/General/Chronicle%20Archive/2008/chronicle\\_04.pdf](http://www.aco.nato.int/resources/site7423/General/Chronicle%20Archive/2008/chronicle_04.pdf) (accessed 13 September 2015).

<sup>699</sup> Interview No. 10. Finnish KFOR CIMIC officer B, Lipljan, September 2007.

<sup>700</sup> Interview No. 18. Former French KFOR CIMIC officer, Naqoura, Lebanon, June 2012.

question, as the security required to allow for its operation was extensive and in the views of some of the CIMIC officers interviewed, amounted to little more than a pyrrhic victory.

During this period, KFOR increasingly focused its effort on improving the quality of participation in Kosovo's emerging institutions. For many CIMIC teams, this entailed consciously seeking greater investment by municipalities in participation-related projects. During this period, Finnish and Irish teams developed a small number of jointly-funded projects. The intent behind such projects was to 'practice' municipal staff in identifying areas of need and processing requests for projecting funding to the PISG in Pristina for approval. CIMIC funds for the projects identified were not released unless the project adhered to the terms set by KFOR for minority participation (including for minority input to the project planning phase) and until municipal staff had successfully secured funding from the relevant Ministry in Pristina. In tandem with this effort, the MNTF (C) commander encouraged local political leaders to support the project. These projects were found to be "somewhat successful", though they often took an "inordinate amount of time to deliver", with one Irish-led project taking over three years to complete, during which time the expected levels of minority participation failed to materialise.<sup>701</sup> In a related development, staff from the MNTF (C) CIMIC team suggested that the reform of the municipality network and the transfer of Serbian villages in their area (Lipljan) to the Serb-led Gracenica municipality impacted on the representativeness of CIMIC activities in Lipljan, which retained only one Serbian village. Concurrent with such activity CIMIC teams continued to deliver low-intensity projects based primarily on the application of normative pressure. Multi-ethnic children's camps and concerts were a feature of such activity up to and including 2009.

Though outside of the sample analysed, it is notable that KFOR HQ attempted to capture the effort of KFOR CIMIC teams and present it in "soft news" to the children of Kosovo through the *For You 4U* magazine which was distributed to all schools, published in multiple languages and consciously sought to project a message of tolerance, inter-ethnic understanding and cooperation.

### 8.32 Liaison and Monitoring Teams

While LMTs had a limited impact on returns-related issues, they were often at the centre of efforts to coordinate minority participation and enhance dialogue, particularly in mixed

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<sup>701</sup> Interview No. 7. Former Irish KFOR CIMIC officer, Dublin, March 2013.

communities. For example, an Austrian-led LMT in Orahovac specifically targeted the “day to day running of the municipality” to “ensure that minority voices were heard”.<sup>702</sup> The Austrians operated an eight-man team based at a “field house” in close proximity to the municipal offices. This facility acted as a meeting house, where members of the community could bring their issues to KFOR. Over time, it came to be recognised “neutral ground”, where issues “too sensitive to bring to the municipality” could be discussed in an informal context.<sup>703</sup>

As a first resort, LMTs always tried to progress issues within the municipality as a means of enhancing community confidence in local governance, and to reduce community dependence on KFOR support in certain areas. However, as noted above, many KFOR LMTs performed a linking role between CIMIC teams, and particular sections of local government.<sup>704</sup> With few exceptions, LMTs were wholly normative in their approach to both returns and participation issues. Indeed, some LMT staff interviewed suggested that, had they become “involved” in some of the incentivised approaches of CIMIC teams, “their neutrality would have been compromised”.<sup>705</sup> This position was not required by KFOR policy on LMTs, which emphasised the importance of “personal integrity” and fairness in dealing with the local community.

For the LMT staff interviewed, it was reflective of the changing dynamic between CIMIC and LMTs, as they redefined their roles to accommodate each other’s presence. Once again, allegations that LMTs operated as de facto intelligence cells caused difficulties in certain areas. Not helped in one instance by a statement given by COMKFOR at a press conference, that LMT’ goal:

was to liaise closely with the local administrations, KPS, UNMIK, community leaders and relevant organizations... as a tool dedicated to operate in addition to Intel [intelligence] assets as a force multiplier: their situational awareness will provide COMKFOR with early warning as well as a real feeling-picture of Kosovo people.<sup>706</sup>

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<sup>702</sup> Interview No. 12. Former Austrian KFOR LMT officer, Kildare, November 2013.

<sup>703</sup> The Austrian case is particularly interesting, as they also sent reports to Vienna, where the Austrian policy makers were developing new concepts for engaging on minority rights issues. Ibid.

<sup>704</sup> “RLMTs of MNTF (S) We feel the pulse of Kosovo”, Heck, (2008), [http://www.aco.nato.int/resources/site7423/General/Chronicle%20Archive/2008/chronicle\\_10.pdf](http://www.aco.nato.int/resources/site7423/General/Chronicle%20Archive/2008/chronicle_10.pdf) (accessed 13 September 2015).

<sup>705</sup> Interview No. 36. Former Irish LMT Officer, Kildare, April 2013. And Interview No. 38. Former Swedish KFOR LMT Officer, Dublin, March 2013.

<sup>706</sup> “Commander KFOR Press Conference”, (2005), [http://www.aco.nato.int/resources/site7423/General/Chronicle%20Archive/2005/chronicle\\_06.pdf](http://www.aco.nato.int/resources/site7423/General/Chronicle%20Archive/2005/chronicle_06.pdf) (accessed 14 September 2015).

For a number of months following the interview, some LMTs found community interaction difficult due to heightened suspicion of their role.

However, over time, through community dialogue and the promotion of the minority participation in the PISG at local levels, LMTs became a valuable means for KFOR to test the impact of some of their key “capacity building” initiatives, most notably their support for the KPS and the transition from the KPC to the KSF, where adherence to the established quotas for minority participation were central components of the policy delivered. LMTs collected information on public perceptions as to the success of these initiatives, which in turn allowed for KFOR HQ planners to adapt their efforts in an attempt to maximise their effect in those areas. Related to this function, and in the absence of significant numbers of KFOR personnel on the ground post-2005, LMTs continued as key elements in KFOR’s early-warning mechanism, “providing information that would help KFOR to avoid another March 2004”.<sup>707</sup>

### 8.33 Key Leader Engagement and the Role of Military Commanders

All COMKFORs examined applied normative pressure on Kosovo’s political elite regarding minority participation throughout the period analysed. For periods, much of this effort was lost in the political quagmire associated with the status question, though prior to 2003, and from 2007, it is notable that the efforts of COMKFOR and various subordinate commanders regarding minority participation in key Kosovan institutions did have some effect on domestic compliance.

The earliest COMKFOR interventions on minority participation were in the context of Operation Trojan and subsequent CIMIC projects. For the most part, those holding the appointment of COMKFOR were content to leave the oversight of CIMIC activities to the Task Force Commanders. However, when requested, and where they felt particular value could be added by their presence or support, some generals did contribute to selected projects. One such initiative involved the visit of General Huber to the mixed Albanian/Serbian village of Pones, where a mixed school was looking for KFOR’s support to further reconstruction of their facility. Commenting on his visit in the KFOR Chronicle, General Huber stated that it was a:

privilege to talk to the Mayors, the school directors, all the teachers,  
then all the children, the theme that I hit home was, this is the first

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<sup>707</sup> Reference to the March riots of 2004 in Interview No. 39. Former member of Norwegian KFOR, Naqoura, Lebanon, April 2013.

school I have visited,” Huber said. “And the reason I am here is because this is a great example of the future of Kosovo, where you have Serbian and Albanian children in the same building, at the same time, albeit in different classrooms, because their curriculum is different. This is an example of tolerance. And you have Albanian and Serbian professors teaching in the same school.”<sup>708</sup>

However, such initiatives were the exception, and the sharing of school facilities remained a contentious issue for most of the period analysed. Often such initiatives were reflective of an individual commander’s preference to “see for himself”, rather than as part of planned effort to illicit a particular response from one community or another. From 2003, it was common practice for KFOR commanders to emphasise to politicians their responsibilities for ensuring the protection of minorities and their effective participation at all levels of the PISG. General Huber specifically targeted municipal leaders: “get the local leaders involved-show them the problems and make them responsible for the solutions. In the long term, soldiers are never the answer. We have brought Kosovo to a stable state, and now, on this stable ground, the local authorities must begin to take responsibilities from us, knowing that we are ready and able to assist should the need arise”.<sup>709</sup> Frequently, these demands were accompanied with the proviso that such behaviour was deemed necessary in order to advance EU membership prospects. Similar pressure was exerted on religious leaders and media outlets, with the latter frequently criticised for only focusing on negative stories and not reporting the successes.

Insofar as KFOR Commanders applied conditional incentives, it tended to be at the elite level. Their participation in a number of high-level bodies gave them direct access to Kosovo’s political leadership. In particular, the establishment of a trilateral forum between the PM of Kosovo, the SRSG and COMKFOR afforded additional opportunities for the coordinated application of normative pressure and conditional incentives, including membership conditionality. In respect of tentative PISG calls for NATO membership, while KFOR and NATO staff were explicit that NATO membership was not an option for Kosovo, informally it was emphasised that a positive engagement [by Kosovan authorities] in the composition and reform of the KSF would be “viewed in favourable terms in the

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<sup>708</sup> “MNB-E Commander visits Elementary School”, Brown, (2002), [http://www.nato.int/Kfor/chronicle/2002/chronicle\\_05/09.htm](http://www.nato.int/Kfor/chronicle/2002/chronicle_05/09.htm) (accessed 14 September 2015).

<sup>709</sup> “Message from COMKFOR”, Valentin, (2002), [http://www.nato.int/Kfor/chronicle/2002/chronicle\\_04/07.htm](http://www.nato.int/Kfor/chronicle/2002/chronicle_04/07.htm) (accessed 13 September 2015).

future”.<sup>710</sup> However, to cite this as an example of a conditional incentive would be to exaggerate its importance and relevance significantly.

More than with their engagement with returns, the commanders of KFOR Task Forces and their subordinates at Battalion and Company level were involved on a daily basis in applying normative pressure related to minority participation. In addition to their security tasks, and alongside colleagues from the OSCE, KFOR subordinate commanders played a significant role in encouraging all communities to participate fully in elections. As noted above, commanders at the Task Force level frequently attempted to leverage the prospect of CIMIC projects in order to encourage local progress on minority participation – often through specifically tailored key leader engagement processes. Of those commanders interviewed, all acknowledged that this was something that emerged as a practice rather than as a conscious policy effort on the part of KFOR. One commander suggested:

we knew what we were doing was a little more advanced than simply winning hearts and minds but quite often we were making decision based on our individual intuition and the limited policy guidance we could extract from UN or NGO staff we encountered. The CIMIC team staff seemed to get up to speed fairly quickly but as commanders we relied heavily on their knowledge. Formal CIMIC training was only just emerging as a concept and training on delivering policies for minorities was non-existent...<sup>711</sup>

By the end of the period examined, evidence was emerging of the further diversification of KFOR’s role with the establishment of a joint group – including representatives from Kosovo institutions, EULEX, OSCE, the European Bank for Reconstruction, the European Commission Liaison office, the International Civilian office, the World Bank, the UNDP and US Aid mission in Kosovo – chaired by COMKFOR, to discuss the international approach to supporting the Kosovo Development Zone. Though the progress of this group lies outside the framework of this study, it is clear that the potential for KFOR’s continued involvement in the delivery of incentivised policies on a range of issues including minority participation, looked set to continue.

Regarding their input to institutional capacity building, some junior commanders admitted their frustration at the nature of the Kosovan government’s engagement with the development of the KSF, and in particular their failure to achieve the agreed level of Serbian members. While acknowledging that overcoming Kosovo Serbs’ unwillingness to

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<sup>710</sup> Interview No. 47. Finnish senior officer of KFOR HQ staff, Naqoura, Lebanon September 2012.

<sup>711</sup> Interview No. 13. Former MNTF (C) commander, Dublin, November, 2013.

join was one half of the problem, many suggested that that KFOR and NATO leadership, both political and military, were ‘too soft’ with the Kosovan authorities on the issue.<sup>712</sup>

#### 8.34 Institution Building and the Military Role in Police Reform

KFOR’s contribution to developing institutional capacities within the province was impressively diverse. Whether through the absence of alternatives, or the adaptation of particular military competence, KFOR personnel made contributions to health care, electoral reform, education, sanitation, water and electricity services, infrastructural development and economic enterprise, to name but a few. KFOR’s impact in each of these areas and the extent to which they projected policy on minority participation, varied greatly. Several former KFOR staff, particularly those from CIMIC teams, highlighted the role they played in education, citing the provision of language classes, school material and instances where they incentivised minority participation through offers of school reconstruction or refurbishment. However, it is equally apparent that KFOR were only prepared to go so far in their application of conditionality. No evidence was found to suggest that KFOR linked incentives to changes to a school’s curriculum, or where schools were mixed, that classes should be mixed, with both Albanian and Serbian languages being taught. Equally, some KFOR staff acknowledged that once a project was deemed complete, follow-up inspections to ensure continued adherence to the standards KFOR set were often absent, and towards the latter part of the decade ceased entirely.<sup>713</sup>

Typically, KFOR engagement in these areas arose from identified operational and infrastructural deficits, whereby KFOR helped to address an issue on a temporary basis until the necessary civilian capacity could be constituted. Difficulties in constituting civilian capacities in certain areas meant that KFOR found themselves dealing with issues for longer than they would have liked: for example, engagement in refuse collection in certain locations, with numerous examples of local commanders expressing concerns to their superiors that their locality was becoming dependent on KFOR’s service provision, and were making no effort to provide a civilian solution. While several examples of such engagement were identified, KFOR’s development of the KPS, and oversight of the transition from the KLA through the KPC to the KSF, were the main areas of institutional engagement identified during the period.

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<sup>712</sup> There is a correlation here with some of the findings of Clive Baldwin, who noted that Minorities had complained that they have had no input into KFOR’s decisions on security policies, and that the lack of consultation led to a feeling of utter powerlessness and insecurity among minorities. See Baldwin, (2006).

<sup>713</sup> These views are reflective of six KFOR CIMIC staff who worked in Kosovo between 2002 and 2008.

As noted above, responsibility for the development of Kosovo's policing capacity was divided between the OSCE and the UN. Due in varying degrees to capacity deficits, both organisations requested KFOR assistance with various aspects of their roles. KFOR was not without competence in policing. Highly qualified military police, many with extensive civilian policing experience, proved invaluable to KFOR's planning in this area. Perhaps more importantly, given the degree to which KFOR patrols supported the KPS in their daily duty, KFOR military police were tasked to provide "in-theatre" training to other military personnel, on "the dos and don'ts of police assistance".<sup>714</sup> In time, this meant that KFOR military policing could assume an oversight and coordination role of military units working with the KPS.

As a result, KFOR developed a very clear relationship with the KPS, both on select aspects of their training and in the conduct of activities such as joint patrols: for example, those involving the traffic-units of Multi-National Military Police (MNMP), UNMIK-P and KPS. Such cooperation gave the KPS instant legitimacy, if not credibility, based on an effective and efficient overlap of different jurisdictions – UNMIK, KFOR and the KPS.<sup>715</sup> Initially, this entailed the direct support of military police in the conduct of daily patrols and checkpoints, but over time, the KPS found themselves engaging with KFOR CIMIC teams, LMTs and commanders at all levels. This type of engagement brought questions of minority participation in the KPS, and in other agencies they engaged, with (such as municipalities and the judiciary) to the fore.

In contrast to the difficulties in Bosnia, Kosovo's experience is often identified as an example of a successful intervention on policing reform. It is clear, from a comparative analysis of their respective progressions on policing reform that Kosovo benefited from some of the lessons identified in Bosnia. However, it should be noted that the KPS came into being not long after the cessation of conflict in 1999, under the guidance and control of the UN and OSCE; and that their respective experiences in terms of the facilitation and participation of minorities were quite different, reflecting both the significant environmental differences between the two and the differing international approaches.<sup>716</sup>

That the KPS had time and space to develop can largely be attributed to the fact the UNSCR 1244 enabled KFOR to perform a policing role in areas where the UNMIK-P lacked capacity. Thus the OSCE, which assumed responsibility for KPS training, was not

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<sup>714</sup> Interview No. 28. Former Irish KFOR military police officer, Dublin, April 2013.

<sup>715</sup> "Joint Patrol", Nielsen, (2002), [http://www.nato.int/Kfor/chronicle/2002/chronicle\\_07/08.htm](http://www.nato.int/Kfor/chronicle/2002/chronicle_07/08.htm) (accessed 14 September 2015).

<sup>716</sup> O'Neill, (2005), p. 8.



under pressure to instantly fill vacuums with undertrained police personnel; in turn this enabled to the OSCE to develop police training formats that adhered to the standards for minority participation. The strategic command structure was also a contributing factor, as the KPS came under the full command of the UNMIK-P, thereby placing a layer between the police force and the political establishment that was not there in Bosnia. Under these support structures, the KPS quickly attained the standards for multi-ethnicity, to the point whereby on average 7% of the force was representative of the Kosovo Serbian community, with a further 3% representative of other minorities. The application of normative pressure was also evident in the training programmes and manuals used by the KPS: as John Cockell observed, "... the basic training run by the KPS has provided the basis for an apolitical, multi-ethnic police force, in contrast to the continuing politicization of BiH police and armed forces (or indeed of the KPC)".<sup>717</sup> This view is supported by an analysis of KFOR documentation from the period. As early as 2002, it was noted that an essential part of the goal of a community policing model that stresses democratic ideals in all aspects of its operations was "ensuring that the student body reflects the overall population of Kosovo. Particular emphasis is placed on recruiting women and ethnic minorities such as Serbs and Turks as students".<sup>718</sup>

It is evident from the approach taken by the OSCE, in particular, that many of the lessons identified in Bosnia were addressed in Kosovo, from the coordination by the main international organisations NATO, OSCE and UN, to their respective contributions to the design and training of the KPS. However, the scope for conditional incentives linked to policing in Kosovo was limited, as the policing structure was placed firmly within the sphere and control of international competence, and developed independently of other reform streams such as judicial, legislative or civil service, which were more political and more problematic. Over time, weaknesses in these areas spilled over to affect police performance. For example, almost all persons interviewed for this research emphasised that the lack of a successful prosecutions process seriously undermined the credibility of KPS investigations— a gap that EULEX sought to address when it deployed in 2008.

As the KFOR presence on joint patrols reduced, their cooperation with the KPS in other areas increased. Reflecting the increased awareness of KFOR personnel on civilian approaches to various post-conflict issues, including minority rights, KFOR organised a

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<sup>717</sup> Cockell, (2002), pp. 495-496.

<sup>718</sup> "Building Democracy: The Kosovo Police Service School in Vushtrri", McSweeney, (2002), [http://www.nato.int/Kfor/chronicle/2002/chronicle\\_19/17.htm](http://www.nato.int/Kfor/chronicle/2002/chronicle_19/17.htm) (accessed 14 September 2015).

series of training courses and joint initiatives in order to enhance the KPS' capacity in specific areas. For example, an initiative launched by the Kosovo Women's Network in 2004 enlisted the assistance of Irish KFOR, which hosted a series of gender-awareness training days for KFOR and KPS personnel. Other similar initiatives were run by the Swedish CIMIC team, on issues such as human trafficking and domestic violence. KFOR-led initiatives included a human rights course launched by MNTF (C) in 2007, which incorporated minority rights training. This course was specifically aimed at mid-level operational planners, with the intent that the principles identified in the course would then be reflected in the operational planning of KFOR, KPS and others thereafter. As a form of normative pressure, it is difficult to measure the impact of these initiatives, though they undoubtedly contributed to a sustained dialogue on minority and related issues, with KFOR at its core.

While the progress of the KPS is generally viewed favourably in the literature, by the end of the period analysed the KPS continued to struggle for acceptance in Serb enclaves, particularly in Mitrovica, a situation that deteriorated further with UDI in February 2008.

### 8.35 Security Reform in Kosovo

A succession of international reports from the EU, UN and OSCE, including high-profile assessments by Kai Eide in 2005, and Maarti Ahtisaari's proposal for "supervised independence" in 2006-2007, served to formalise KFOR's contribution to the development of Kosovo's "civil defence" capacity. Minority participation was a central component of these assessments, with the KFOR POLAD of 2007 noting that Ahtisaari's:

... proposal contains a multitude of regulations seeking to accommodate the minorities in Kosovo, first of all the Kosovo-Serbs. Thus, the comprehensive document contains provisions on the 'decentralization' (i.e. increased competencies of the municipal level in areas such as education and health), the protection of cultural heritage or the political representation of minorities in the Parliament. On the other hand the so called status package outlines the dissolution of the Kosovo Protection Corps and the stand-up of the Kosovo Security Forces, a group of 2,500 men plus 800 reservists. [...] One thing is clear: Kosovo made it back on the agenda of the international community and KFOR is part of this very important process.<sup>719</sup>

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<sup>719</sup> "Kosovo's Future Status", Luttenberg, (2007), [http://www.aco.nato.int/resources/site7423/General/Chronicle%20Archive/2007/chronicle\\_04.pdf](http://www.aco.nato.int/resources/site7423/General/Chronicle%20Archive/2007/chronicle_04.pdf) (accessed 14 September 2015).

As noted above, KFOR's initial engagement with the KLA was characterised by mutual distrust and intransigence. Following the creation of the KPC, KFOR assumed a mentoring role, whereby joint training with the KPC became a frequent feature of KFOR activity from 2002. Unlike its interaction with other Kosovan bodies, KFOR did not insist on a multi-ethnic balance for the KPC, reflective of a resigned recognition that the KPC was for all intents and purposes an Albanian body, and that conditions on Serb participation would have amounted to nothing.<sup>720</sup>

This dynamic started to change from 2006 onwards, with a recognition by KFOR (prompted by the efforts of Eide, Ahtisaari and others), that the KPC needed to evolve into a more ethnically-inclusive body as part of any long-term settlement. Assessments presented to COMKFOR by the KFOR Inspectorate for the KPC – COMKFOR's Eyes and Ears on the KPC<sup>721</sup> – suggested that changing the ethos of the KPC was a significant task, given that, by virtue of its KLA heritage, the KPC was inherently Albanian in practice and outlook.

A Military Civil Advisory Division was established by KFOR in 2008 to examine the transitional requirements of a new KPC-type body, the Kosovo Security Force (KSF). Drawing on the lessons learned with the KPS, special training institutions were established to train the new armed force for civilian crisis response and humanitarian tasks, with the ethnic balance of the new force stressed from the outset. In defining the nature of the force, NATO, UN, EU and other organisations continually emphasised that the KSF was not a conventional military force, and should not be viewed as a Kosovo Army or precursor to the establishment of same – this position was accepted by the Kosovan government in principle, if not in spirit.

The KSF was officially launched on 21 January 2009, as a new, professional, multi-ethnic, uniformed and lightly-armed Security Force that is subject to democratic and civilian control.<sup>722</sup> The multi-ethnic element of its mission statement amounted to a commitment to retain a “minorities” to ethnic Albanian balance of 10% within the force. This figure reached 8% within a year of its establishment, though a closer examination of the ethnic minority break down reveals that the Serbian population was wholly under-

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<sup>720</sup> Interview No. 25. Former Irish KFOR (KPC training officer), Kildare, March 2013.

<sup>721</sup> “KIKPC-KPC: Together for a better Kosovo”, (2006), [http://www.aco.nato.int/resources/site7423/General/Chronicle%20Archive/2006/chronicle\\_02.pdf](http://www.aco.nato.int/resources/site7423/General/Chronicle%20Archive/2006/chronicle_02.pdf) (accessed 14 September 2015).

<sup>722</sup> “Stand-up, Challenges and Success”, Ministry for the Kosovo Security Force, (2010), p. 7. <http://www.mksf-ks.org/repository/docs/Broshura%20ANGLISHT%20%20-%20finale%207.02.2011.PDF> (accessed 14 September 2015).

represented, with just 15 personnel, less the 1% of the allotted minority figure.<sup>723</sup> KFOR staff admitted to significant frustration in this regard. Though they ensured strict compliance with conditions for the representation and participation of minorities, successfully using “socialising” techniques to foster an organisational *esprit de corps* that crossed ethnic lines, including the establishment of the Office for Community Affairs (OCA), the key minority group, ethnic Serbs, was largely absent from the process. As noted by one officer: “in spite of our achievements, there is a sense of failure due to the absence of Serbian personnel”.<sup>724</sup>

The same officer suggested that the engagement of the Kosovan government on the issue of KSF reform was duplicitous. Referencing a 2010 document that affirmed “minority rights within the KSF as a good basis for the individual and collective success of units of the KSF”,<sup>725</sup> and that provided for the nomination of a second deputy minister for minority communities, he suggested that “they say all the right things and organise all the right events but their willingness to accommodate minorities in the KSF stops short of the Serbian population”.<sup>726</sup>

This perspective was reflected to some degree at the higher levels in KFOR and NATO. By late 2009, NATO representatives informed the Kosovan government that the prospect of membership of PfP was not on the agenda for Kosovo. In considering the application of strategic mechanisms by KFOR, in its engagement with the KSF, it is noticeable that conditionality and normative pressure were linked to the filling of allocations, without due diligence to the actual balance of minorities represented, or the quality of the cooperation between different ethnic groups, once established.

Though outside the period analysed, it is worth noting that incentivised pressure was most clearly evident when NATO suspended training of the KSF in March 2010, after the KSF performed a military guard of honour at an event dedicated to the KLA – NATO’s move was supported by the International Civilian Office of Pieter Feith. In suspending training, NATO stated: “This is not in line with the position of the KSF, which does not

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<sup>723</sup> Ibid., p. 13.

<sup>724</sup> Interview No. 14. Former Irish KFOR KSF liaison officer, Kildare, March 2013.

<sup>725</sup> “Stand-up, Challenges and Success”, Ministry for the Kosovo Security Force, (2010), p. 21. Op. cit.

<sup>726</sup> Interview No. 14. Former Irish KFOR KSF liaison, Kildare, March 2013. The event in question was a seminar organized in January 2010: “On the Recruitment of Minorities and Gender Issues in MKSF”. The seminar was organized by the Office of Community Affairs of MKSF, and was supported by the Norwegian Ministry of Defence.

have a military status. Besides, the NATO flag was displayed during the festivities, which is unacceptable, as KFOR is status-neutral”.<sup>727</sup>

Many NATO staff interviewed were critical of KFOR leadership in this regard, with one officer suggesting that by fostering the creation of an armed force that wore military uniforms, had a military command and rank structure, was composed of armed brigades, and trained to NATO standards, “nobody should have been surprised that the Kosovo government decided to call the duck a duck”.<sup>728</sup> In the context of policy behaviour and implementation, and in considering these actions and the breakdown of minorities in the KSF, it appears that progress on minority participation did not include meaningful Serbian participation, and the degree to which Serbian communities were targeted in “minorities” recruitment campaigns remains open to question.

#### *8.4 Conclusion: Policy Outcomes and the Nature of Compliance*

Kosovo presented NATO with a different demographic challenge to that experienced in Bosnia. While the Albanian majority population steadfastly pursued their goal of independence the needs of the Serbian minority were either continually ignored or hindered by emerging domestic institutions, a situation compounded by the kin-state dynamic created by Belgrade’s influence on Kosovo’s domestic politics. Both these factors combine to explain why in the context of KFORs overall engagement on humanitarian and rights based issues, returns initiatives never amounted to more than 10% of KFOR activity. Furthermore the costs associated with compliant behaviour for both minority and majority communities in the initial years of the mission were high. Kosovo Serbs were slow to trust KFOR units, even though those who remained in Kosovo relied entirely on KFOR for their security in the early years of the mission. As late as 2007, one Serbian interviewee summarised the situation by stating that he was still unsure that KFOR’s actions would facilitate his family’s future in Kosovo.<sup>729</sup>

Where military influence on the delivery of returns policy was identified it was mostly associated with CIMIC programmes and Key Leader Engagement. From the sample analysed, it was found that aid conditionality or technical support incentives were prominent features of the military engagement with returns issues. Where such conditionality was applied, there is evidence of partial compliance in some cases, though

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<sup>727</sup> KFOR suspended training of KSF, B 92, on 7 March 2010. The standoff was resolved within days, when NATO agreed to the establishment of a dedicated ceremonial unit for such events.

<sup>728</sup> Interview No. 14. Former Irish KFOR KSF liaison officer, Kildare, March 2013.

<sup>729</sup> Interview No. 72. Serbian village leader, Dobrotin, Lipljan municipality, September 2007.

non-compliant outcomes are more prevalent than in the Bosnian sample, due to a range of factors from kin-state influence and persistent security concerns to difficulties in incentivising the cooperation of the Kosovo Albanian majority in certain areas. Supporting the findings of the sample, interviews with Serbian villagers and some representative organisations in Kosovo suggest that those that have settled in Serbia have “no intention of returning except maybe to sell their property”.<sup>730</sup> For these reasons, compliant behaviour, and the implementation of policy on returns, is not expected to improve in the foreseeable future.

Kosovo Albanians interviewed were generally positive about KFOR’s contribution, but when questioned on the specifics of minority returns, they tended to point to municipal and political leaders as the reasons why more returns had not taken place. It was also evident that the uncertainty surrounding the status question had an increasingly degenerative impact on KFOR community relations. Additionally, some Albanians interviewed expressed dissatisfaction with the nature of CIMIC engagement: “different guys come here every six months, ask the same questions and then disappear and do something somewhere else; why don’t these guys pass on their notes?”<sup>731</sup> While the rotation of military personnel (generally every six months) impeded the continuity of CIMIC teams’ actions, it is equally true to say that village leaders became adept at manipulating the rotation for their own gains. For example, the village leader quoted above had, within weeks of giving that statement, been present at the opening of a new medical facility in his village, organised and funded by the KFOR CIMIC team that had just departed. However, as with the Bosnian sample, it is also evident that CIMIC teams in Kosovo made promises they were unable to keep, due to lack of training and poor planning. With the deployment of LMTs, and the gradual withdrawal of CIMIC teams, KFOR’s focus on returns was observed to reduce, with a correlating reduction in returns activity and rhetoric at municipal level. While the normative pressure on returns was maintained by military actors, it is clear that the focus over time shifted to addressing the needs of the minority communities’ resident in Kosovo rather than those who might (but were unlikely) to return.

As revealed by both the sample and the interviews conducted, KFOR was significantly more effective in achieving compliance associated with minority participation. KFOR activity was characterised by a continuous application of normative

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<sup>730</sup> Interview No. 71. Serbian village leader Donja Gusterica, Lipljan municipality, September 2007.

<sup>731</sup> Interview No. 77. Croatian village leader, Janjevo, September 2007.

pressure on minority participation, and a willingness to experiment with incentives at various levels. Once again, demographic disposition is significant as the Serbian population outside of Mitrovica (shorn of a land boundary with Serbia) were often left with little choice but to engage with the initiatives proposed by the various international actors present. Concomitantly, greatest compliance was identified in areas where CIMIC teams were well staffed and resourced, and where there was a willingness to establish partnerships with international actors and domestic institutions, especially the municipal institutions. While many of the initiatives analysed produced partially compliant outcomes, it should be noted that the costs associated with compliance were generally lower for the majority Albanian community, with the exception of areas like Mitrovica, where the ethnic balance involved was more evenly matched, and where such initiatives were delivered alongside significant security operations. Additionally, the ambition of many of KFOR's projects – that involved the promotion of minority participation – was modest; in some cases amounting to little more the one-off cultural events.

Normative pressure is seen to be at its most effective in KFOR's contribution to KPS training and operational conduct, primarily through daily socialisation with KFOR personnel. In considering the generally compliant outcomes of the KPS, in terms of Serbian participation, it is worth noting that there are geographic as well as structural issues explaining compliance, which qualify the extent to which normative pressure and incentives worked. In respect of the latter, however, it is clear that the successful decoupling of the KPS structure from the political establishment, and the flexibility afforded to KFOR in terms of policing support, allowed the time and space for the OSCE and UNMIK to develop the KPS in the absence of political and operational pressures.

Conversely, such pressures were manifest in the case of the KSF, where the more definite application of incentives, along with normative pressure, did not produce the intended results. The extent to which the Serbian community was engaged in this process is also questionable, and it is a feature of KFOR's engagement in security reform, though the period, that the needs of the Serbian community were often assumed, rather than assured. Drawing on the findings presented in the previous chapter, the argument can also be made that the failure of the international community, led by the SRSG, to uphold the 'Standards for Kosovo' process devalued subsequent applications of conditional incentives, which struggled to gain credibility with both communities.

Finally, the application of conditionality and normative pressure was generally not a feature of military humanitarian assistance. Though Kosovo did provide examples of

instances when humanitarian aid was conditionally linked to returns or the participation of ethnic minorities in emerging state structures, such activities were the exception to the rule, often stimulated by an individual rather than KFOR or TCC policy. Overall, the findings suggest that KFOR adapted its planning processes and capacity to meet the specific requirements of their operational environment. Through the activities of CIMIC teams, LMTs and military commanders', it is evident that in many cases KFOR was able to achieve compliant outcomes, however the nature of those outcomes was in many cases too modest to have a sustainable impact on minority returns and participation during the period analysed.



## Chapter 9

### Conclusion

#### *9.1 Overview of the Dissertation*

In the entrance to the main briefing room in KFOR HQ, Pristina, there hangs a painting depicting a scene from when the first COMKFOR, Gen. Sir Mike Jackson, negotiated with the KLA and Kosovo Albanian leadership regarding the terms upon which NATO would establish control in the province.<sup>732</sup> The dramatic painting captures Jackson, characteristically forthright in delivering terms to the KLA leaders, Agim Çeku and Hashim Taçi. Çeku, leaning forward, is defiantly focused on Jackson, while Taçi reclines stoically – interaction between international and domestic actors in post-conflict contexts is never straightforward. The painting aptly captures the political nature of military intervention, often underestimated or missed in analysis of the military role. In spite of the ambiguity of UNSCR 1244, a commitment to guarantee the protection of the minority Serbian population in Kosovo was central to the terms delivered by Jackson: one of many such commitments sought by the international organisations involved in the post-conflict effort.

This thesis set out to enhance understanding of the military contribution to the delivery of rights-based policies in post-conflict territories, focusing on ethnic minority returns and participation. In answering the questions posed, it considered: the contribution and focus of relevant literature (Chapter 2); the external influences and internal dynamics of engagement by international civil-military actors (Chapters 3 and 4); and the specific scope and influence of military forces on ethnic minority issues in Bosnia and Kosovo (chapters 5 to 8). Presenting the main findings of the research, this final chapter summarises the range and purchase of military engagement with rights-based issues, and the practical and theoretical challenges it presents. It shall also consider the contribution of this thesis to relevant academic literature, and the potential for future research.

#### 9.11 Evaluating the Military Contribution

Adapted from scholarship on the delivery of rights-based policy in CEEC, the research framework accommodated the examination of the military component, the experimental nature of international effort during the period, and the purchase of evolving ideas on:

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<sup>732</sup> See illustration, p. 15.

minority rights, civil-military relations, international administrations, peacebuilding, peacekeeping and SSR. The framework also recognised the context within which ideas and policies on minority rights emerged, and the scope for variation in means of delivery. Beyond ad hoc assumptions, the military were not found to be developing a “military approach” to minority issues *per se*, but exposure to minority rights ideas, through international rhetoric and interaction with international civilian actors, provided the basis for collective and unilateral engagement with specific minority issues.

The selection of minority returns and participation reflected both the prominent rhetorical importance attached to those issues throughout the period analysed, and their particular significance following a conflict defined by inter-ethnic hostility. Recognising the complexity of the military role, the choice of independent variables allowed for a comprehensive analysis of the means of military engagement. The decision to separate the closely-related mechanisms of conditional incentives and normative pressure was based on an adoption of the approach developed by Ikenberry and Kupchan (normative persuasion) and Kelley (normative pressure), which recognised that the hegemonic presence of international organisations lent itself to the application of conditional incentives, and also recognised that the actors within that framework were attempting to encourage compliant outcomes without resorting to “material sanctions and inducements”.<sup>733</sup> This approach was deemed appropriate in order to explore military activity in situations where linkage to incentives was tenuous, or simply not an option. For example, while it was important to consider the enlargement perspective (given its prominence in discourse linked to minority issues, and its potential as a source for conditional incentives), beyond providing a normative framework it did not emerge as a significant reference point for the application of incentives by military actors.

Intended to capture the multi-level interaction aspect of engagement, the dependent variables allowed for the consideration of macro- and micro-level compliance and non-compliance. The decision to expand the analytical framework to include policy implementation, as opposed to policy adoption, was based on the assumption that where international administrations are present, compliant policy on various rights-based issues became an axiomatic part of post-conflict demi-constitutional frameworks. A flexible consideration of implementation (including the potential for behavioural change) was therefore necessary to gain an understanding of the extent to which compliant outcomes

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<sup>733</sup> Kelley, (2004), pp.32-33.

were genuine rather than externally imposed. Regarding the specific contribution of the military, this accommodated examination of CIMIC and similar activities where limited quantitative analysis was possible.

Restricted access to military, particularly NATO documentation, meant that the samples compiled relied for the most part on open sources – predominantly the in-house magazines of IFOR/SFOR and KFOR respectively. However, by crosschecking the findings of the projects sample with interviewees, there was consensus among those interviewed that the findings were reasonably representative of military activity in Bosnia and Kosovo during the periods analysed. Full access to NATO-restricted and confidential documents, and related records retained by TCCs, would allow for a more comprehensive analysis of the military role.

### *9.2 Emerging Themes of Military Engagement on Rights-based Issues*

That the military can act as agents delivering policy on a variety of issues through conditional incentives and normative pressure is for the most part not a feature of literature on the military role. The existing literature has tended to address minority issues from a civilian perspective referring, in the main, to the efforts of organisations such as the UNHCR, or the specific contributions of the many NGOs to emerge over the past 20 years. Insofar as the literature considered focused on the military contribution in post-conflict intervention, it understandably prioritised the security paradigm. Where the civil-military relationship was examined, it tended to be on the basis of a clear division of labour, with the military generally understood as providing security and occasionally logistic support to civilian actors in the course of their activities. The extent to which the military assumed civilian-type roles in post-conflict contexts was generally not considered beyond a discussion of the military's role in delivering humanitarian aid. Similarly, the role of the military within the collective effort on minority issues is understudied. This research begins to address the deficit.

Substantive evidence was identified to support the four arguments regarding military engagement identified in Chapter 1. In the first instance, the research confirmed that military actors from various TCCs were formally and informally engaged with ethnic minority issues at multiple levels throughout the periods analysed. Second, it is apparent that military actors adapted civilian techniques for engagement and policy projection, ranging from the flexible application of existing military planning tools and the development of CIMIC and liaison processes, to the application of solely civilian processes

in cooperation with NGOs and IOs, such as DFID or Irish Aid. Third, through these means of interaction, the military demonstrated a capacity for achieving compliant outcomes. The nature of outcomes achieved – whilst modest in many cases – is nonetheless observed to evolve as military engagement became more formalised and sophisticated. It is clear that the sum of the military contribution to returns and participation processes went beyond the simple provision of secure space. Fourth, and in a different way from existing literature on the subject of military interventions identified in Chapter 2, the findings of this research raise further questions on the appropriateness of military engagement in a specific rights-based context, juxtaposed with the obvious contribution that militaries can make in post-conflict circumstances. Though this thesis did not seek to engage that debate, and acknowledging that there are those (humanitarian and military thinkers) who will remain fundamentally opposed to such activity being carried out by military actors, the narrative is evolving. Approaches such as SSR appear to be positioning themselves to accommodate the idea of more expansive contributions by military forces, based on an understanding of security that recognises both state and human security needs, with the latter arguably allowing for engagement with rights-based issues.

In addition to these areas, two other themes emerged during the research process. In considering the evolution of debate on minority rights, considered in Chapter 2, the findings suggest that the military contribution highlighted here creates the space for more nuanced policy and approaches to emerge on ethnic minority issues in post-conflict territories. Civil-military cooperation on ethnic minority issues demonstrated a capacity for effective engagement, often extending the reach of NGOs and IOs; who continually struggled on account of diminishing resources. Military engagement also demonstrated the potential to add a new dimension to international engagement with minority issues that often struggled to move beyond legalistic discussions of legislative compliance. As one OSCE interviewee put it, “the military can engage on levels that we could never reach; they have the numbers. It is certainly an area worthy of more thought...”<sup>734</sup>

Finally, in considering similar research concerned with the nature of compliance in CEEC, this research did not find notably different outcomes, where they were observed. Unsurprisingly, rationalist logic underpinned by nationalist sentiment held sway, though what the research captured that differs from literature on conditionality and the logics of outcomes, is that post-conflict territories allow for a much more intensive projection of

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<sup>734</sup> Interview No. 43. Former OSCE staff officer, Brussels, February, 2014. This quote was in response to a question on whether the military has a role in delivering policy on minority issues.

norms, sustained by constitutional structures designed to facilitate conditionality, and further strengthened by a degree of socialisation that goes far beyond that observed in CEEC. Post-conflict territories are more challenging, of course, but nothing observed in this research suggested that the applications of models examining the nature of compliant or non-complaint outcomes was inappropriate. With better access to databases and domestic sources there appears to be significant scope for further application.

### *9.3 Explaining Military Engagement and Impact*

In seeking to address the first research question of *why military actors engaged in activities relating to ethnic minority issues*, Chapters 3 outlined the external ‘push factors’ that compelled engagement in the territories and prioritised minority issues in particular. Chapter 4 identified the importance of military progression through phases of post-conflict engagement highlighting both the opportunities and challenges that military units encountered in their attempts to delivery policy and fulfil their mandate. Together they underlined the fact that military units and their leaders could act as agents capable of utilising conditional incentives and normative pressure at multiple levels in respect of rights-based (ethnic minority) issues. From this, a number of specific features were identified that address the second question posed as to why they [the military] *were successful or unsuccessful in achieving compliance with policies for ethnic minority issues in the post-conflict territories of Bosnia Herzegovina and Kosovo*; both unilaterally and within the wider context of civil-military engagement with domestic communities.

#### 9.31 Reasons for Military Engagement

While there was relatively little evidence to suggest that militaries’ formally engaged in a discussion of minority rights policy, they were undoubtedly influenced by the debate associated with minority rights policy development. As Chapters 2 and 3 highlighted, the concept of minority rights evolved considerably immediately prior to, and during, conflict. The inter-ethnic character of the conflict, and the intense media focus, helped to give a profile to minority issues – sustained by strong rhetoric from international (mainly western) political leaders – ensuring that an emphasis on addressing minority issues would figure prominently in any post-conflict settlement. That intent was reflected in the construct of Dayton and, to a lesser extent, UNSCR 1244, and was carried through initiatives such as the Standards for Kosovo and the respective constitutional frameworks for Bosnia and Kosovo. Therefore, policy aimed at ethnic minorities was an important

component of the respective mandates under which international military deployed. Furthermore, in considering why the military became involved in these areas, the initial sections of both case studies highlight that military activity was stitched into the civilian fabric of post-conflict intervention through formal and informal interaction with international administrations, international organisations and NGOs. This intensive and sustained exposure to ideas on ethnic minority issues informed much of the military activity observed in the analysis of military engagement with returns and participation at various levels.

Military commanders attempted to address minority issues for a number of reasons. For some it was felt “the right thing to do”. In many cases it reflected an approach to mission analysis that allowed for the delivery of soft non-coercive measures to achieve their mission. While the practical application of this perspective was initially ad hoc in nature, it was eventually consolidated through the development of CIMIC, KLE and the later development of LOTs and LMTs. In some cases, the personalities of individual commanders, and their knowledge of minority rights issues, was a stimulating factor for engagement. This aspect of military engagement grew more pronounced as civil-military relations on minority issues evolved, particularly that of cooperation with NGOs. It was also noticeable that in many instances, direction regarding engagement with minority issues – notably where CIMIC teams were funded by their own state resources – came from individual TCC capitals.

Military engagement can also be explained by the fact that military representatives were afforded access to, and often direct participation in, many of the international civilian structures established to address post-conflict issues. Additionally, it appears that the military leaders concurred with a general consensus that engagement with ethnic minority issues was essential to the peacebuilding effort. In both cases, NATO forces were incorporated in the activity of the temporary commissions and other bodies established to address minority property rights issues. For example the “Housing and Property Directorate”, established by UNMIK, was mandated to keep KFOR informed of “specific issues relating to property rights”.<sup>735</sup> In Bosnia, the OHR worked closely with IFOR and SFOR, through various commissions and bodies such as the Freedom of Movement Task Force. Though that interaction was at times modest, the associated impact of such

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<sup>735</sup> “The Establishment of the Housing and Property Directorate and the Housing and Property Claims Commission”, UNMIK, (1999), <http://www.unmikonline.org/regulations/1999/reg23-99.htm> (accessed 14 September 2015). UNMIK/REG/1999/23, 15 November 1999

initiatives on military planning and engagement elsewhere was significant, as it often informed the context within which military endeavours succeeded or failed.

### 9.32 Means of Military Engagement

Chapter 1 identified five means through which incentives linked to minority policy were delivered in post-conflict Bosnia and Kosovo: humanitarian aid, development finance, transfer of power, capacity building and technical support, and membership incentives. Utilising humanitarian assistance, CIMIC, KLE, and SSR projects, military actors were engaged in activities in all of these areas, with the purchase of incentives and the extent of military participation changing through the phases of post-conflict intervention. Underlining the importance of the relationship between available means and the application of conditional incentives and normative pressure, the samples compiled show that the military did apply conditional incentives linked to policy compliance on returns and participation. The range of application was found to vary between 9% and 47%, depending on the issue, time of delivery and capacity of the military unit in question, CIMIC or otherwise. In most cases, incentives were delivered through projects involving development aid or SSR capacity building and technical support.

Where the military were involved in delivering financial aid for humanitarian purposes – generally related to infrastructure and reconstruction projects – with very few exceptions, no conditions were attached. That dynamic changed with the transition to state and nation-building, and the emergence of military CIMIC operations where the provision of financial aid was linked to compliance on a range of policies, including on minority returns and participation. The purchase of financial aid linked to military activity is seen to evolve and decline during the state- and nation-building phase. As key reconstruction targets were met, authority for domestic issues was increasingly transferred to domestic-led institutions: capacity building and technical support became the preferred means of engagement. It should also be noted that the scope for military interaction decreased continuously as troops were withdrawn, and operational tasks became increasingly restricted.

The scale and ambition of military projects varied considerably from one-off events in small schools to ambitious and multi-phased reconstruction projects and business incentives schemes. The application of ‘transfer of power’ incentives was identified in some projects where municipal cooperation was required, and where there was strong input from international administrations or NGOs. In considering these findings, it is worth

highlighting lacunae between civilian and military understanding of their respective roles. For many civilian and some military staff interviewed, CIMIC was seen as simply a coordination mechanism. However, CIMIC, as understood by most military practitioners, is designed to assist the commander in fulfilling his/her mission (to generate an effect), and is therefore inherently conditional in both concept and application. In considering the opportunities presented by post-conflict environments, there was evidence to show the effectiveness of military CIMIC and civilian agencies combining: the OBNOVA fund in Bosnia was one such example of effective cooperation. The potential of such cooperation was seen to evolve over time in both cases – it was not there from the start in either case. Responding to formal and informal pressure to act, the military were found to have applied normative pressure relating to returns and participation at all levels, from the elite level engagement of the force commanders, to interaction with political leaders at municipal levels, down to the village leaders. Once again, this form of interaction became semi-formalised by development of concepts such as “key leader engagement”.

From the military perspective, the contribution to defence, and to a lesser extent policing reform, provided the primary context for the application of incentives linked to the transfer of power. The insistence on minority representation and participation in post-conflict security structures was partially successful in both Bosnia and Kosovo. In developing incentives linked to minority participation, NATO leveraged a range of technical support and policy options, such as offers to participate in training programmes, or the potential to contribute to peacekeeping or other international security operations.<sup>736</sup> Conversely, NATO’s frustration with the nature of compliance on Serbian participation in the KSF, and the abuse of ceremonial privileges, led to certain capacity programmes being suspended.

While the military application of normative pressure regarding membership conditionality was a feature of interaction, with the exception of defence reform initiatives, the author found little evidence of military application of incentives linked to membership. Incentives linked to membership were confined to NATO’s linkage of defence reform in Bosnia to membership of the PfP and progression towards an MAP. For the most part, beyond a continuation of normative rhetoric through key leader engagement, membership incentives were predominantly delivered by civilian means. While the military were found

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<sup>736</sup> One former OSCE officer commenting on his Bosnian experience noted that such was the attractiveness of some courses that some people continuously registered for courses they had already completed: a practice that was eventually phased out. Interview No. 41. Senior staff member of the OSCE, Sarajevo, July 2013.



to be capable of participating in the delivery of incentives linked to membership of NATO and EU, the potential of a military contribution was generally not considered. Additionally, as membership processes gathered pace in the latter part of the periods examined, military capacity to contribute was limited by reduced troop numbers and restricted mandates.

### 9.33 The Military Effect on Compliance: Successes and Failures

Acknowledging the particular challenges of measuring outcomes in post-conflict contexts, the information compiled for this research allows for a number of conclusions to be presented. To varying degrees, both Dayton and UNSCR 1244 provided the standard for policy on minority issues, including returns and participation. Through the OHR and UNMIK, policy relating to ethnic minority issues became a de facto part of the interim administration of each territory. Though institutions of self-governance and detailed policies on returns and minority participation emerged in the new indigenous frameworks, formal and informal international influence remained a pronounced feature of the governance environment. While Dayton and UNSCR 1244 set the standard, the case studies demonstrate that civil-military actors had significant scope to experiment with a variety of means intended to address returns and participation issues. As noted in Chapters 3, 4, 5 and 7, the factors influencing that dynamic came from numerous external and internal sources.

In explaining why the military were successful or unsuccessful in delivery policy on ethnic minority issues, and achieving compliant outcomes, and testing the hypothesis outlined in Chapter 1, this research identified five overlapping features. In the first instance, military engagement with ethnic issues was stimulated by an emerging international discourse (predominantly western) on minority rights that focused on the need to address the ethnic aspects of conflict in the Western Balkans. That discourse, reinforced through the media, and to varying degrees enshrined in Dayton and UNSCR 1244, served to influence military planning and decision-making processes as they identified ethnic issues as key “tasks” to be addressed. Furthermore, military engagement with ethnic minority issues was facilitated by post-conflict civil-military structures that allowed for military representation at almost all levels, including civil bodies intended to address minority issues. While the initial logic for military representation was to address and coordinate the security aspects of ethnic issues, over time these bodies served to facilitate the diversification of military engagement, including facilitating joint civil-military projects with both international and domestic NGOs and domestic institutions. It is

clear that exposure to domestic political leadership and ideas on minority rights engagement further influenced the application of CIMIC projects by some military actors. Accordingly, the structural and conceptual environment identified in Chapters 3 and 4, was observed to be conducive to military engagement with ethnic issues.

Second, the sheer scale of military deployment in Kosovo and Bosnia afforded military actors the reach and presence that allowed for multi-level interaction. Additionally, NATO forces were often tasked to cover gaps in civilian capacity, including policing or information gathering, thereby bringing military actors further into the civilian apparatus of post-conflict engagement. NATO's conceptualisation of that engagement was tenuous, and while doctrine on areas such as CIMIC and defence reform emerged, it was deliberately vague, necessarily accommodating the divergent views of TCCs and, to an extent, civilian partners (IOs and NGOs) as to what amounted to appropriate engagement. Chapters 6 and 8 demonstrate clearly that military engagement with ethnic minority issues, and the success or otherwise of that engagement, depended greatly on the TCC involved, ranging from the highly progressive and evolving (Finnish military) to the consciously limited (US military).

Third, responding to the demands for action outlined above, military actors adapted their planning processes to engage on ethnic minority issues. This was most apparent in CIMIC projects, and through the various means of coordination and liaison, such as KLE, PSYOPS, LMTs and LOTs. These means often facilitated the application of conditional incentives and normative pressure, and were observed to evolve in complexity and scale over time. While that willingness to experiment was laudable, in many ways it also exposed gaps in military knowledge of ethnic minority issues, manifested in poorly devised projects, unfulfilled promises, and deficiencies in coordination with international and domestic partners. Similar to humanitarian assistance, military engagement in these areas was not always appreciated or welcomed, particularly by some NGOs.

Fourth, the military role in defence and policing reform facilitated opportunities for the application of incentives and normative pressure through intensive socialisation – training, policy guidance, etc. Linkage to membership conditionality was found to be most pronounced in defence reform initiatives. However, despite the generally accepted progress in constituting the KSF and Bosnian Armed Forces, linkage to policy on participation often fell short of the targets set. By the end of the period analysed, the successfully-integrated headquarters elements of the Bosnian Armed Forces remained in command of mono-ethnic battalions. While that outcome can be considered as partially compliant, Serbian

participation in the KSF was found to be all but non-existent, in spite of persistent civil-military pressure for more progressive engagement by the PISG, and later the Government of Kosovo. That this weakness was observed in turn points to deficiencies in the political process that saw the credibility of international administrations increasingly questioned over time.

Fifth, though the military were not impervious to questions concerning their credibility as actors in Kosovo and Bosnia, they did not appear to incur the same degree of dissatisfaction as the civilian elements of international administration. The separation of military and civilian roles identified in Dayton, and the pillar structure designed to implement UNSCR 1244, gave a certain freedom to military actors. Though military contributions to elite level discussions of ethnic minority issues were observed, there is little evidence to show that it was a significant contributory factor encouraging compliant outcomes. With relatively few exceptions – the actions of certain NATO commanders – the military effort was not prominent at elite levels on minority issues, apart from areas relating to defence reform. However the localised nature of military engagement did facilitate compliant outcomes at municipal and sub-municipal levels, even as the wider processes of international engagement (such as the Standards for Kosovo process) were observed to flounder. Admittedly, many of the compliant outcomes identified in Chapters 6 and 8 were either modest in ambition and reach or short-lived, their sustainability undermined as they eventually succumbed to the wider dynamics of inter-ethnic politics. Additionally, within the timeframe applied, initially compliant outcomes unravelled where the international civilian and military presence withdrew, or where nationalistic traits in local political behaviour became more pronounced. This was also representative, in both territories, of an increasing reluctance by military and many civilian actors to apply incentives to minority issues. Regardless of the combined civilian and military effort – over a decade of interaction between international organisations and multiple actors in each of the territories assessed – and the clear commitments outlined in treaty documents and UNSCRs, towards the end of the period reviewed the situation of significant numbers of displaced minority families remained unresolved.<sup>737</sup>

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<sup>737</sup> After the re-registration process conducted in Bosnia and Herzegovina in 2007, it was found that 10,000 refugees and 135,000 IDPs remained to return. At the same time, Serbia had 98,500 refugees and 207,000 IDPs (including those who fled conflicts in Croatia, Bosnia and Kosovo); and Kosovo had 21,000 IDPs. See “Situation of Longstanding Refugees and Displaced Persons in South Eastern Europe”, Council of Europe, (2007), <http://www.refworld.org/pdfid/465c42092.pdf> (accessed 14 September 2015).

Finally, regarding the utility of the military application of conditional incentives and normative pressure, no evidence was found that normative pressure alone resulted in compliant outcomes, though in many cases intensive periods of normative pressure often went together with the offer of specific incentives; increasing the likelihood of compliant outcomes. Full compliance with the conditions set by the military on a specific policy identified during interaction was only identified in small-scale projects related to participation, which tended to have a short-term impact. Partially compliant outcomes were found in a range of 10% to 40% of cases analysed, once again depending on the issue, time of delivery, military capacity applied and domestic capacity to respond. In considering the nature of these outcomes it is notable that they were almost always associated with the provision of financial incentives which as the post-conflict effort transitioned were increasingly complemented by incentives based on technical support and transfers of power. Though membership incentives were referenced in the context of the SAA and PfP processes in Bosnia and the STM process in Kosovo, the findings suggest that it was only in the context of Bosnian defence reform that they had traction; the extent of which was difficult to quantify. Interviews with domestic and international staff alike revealed that the strength of incentives and normative pressure applied were often countered by strong kin-state direction, prevailing mono-ethnic/nationalistic discourse, security concerns, local political dynamics, and in many cases a limited (or non-existent) capacity to deliver or sustain compliant outcomes.

In considering the nature of compliance, for both returns and participation, there was only modest evidence to show that anything other than rationalist bargaining logic prevailed – exceptions were groups such as the Coalition for Return, which arguably exhibited lesson-drawing characteristics. On returns, the change in civilian approach over time, from one of actively encouraging and incentivising returns, to one of sustainable outcomes, reflected the fact that many potential returnees were increasingly inclined to turn their back on returns processes. As a result, military engagement with returns was found to decrease significantly after five years in both cases. Behavioural change was identified in only a handful of cases, and was often as attributable to geographic and local cultural ties as to the impact of normative pressure and incentives delivered by military personnel.

Other factors identified lay beyond the military sphere of influence. For example, domestic implementation of policy was often compounded by the absence of impartial dispute resolution mechanisms, be they judicial, quasi-judicial or administrative. Pre-

conflict legacy issues, in particular ambiguous questions of ownership, also impacted at various times on the success of international engagement. For example, UNMIK was initially focused on dealing with institutionalised, even societal, amnesia relating to property transactions: a legacy from Serbian governance in Kosovo.<sup>738</sup> Similar trends were observed in Bosnia. Over time, this evolved into various types of domestic institutional intransigence, or obstruction of initiatives intended to address the aspects of minority returns: Republika Srpska's subversive law on Use of Abandoned Property 1996;<sup>739</sup> or the planning decisions and deficits in oversight of illegal construction by Kosovo-Albanian dominated municipalities identified in Chapter 8.

In spite of new ideas and methods, an inability to fully implement international policy initiatives exposed the credibility of the civil-military effort. Though it was common practice to link minority returns and participation to various policies, and more generally to the transfer of power, most interviewees admitted that incentives lacked determinacy and were often delivered in the absence of the required compliance, in order to "keep the process moving".<sup>740</sup> The Standards before Status process in Kosovo was particularly criticised in this regard.<sup>741</sup> Policies such as the opening of trade, IPAP or STM talks, capacity and technical support through organisations such as the EAR, or through twinning initiatives, but most particularly the transfer of power or authority, were in most cases delivered without gaining compliance related to minority issues.

Inter-state kin-state influence was not found to be a significant factor in Bosnia, beyond the first phase of intervention, though the Federation and Republika Srpska both attempted to influence the progress of policy regarding "their" minority group presence in each other's territories. Kin-state influence was found to be a significant factor for Serbian communities in Kosovo. While evidence of change was found with the gradual increase of partially-compliant outcomes in the Gracenica municipality, the predominance of kin-state influence in Mitrovica persisted throughout the period analysed, with the effect that though compliant outcomes were achieved by civilian and military means, they were almost always limited in terms of scale, impact and sustainability.

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<sup>738</sup> Ibid.

<sup>739</sup> Leckie, (2005), p. 13. Pressure exerted by UNHCR, the Office of the High Representative (OHR) and others (primarily the OSCE), led to the repeal of this and other discriminatory laws.

<sup>740</sup> Interview No. 8. Former staff member of EU Mission to Kosovo, Brussels, February 2014.

<sup>741</sup> Ibid. "it was a complete charade designed to buy time while the main powers decided what to do about status".

#### *9.4 Research Contribution: A military 'Right' of Passage?*

The findings identified in this research address gaps in the literature concerning the military role in delivering rights-based policies, and afford new insight into the purchase of conditional incentives and normative pressure, in post-conflict contexts. Military forces were engaged in delivering policy on ethnic minority issues, with both successful and unsuccessful outcomes. The findings also provide an alternative perspective from which to consider the application of normative pressure related to enlargement policy – with the potential (though unproven in this case) for membership incentives to be applied by military actors. They also offer a perspective of domestic compliance with policy on ethnic minority issues at all levels. By considering the potential for compliance through phases of post-conflict interaction alongside a focus on policy implementation at municipal and sub-municipal levels, the findings add depth to the literature on minority rights in general, and post-conflict minority rights development in particular.

Additionally, the methodological process applied, highlights the adaptability of methods developed for analysis in CEEC, both in terms of their application in a post-conflict context and their compatibility with other analytical tools, particularly those emerging from SSR literature. The outcomes identified reinforce arguments developed in CEEC regarding the purchase of rationalist, cost-benefits perspectives among domestic actors on minority issues. Additionally, the research recognised that policy linked to conditional incentives at local levels could achieve compliant outcomes, even if the sustainability of those outcomes was open to question. A domestic willingness to be pragmatic – on basic issues linked to housing, services and security etc. – particularly during the stabilisation and reconstruction phase, suggests an openness to policy on ethnic minority issues that was perhaps surprising, given the recent memory of ethnic conflict. The membership perspective, though ever-present in international and domestic discourse, did not emerge as a significant option for conditional application until the latter part of each case study; and even then in a limited capacity.

Though the military role in delivering policy on ethnic minority issues was modest in the broader context of international engagement, the fact that it was a role that militaries assumed raises questions of appropriateness that adds a further layer to the already complex debate on the role of the military in the humanitarian sphere. This feature was compounded still further by the finding that the reduction of international presence (and therefore records) was not necessarily matched by an increase in domestic records on the

medium- to long-term effectiveness of the projects delivered by military actors, and the related compliance with policy on returns and participation.

Overall, the research sheds light on the nature of multi-level interaction in post-conflict territories recognising that military units can play an often key and innovative role in the collective international effort on rights-based issues.<sup>742</sup> It has found that minority rights policy, such as it existed at the time, had not yet been adapted for delivery in post-conflict situations, instead emerging in an ad hoc fashion through treaty agreements, policy initiatives and even in military planning processes. In different ways the findings also serve to reinforce concerns evident in minority rights literature about the securitisation of minority narratives; an area worthy of further consideration. Nonetheless, it is evident that post-conflict environments greatly expanded the opportunities for the application of conditionality and normative pressure, including the potential for compliant outcomes on ethnic minority issues. While an assessment of the sustainability of outcomes was beyond the means of this research, its consideration would add depth to future research in the area.

### *9.5 Future Research*

In spite of the legitimacy debate regarding the military role in “civil” areas, the military is, and is likely to remain, an active player on humanitarian and rights-based issues. Recognising the fact that the military frequently find themselves with a role to play on rights-based issues, there is merit in exploring the nature and scope of military activity beyond questions concerned with legitimacy and appropriateness. Chapter 2 highlighted significant scope for such research, to analyse what happens, not just whether it should happen.

While this research focused on specific ethnic minority issues, the approach taken could be adapted for other rights-based issues in post-conflict environments. The author is aware of recent doctrinal development<sup>743</sup> and military engagement across a spectrum of human rights issues in a variety of operational contexts, to which a similar approach could provide valuable insight into a novel and still relatively new feature of military engagement.

A multi-case study analysis of military engagement in various different theatres would add weight to the findings produced here – including a broader consideration of the

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<sup>742</sup> Current military revaluations of CIMIC – following Iraq and Afghanistan – risks endangering some of the means of engagement developed in Bosnia and Kosovo.

<sup>743</sup> For example UK stabilisation doctrine (JDP 3-40) published in April 2010.

importance, or otherwise, of the enlargement perspective and context. Building on peacebuilding and SSR scholarship of the last ten years, an investigation of the sustainability of the outcomes achieved by military engagement in minority and related issues would be beneficial both in terms of intellectual consideration of the role played by military force, and the extent to which it could inform policy development in military and civilian planning. While this research focused on the military role within a broad civilian context, a more direct comparison of military and civilian means on minority issues could consider the potential of civil-military cooperation in post-conflict environments, while also informing the substance of future collaborative actions. From a military perspective, the findings could be used as the basis for future analysis of the roles and function of military forces in post-conflict operations. The question as to whether the military activity analysed is an appropriate role for modern military forces remains to be addressed by the literature.

The importance of future research relating to minorities in the region is underlined by the findings of a UNHCR report on Bosnia, published in 2012, that stated:

In theory, refugees have access to education, health care, employment and social welfare services under the same conditions as nationals, but in reality such access is limited. Refugees who wish to integrate locally find it extremely difficult to obtain residence permits.<sup>744</sup>

As minority rights literature and practitioners increasingly focus on implementation strategies, this research should serve as a useful standing point for consideration of some of the options for delivering effective policy on minority issues in complex post-conflict environments. This thesis has demonstrated that military actors – for many reasons – can and do play a substantive role in delivering rights-based policies in post-conflict areas. Moving beyond consideration of military assistance in delivering humanitarian aid and abstract ideas of “winning hearts and minds”, both case studies provided sufficient evidence to demonstrate that over time military actors have become increasingly aware of their capacity for engaging in activities beyond their traditional core competences – in this instance, directly engaging in encouraging and incentivising compliance with policy on ethnic minority issues. That the military can and do assume this role is clear: whether they should, is perhaps the key question for future research.

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<sup>744</sup> UNHCR, (2012), p. 249. <http://www.unhcr.org/4ec23109a.pdf> (accessed 14 September 2015).



## Appendices

### Appendix I – Membership Aspirations and Progress.

	EU	NATO	OSCE	CE
<b>Kosovo</b>	STM – Application pending	Application pending	Application pending	Application pending
<b>BiH</b>	SAA – June 2008	Application pending PfP 2006; IPAP 2008 + Intensified Dialogue	Member 1992	Member 2002

## Appendix II – Operationalising Independent Variables

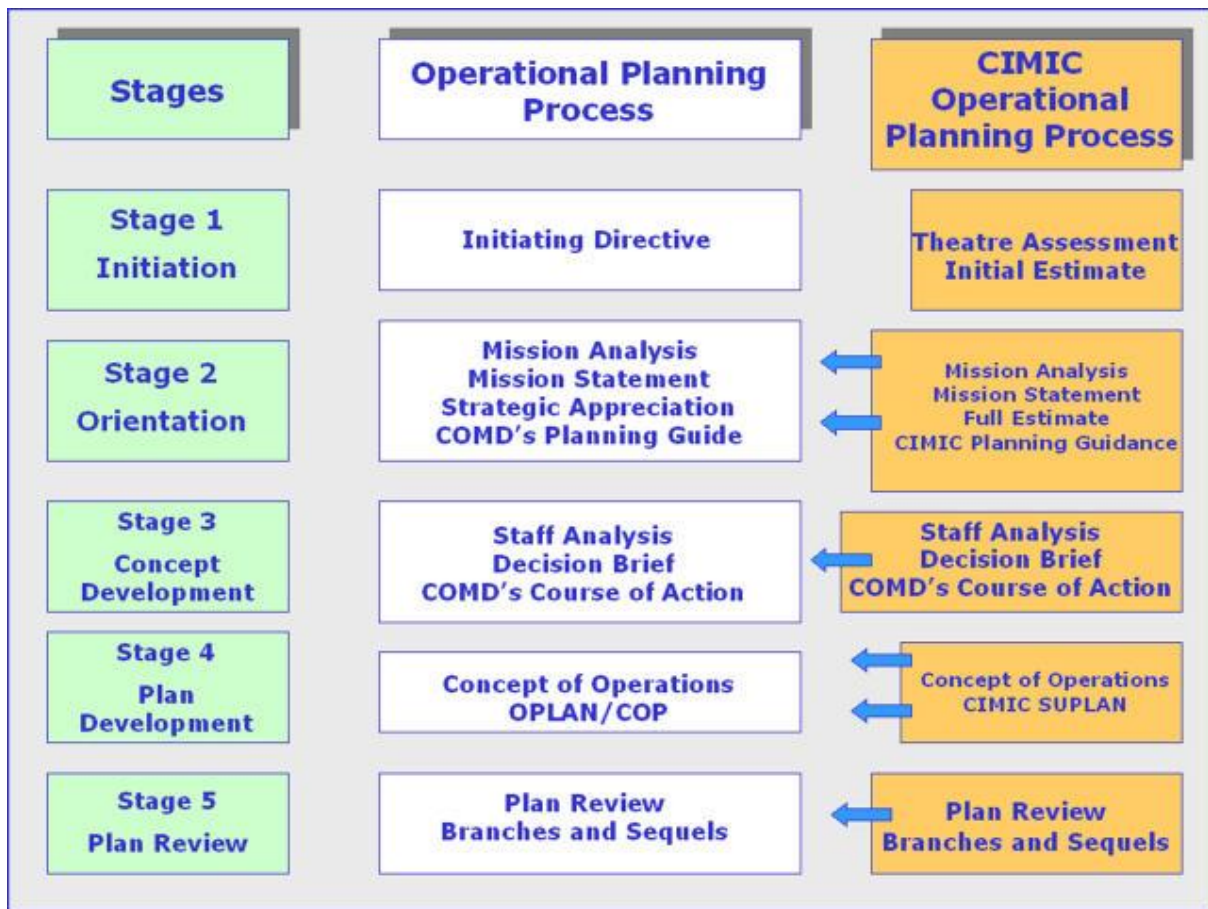
	<b>Mechanism Delivery (Conditionality &amp; Normative Pressure)</b>	<b>Mechanism Reception</b>	<b>Outcome Observation (Policy Behaviour &amp; Implementation)</b>
<b>Military Actor</b>	Humanitarian Aid Incentives Development Incentives Membership Incentives Power Incentives Capacity & Technical Support	Credibility Temporal Resilience Cost/benefit assessment Appropriateness	Returns Political & Institutional Participation
<b>Domestic Factors</b>	International Administration NGOs	Identification with International Organisation or military actor Institutional Capacity	Returns Political & Institutional Participation
<b>External Factors</b>	Discourse & experimentation Personalities Media discourse and agenda setting Kinstate	Articulation of norms during conflict Post-conflict mandates	Returns Political & Institutional Participation

### Appendix III – Operationalisation of Compliant policy behaviour and Implementation

Returns	Compliant Policy Behaviour (Response to military incentives and normative pressure)	Policy Implementation (Programmes, activities and outcomes)
<b>Compliant</b>	Full agreement with the conditions outlined by military actors at the point of engagement. <b>(Agreement to facilitate returns)</b> Open collaboration with military actors in delivering on the terms of an agreement. <b>(Evidence of work towards facilitating returns)</b>	Implementation of the terms of the agreement* within the agreed timeframe. <b>(Evidence of returns)</b> Sustainment of the agreement following the departure of the military. <b>(Evidence of sustainable returns)</b>
<b>Partially compliant</b>	Partial agreement with the conditions outlined by military actors at the point of engagement. <b>(Limited agreement to facilitate returns)</b> Limited collaboration with military actors in delivering on the terms of an agreement. <b>(Evidence of work towards facilitating returns)</b>	Partial implementation of the terms of the agreement within the agreed timeframe. <b>(Evidence of returns)</b> Sustainment of the agreement following the departure of the military. <b>(Evidence of sustainable returns)</b>
<b>Non-compliant</b>	No agreement with the conditions outlined by military actors at the point of engagement. <b>(Refusal to facilitate returns)</b> No collaboration with military actors in delivering on the terms of an agreement. <b>(Evidence of refusal to work towards facilitating returns)</b>	Obstruction of military efforts to encourage returns. <b>(Evidence of obstruction)</b> Sustained obstruction of military efforts to encourage returns <b>(Evidence of sustained obstruction)</b>
Ethnic minority participation	Compliant Policy Behaviour (Response to military incentives and normative pressure)	Policy Implementation (Programmes, activities and outcomes)
<b>Compliant</b>	Full agreement with the conditions outlined by military actors at the point of engagement. <b>(Agreement to facilitate participation)</b> Open collaboration with military actors in delivering on the terms of an agreement. <b>(Evidence of work towards facilitating participation)</b>	Implementation of the terms of the agreement within the agreed timeframe. <b>(Evidence of participation)</b> Sustainment of the agreement following the departure of the military. <b>(Evidence of sustained participation)</b>
<b>Partially compliant</b>	Partial agreement with the conditions outlined by military actors at the point of engagement. <b>(Limited agreement to facilitate participation)</b> Limited collaboration with military actors in delivering on the terms of an agreement. <b>(Evidence of work towards facilitating participation)</b>	Partial implementation of the terms of the agreement within the agreed timeframe. <b>(Evidence of participation)</b> Sustainment of the agreement following the departure of the military. <b>(Evidence of sustainable participation)</b>
<b>Non-compliant</b>	No agreement with the conditions outlined by military actors at the point of engagement. <b>(Refusal to facilitate participation)</b> No collaboration with military actors. <b>(Evidence of refusal to facilitate participation)</b>	Obstruction of military efforts to encourage participation. <b>(Evidence of obstruction)</b> Sustained obstruction of military efforts to encourage participation. <b>(Evidence of sustained obstruction)</b>

*\*Reference to an 'agreement' includes military reference to policy on returns and participation developed by relevant international organisations and local policy arrangements where the military often in collaboration with NGOs presented their own version of returns policy for compliance.*

**Appendix IV – NATO Military Planning Process**



## Appendix V – Kosovo Sample

Ser. No.	Date	TCC Lead & Activity	KFOR Classification	Conditional Incentives	Normative Pressure	Compliance	Remarks
1	SEPT 99	Turkish medical support and refuse collection	HA	N	Y – minority participation	N	Multiple locations
2	OCT 99	Spanish winterization programme	HA	N	N	N/A	Multiple locations
3	OCT 99	Dutch water provision	HA	N	N	N/A	Orahovac
4	NOV 99	UK winterisation programme	HA	N	N	N/A	Pristina
5	NOV 99	UK winterisation programme	HA	N	N	N/A	Potoc
6	NOV 99	French winterisation programme	HA	N	N	N/A	Vidishiq. In cooperation with World Vision
7	NOV99	Swedish provision of tented shelter	HA	N	N	N/A	Keqekolla
8	NOV99	German clothing provision	HA	N	N	N/A	Leskovac
9	NOV 99	Irish winterisation programme	HA	N	N	N/A	Multiple locations. In cooperation with UNHCR.
10	DEC 99	UK winterization programme	HA	N	N	N/A	Potoc
11	DEC 99	KFOR Road reconstruction	CS	N	N	N/A	Multiple locations
12	DEC 99	Belgian medical support	HA	N	N	N/A	Podujevo

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13	DEC 99	Electricity supply project	CS	Y – technical support contingent on Albanian and Serbs working together to support the project	Y – minority participation	P – Low levels of cooperation from both sides within ad hoc structures created by KFOR to oversee the project	Mitrovica. Short term project with no long term impact regarding minority participation
14	DEC 99	German support for orphanage	HA	N	N	N/A	Pristina
15	DEC 99	KFOR Medical support	HA	N	N	N/A	Susica. Medical teams from various TCCs
16	DEC 99	French Mine awareness education	HA	N	N	N/A	Banja
17	DEC 99	Norwegian school reconstruction	CS	N	N	N/A	Plementina. Ethnic-Albanian school.
18	JAN 00	KFOR support for University of Pristina medical training unit	CS	N	N	N/A	Pristina
19	JAN 00	German clothing project	HA	N	N	N/A	Pristina
20	JAN 00	Irish clothing project	HA	N	N	N/A	Stimlje
21	MAR 00	Irish clothing project	HA	N	N	N/A	Stimlje
22	APR 00	Italian inter-community liaison initiative	N/S	N	Y – minority participation	P – limited participation from both	Vasiljka. Project not sustained beyond 2000

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23	MAY 00	Finnish school assistance	HA	N	Y – minority participation	ethnicities. N/A – School in question was already multiethnic in composition	Janjevo. Predominantly Croat and Albanian in ethnicity with very small Serbian, Egyptian and Ashkali population
24	APR 00	US trade project. Serb produce to Albanian markets	CIMIC	N	Y – minority participation	P – Vitina Co-op agreed to purchase Serb potatoes through US mediation.	Vitina in cooperation with Vitina co-op. Serb minority relations with the co-op were maintained.
25	AUG 00	German schools supplies	HA	N	N	N/A	Kosta Racin
26	OCT 00	Norwegian medical centre	CS	N	Y – minority participation.	N – Serbian returns did not occur to facilitate participation	Gllanaselle. In cooperation with Norwegian Aid Committee
27	OCT 00	Greek agriculture project	CS	N	N	N/A	Urosevac/Ferizaj
28	MAR 01	German clothing provision	HA	N	N	N/A	Pristina
29	APR 01	Greek humanitarian supplies	HA	N	N	N/A	Urosevac/Ferizaj
30	JUL 01	German water supplies	HA	N	N	N/A	Pristina

31	NOV 01	Spanish returns project	CIMIC	Y – financial incentives and reconstruction	Y – minority returns and participation	P – 145 Serb returns out of a pre-war population of 1850	Osojane. Project initiated by the CIMIC team. Later supported by International Organisation for Migration
32	SEPT 01	Norwegian democratization project.	CS	N	Y – minority participation	P- minorities engaged in ad hoc forum established by Norwegian KFOR	Pristina. Project was not sustained beyond 2001
33	NOV 01	Norwegian municipal returns project	CS	Y – provision of funds and reconstruction related employment	Y – minority returns	P – Serb minority engaged in ‘go and see’ visits. Some gave commitments to return	Stimlje. In cooperation with Norwegian Refugee Council.
34	DEC 01	Italian school provisions and twining project	HA	N	N	N/A	Vok
35	DEC 01	Finnish road reconstruction	CS	N	N	N/A	Lipljan
36	FEB 02	French children’s clothing provision	HA	N	N	N/A	Tusilje
37	FEB 02	Spanish childrens education programmes	CS	N	N	N/A	Istok
38	FEB 02	Spanish reconstruction for returns	HA	N	Y – minority returns.	P – Serbian families participation in	Istok – No data found on whether returns



							‘go and see’ visits. Five Serbian persons returned to oversee the reconstruction of their property	were sustained
39	FEB 02	USA clothing programme	HA	N	N	N/A	N/A	Feriza/ Urosevac
40	FEB 02	French support for multi-ethnic school	HA	Y – support contingent on agreement to share facilities	Y – minority participation	P – Ethnicities agreed to share facilities		Ponesh/Pones
41	MAR 02	Moroccan medical support	HA	N	N	N/A		Mitrovica. Maternity facilities.
42	MAR 02	KFOR medical support	HA	N	N	N/A		Laplje Selo. Multiple TCCs involved.
43	MAR 02	German schools (kindergarden) assistance	CIMIC	Y – financial and technical assistance contingent on both minorities sharing the facility	Y – minority participation	P – Ethnicities agreed to share facilities. Facilities were initially shared		Prizren. Serbian participation in the kindergarden was not sustained beyond 2002
44	MAR 02	German water project	CIMIC	N	N	N/A		Lubizdha. In cooperation with Oxfam.
45	APR 02	Finnish education initiative	CIMIC	Y – financial and technical assistance contingent on participation of	Y – minority participation	P – project supported by Albanian and Serb members of the KPS.		Lipljan. In cooperation with KPS. Project was not sustained beyond the

				both communities		Representatives of both communities also participated during the initiation of the project	rotation of the Finish contingent in Lipljan
46	APR 02	German aid packages	CIMIC	N	N	N/A	Prizren
47	MAY 02	Norwegian sports park construction	CIMIC	Y – construction contingent on agreement from both ethnicities to share facility	Y – minority participation	P – initial agreement was secured from both ethnicities to share facilities	Obilic. No data found on whether agreement was sustained beyond 2002.
48	MAY 02	German reconstruction of electricity transformer	CS	N	N	N/A	Prizren
49	MAY 02	Spanish returns project	CIMIC	Y- financial support contingent on agreement from both sides to support the initiative	Y – minority returns.	P - Serbian families participation in ‘go and see’ visits. Eight Serbian persons returned to oversee the reconstruction of their property	Osojane valley: villages of Zveccam, Osojane, Prepanie, Tucep and Salinovica. Interviews indicated the some returns (unspecified) were sustained in these areas
50	MAY 02	Spanish support for university microbiology	CS	N	N	N/A	University of Pristina. In cooperation with

		laboratory					Institute Joan Lluís Vives Mitrovica. Market required high levels of security. Initiative was not sustained for a number of months
51	MAY 02	French promotion of multi-ethnic market place	CIMIC	Y – financial support for operation of market contingent on agreement from both ethnicities to share the facility	Y – minority participation	P – participation from Albanian and Serbian traders	
52	JUN 02	Italian bridge reconstruction	CS	N	N	N/A	Gorni Petric
53	JUL 02	USA school support	HA	N	N	N/A	Bordhosh
54	JUL 02	German support of library	CS/CIMIC	N	N	N/A	Urosevac
55	JUL 02	Italian children's toy project	CIMIC	N	N	N/A	Djakovica
56	AUG 02	UK community sale	CIMIC	Y – financial support contingent on both sides participating	Y – minority participation	Y – both communities participated in sale as vendors and purchasers	Devet Jugovica. Not sustained, one off event.
57	AUG 02	USA School supplies	HA	N	N	N/A	Brod
58	AUG 02	German School reconstruction	CIMIC	N	N	N/A	Krushë e Vogel. In partnership with German Rotary Club
59	AUG 02	Moroccan medical support	HA	N	N	N/A	Grace. Provision of vaccinations.
60	AUG 02	Polish medical supplies	HA	N	N	N/A	Urosevac, Ferizaj, Kacanik

61	AUG 02	Spanish multi-ethnic markets	CIMIC	N	Y – minority participation	P – participation of Serbian women in markets.	Pec, Decane and Djakovica. Interviews indicated that participation was sustained at modest levels
62	SEPT 02	German flood relief	HA	N	N	N/A	Prizren
63	NOV 02	Italian support for multi-ethnic radio service	CIMIC	N	Y – minority participation	P – Initial agreement by both ethnicities to support the service	Various locations. Serb participation was not sustained in majority Albanian areas
64	NOV 02	Italian multi-ethnic market	CIMIC	N	Y – minority participation	P – small numbers of Serbs attended the market	Klina. Modest Serbian participation was maintained.
65	DEC 02	French children's supplies	CIMIC	N	N	N/A	Mitrovica
66	DEC 02	Moroccan medical support	HA	N	N	N/A	Mitrovica
67	FEB 03	USA multi-ethnic volley ball tournament	CIMIC	N	Y – minority participation	P – two Serbian teams participated in event	Pristina – one off event. Not sustained
68	APR 03	French Aid to Roma community	CIMIC	N	N	N/A	Priluzje
69	MAY 03	French multi-ethnic concert	CIMIC	N	Y – minority participation	P – both ethnicities attended concert in good numbers	Mitrovica. Concert stage was on the bridge over the

						but viewed from either side of the Ibar river	Ibar. One off event
70	MAY 03	Moroccan medical support	HA	N	N	N/A	Various locations.
71	MAY 03	Finnish road reconstruction	CIMIC	N	N	N/A	Lipljan
72	JUN 03	KFOR multinational school supplies (Multiple TCCs)	CS	N	N	N/A	Various
73	JUN 03	French support for local NGOs	CIMIC	Y- construction of two social centres contingent on minority participation in NGOs	Y – minority participation	N – No evidence of minority participation in the facilities	Mitrovica. Centres located on either side of river Ibar in Serb and Albanian majority areas
74	JUN 03	German water works	CIMIC	N	N	N/A	Dobrodeljane
75	JUN 03	Danish road works	CIMIC	N	N	N/A	Mitrovica. Funded by Danish NGOs
76	JUL 03	French multi-ethnic market	CIMIC	N	Y – minority participation	P – limited participation by Serbian minority.	Mitrovica. Operation of market heavily dependent on KFOR security. Interviews suggest that modest participation was sustained until spring 2004

77	JUL 03	Italian reconciliation meeting between Serbian monastery and municipality of Decani regarding plans for municipal construction in the area. In particular permission to do road works adjacent to the monastery	CIMIC	N	Y- minority participation	P – Serbian representatives participated in this and subsequent meetings. Agreement was reached to allow work to proceed.	Decani. In cooperation with UNMIK
78	JUL 03	Spanish returns house reconstruction	CIMIC	Y – reconstruction and funding contingent on ethnicities support for returns	Y – minority returns	P – 12 Serbian families returns during reconstruction	Osojane and Dubrava. Interviews suggest that a small number of returns were sustained
79	SEPT 03	French clothing aid	CIMIC	N	N	N/A	Mitrovica
80	SEPT 03	Italian school supplies	CIMIC	N	N	N/A	Laplje Selo
81	SEPT 03	USA inter-ethnic soccer tournament	CIMIC	N	Y- minority participation	P – minority teams did participate.	Upper Malishevo. One off event.
82	NOV 03	German Returns project	CIMIC	Y – various financial and technical incentives	Y- minority returns and participation	P – 19 Serbian men returned in initial phase.	Novo Selo. Interviews suggest that some elderly

83	DEC 03	USA School supplies	CIMIC	N	Y – minority participation	N	returns were sustained Babin Most, Plemetina and Obilic.
84	JAN 04	USA clothing	CIMIC	N	N	N/A	Klina
85	FEB 04	Czech Medical centre	CIMIC	N	Y- minority participation	P- minorities used the facility in small numbers	Podujevo
86	APR 04	USA supplies for handicapped shelter	CIMIC	N	N	N/A	Gracenica
87	APR 04	Finnish Fire engines	CIMIC	N	N	N/A	Kosovo Polje
88	SEPT 04	Irish multi-ethnic soccer tournament	CIMIC	Y – access to facilities refurbished by Irish KFOR contingent on minority participation and shared use	Y – minority participation	P – Serbian teams participated in tournament	Robovce. Facilities were closed shortly after as ethnicities could not agree to shared use. Irish mediated discussions to agree new terms. In cooperation with Irish Aid
89	OCT 04	Irish multi-ethnic school	CIMIC	Y – financial support provided for purchase of school supplies	Y – minority participation	P – school was already multiethnic in composition	Janjevo. In cooperation with Irish Aid
90	OCT 04	Italian multicultural event	CIMIC	N – financial and technical support for organization of events	Y – Minority participation	P – minorities were represented at all meetings prior to the	Gorazdevac. In cooperation with domestic NGO ‘Youth Network’

						hosting of three cultural events which were attended by members of both ethnicities.	
91	OCT 04	Finnish enterprise projects	CIMIC	Y – financial incentives contingent on minority participation	Y- minority participation	P – evidence of minority employment and start-up business.	Kosovo Polje. Interviews suggest that most start-ups survived the first year of trading.
92	NOV 04	Irish School renovation	CIMIC	N	Y – minority participation	P – Roma communities attended the school once constructed	Gornje Gadimlje No Serbs resident in the area. In cooperation with Irish Aid
93	JUN 05	Finish Hospital supplies	CIMIC	N	N	N/A	Podjuevo
94	AUG 05	Ukrainian humanitarian supplies	CIMIC	N	N	N/A	Strpce
95	SEPT 05	Ukrainian Children’s village project	CIMIC	N	Y – minority participation	P – small numbers of Serbian children did participate	Pristina. One off project. Not sustained.
96	JUN 05	Finnish Mine awareness	CS	N	N	N/A	Stimlje
97	JUL 05	Italian medical support	CS	N	N	N/A	
98	JUL 05	Swedish medical support	CS	N	N	N/A	Podujevo
99	SEPT 05	Ukrainian	CIMIC	N	N	N/A	Devic



100	SEPT 05	Monastery reconstruction Ukrainian school materials	HA	N	N	N/A	Strpce
101	SEPT 05	Finnish Support for a children's house	CIMIC	N	N	N/A	Gracenica (CIMIC)
102	FEB 07	Swiss multicultural event	CIMIC	N	Y – minority participation	N	Suva Reka
103	MAR 07	Italian medical facilities	CIMIC	N	Y – minority participation	N	Pec
104	MAR 07	Italian Dialysis equipment	CIMIC	N	Y- minority participation	N	Djakovica
105	MAR 07	Italian Ambulance equipment	CIMIC	N	Y – minority participation	N	DEcani
106	MAR 07	Finnish School facilities	CIMIC	N	Y- minority participation	N	Suvi Do
107	JUN 07	USA Sports facilities	CIMIC	N	N	N/A	Mitrovica
108	JUL 07	Spanish Children's supplies	CIMIC	N	Y- minority participation	N	Kos
109	JUL 07	French road reconstruction	CIMIC	N	N	N/A	Borcan
110	JUL 07	Ukrainian medical support	CIMIC	N	N	N/A	Strpce
111	OCT 07	Finnish Water Truck	CIMIC	N	N	N/A	Lipljan
112	JAN 08	French School cultural events	CIMIC	N	Y – minority participation	N	Gracenica
113	FEB 08	Austrian road reconstruction	CIMIC	N	N	N/A	Suva Reka

114	FEB 08	Austrian Agri project	CIMIC	N	N	N/A	Suva Reka
115	FEB 08	German School project	CIMIC	N	N	N/A	Tumicina
116	FEB 08	Austrian School project	CIMIC	N	Y – minority participation	P – Serbian families attended the open day. Attendance rapidly declined thereafter and eventually stopped	Velica Hoca
117	MAR 08	French heating project	CIMIC	N	N	N/A	Pristina
118	MAR 08	Irish School reconstruction	CIMIC	N	Y – minority participation	N	Stimlje. In cooperation with municipality and Irish Aid.
119	MAR 08	Irish House reconstruction	CIMIC	Y – financial incentives for house reconstruction	Y – minority returns	N	Stimlje. In cooperation with municipality and Irish Aid.
120	APR 08	Czech school support	CIMIC	Y – limited financial assistance and technical support	Y – minority participation and returns	P – Initially small numbers of Serbian children attended the school.	Klina. In cooperation with municipality targeting Serb returns. Interviews suggest attendance was not sustained
121	APR 08	Finnish enterprise project	CIMIC	N	Y – minority participation	N	Lipljan. Finnish applied incentives in

							previous such cases. No evidence of why incentivised approach was dropped in this instance
122	APR 08	German road reconstruction	CIMIC	N	N	N/A	Pleneja
123	MAY 08	German multi ethnic children's camp	CIMIC	Y – small financial incentives related to the organization of the camp	Y – minority participation	P – minorities did participate but no Serbs	Dragas. One off event
124	JUN 08	French multi-ethnic children's camp	CIMIC	N	Y – minority participation	P – a small number of Serbian children participated	Pristina. One off event.
125	JUL 08	Swedish medical support	CIMIC	N	N	N/A	Slatina
126	OCT 08	Italian playground	CIMIC	N	N	N/A	Pristina
127	OCT 08	Finnish playground	CIMIC	N	N	N/A	Pristina
128	JAN 09	Portuguese School supplies	CIMIC	N	N	N/A	Pristina
129	JAN 09	Irish fire-fighting equipment	LMT	N	N	N/A	Lipljan
130	JAN 09	Turkish sewage works	CIMIC	N	N	N/A	Prizren
131	FEB 09	German multi ethnic soccer tournament	CIMIC	N	Y – minority participation	P – Serb teams did participate	Pec. One off event. Not sustained

132	FEB 09	Czech School supplies	LMT	N	N	N/A	Podujevo
133	NOV 09	USA School supplies	CIMIC	N	N	N/A	Mogila
<b>Totals</b>				<b>18 (R6 P12)</b>	<b>50 (R6 P44)</b>	<b>32 (R6 P26)</b>	

**Legend:** HA – Humanitarian Aid; CS – Civil Support; N/S – Non-specified; CIMIC – Civil-Military Cooperation; LMT – Liaison and Monitoring Team; N/S – Non-specified; Y – Yes; N – No; P – Partial; N/A – Non-applicable; R – Returns; P – Participation.

**Sources:** KFOR Chronicle; Irish Defence Forces files.

## Appendix VI – Bosnia & Herzegovina Sample

Ser. No.	Date	TCC Lead & Activity	KFOR Classification	Conditional Incentives	Normative Pressure	Compliance	Remarks
1	DEC 97	SFOR liaison with Croatian government officials addressing policy development, re-deployment co-ordination, preparation of technical arrangements affecting returns and participation.	CIMIC	N	Y – minority participation and returns	P – progress was made in all areas identified. Though not at the pace and quantity desired by SFOR	Zagreb
2	DEC 97	Austrian SFOR 'Peace' and humanitarian village initiative	HA	N	Y – minority participation	P – both ethnicities signalled a willingness to cooperate with the initiative	Fojnica. Aid assistance was supplied in advance. Bosniak/ Croatian relations were promoted under the guise of the 'peace village' concept.
3	MAR 98	Norwegian demining and water restoration project	CIMIC	N	N	N/A	Sarajevo. In cooperation with Norwegian Peoples Aid
4	MAR 98	Italian CIMIC organisation and distribution of	HA	N	N	N/A	Sokolac Refugee Centre. Aid was organised by Italian

5	APR 98	food aid. Egyptian SFOR. Medical support	HA	N	N	N/A	troops. Sarajevo
6	MAY 98	SFOR Task Force. Reconstruction Oil Refinery Project	CIMIC	N	N	N/A	Srpski Brod. In cooperation with municipality
7	OCT 98	SFOR Task Force. Sarajevo waste water project	CIMIC	N	Y – minority participation	P – Serbs and Bosniaks participated in ad hoc discussions with SFOR and associated bodies	Rajlovac. In conjunction with JICA (Japanese International Co- operation Agency) and the International Management Group.
8	OCT 98	German Kresevo School reconstruction and supplies.	CIMIC	Y – financial and technical support contingent on agreement to share facility	Y – minority participation	P – multi-ethnic participation achieved with internal segregation	Direct engagement with mayor and local election authorities
9	OCT 98	SFOR functional Team (Engineers) Vehicle maintenance programme.	CIMIC	N/A	N/A	N/A	Nationwide in conjunction with the International Management Group
10	DEC 98	Belgian Agriculture assistance	CIMIC	N/A	N/A	N/A	Tomislavgrad. In cooperation with World Bank.
11	DEC 98	Belgian Bridge reconstruction	CIMIC	N/A	N/A	N/A	Fojnica
12	DEC 98	Spanish SFOR	HA	N	N	N/A	Bacevici. 40 Serbian

		reconstruction of minority Serbian housing.					men returned (to assist reconstruction) out of a pre-war population of 500. Jahorina
13	DEC 98	Canadian SFOR food kitchen	HA	N	N	N/A	
14	MAR 99	US Agri-training scheme	CIMIC	N	N	N/A	Sarajevo/Nationwide In conjunction with US Dept. of Agriculture and various secondary schools
15	MAR 99	UK enterprise project linked to participation and returns	CIMIC	Y – financial and employment incentives	Y – minority returns and participation	N – commitments to participation were contingent on returns which did not happen	Prozor in cooperation with Women’s Association in Exile. DFID funds through UK military
16	APR 99	Belgium-Luxembourg Battle Group. Support for returns	CIMIC	Y – incentives linked to installation of electricity connectors	Y – minority returns	Y – Initial target of ten family returns attained	Blagaj. SFOR negotiation with local municipalities to encourage returns. Initial phase complete. Electricity connectors installed
17	APR 99	Belgium-Luxembourg Battle Group. Support for returns	CIMIC	Y – directly linked to municipal processing of property register and related financial support for returns	Y – minority returns	P – Initial phase not completed. 23 persons returned. Further returns did not materialise	Glomac. SFOR negotiation with local municipalities to encourage returns.

18	JUL 99	French Mono-ethnic returns project	CIMIC	N	N	N/A	Stup. In cooperation with Solidarité NGO
19	SEPT 99	Spanish and French humanitarian aid and reconstruction project	CIMIC	N	N	N/A	Gacko In conjunction with VRS
20	SEPT 99	German School reconstruction	CIMIC	N	N	N/A	Hasanovici and Bulatovici
21	SEPT 99	UK SFOR Dental treatment	HA	N	N	N/A	Banja Luka
22	OCT 99	Norwegian SFOR school refurbishment	HA	N	Y – minority participation	N	Modrica. Refurbishment initiated in response to clashes between Serbs and Bosniaks as a means of ‘soft stabilisation’
23	OCT 99	UK SFOR. Construction of IDP support centre	HA	N	N	N/A	Blagaj. In cooperation with ‘Holy Ground Mission in Faith’ NGO
24	OCT 99	German launch of micro-project programme	CIMIC	Y – stipulation of project development and support was that they must support minority returns	Y – minority returns	P – interviews suggest that compliant outcomes were achieved but numbers returning fell short of targets	Various locations In conjunction with EC OBNOVA programme
25	OCT 99	Italian micro-	CIMIC	Y – financial	Y – minority	P – minority	Pale. In conjunction



		project to support returns		and technical incentives contingent on support for returns	returns and participation	participation recorded. No data on returns.	with EC OBNOVA programme
26	NOV 99	Spanish SFOR. Minority returns project involving liaison, security and reconstruction	CIMIC	Y	Y	P	
27	NOV 99	SFOR Task Force Conference on economic development	CIMIC	N	Y – minority participation	N	Sarajevo.
28	DEC 99	Civil Affairs Tactical Planning Team. Humanitarian assistance and returns planning and support	CS	N	Y	N	Bijeljine
29	DEC 99	Italian. Application of EU legislation to building projects in order to access EC funding for local contractors.	CIMIC	N	N	N/A	Supported by EC
30	FEB 00	Italian school rebuilding micro- project	CIMIC	N	Y – minority participation	N	Hadzici. In conjunction with EU OBNOVA

31	FEB 00	German construction of therapy centre	CIMIC	N	N	N/A	programme Kresevo.
32	FEB 00	SFOR HQ initiative on health reform. Health system divided along entity lines	CIMIC	N	Y – minority participation	N	Incorporating local construction firms Sarajevo. Liaison with political leaders in cooperation with World Bank
33	FEB 00	German reconstruction project	CIMIC	N	N	N/A	Breza. In cooperation with Inter Mission Munich and CARITAS NGO.
34	FEB 00	SFOR Law Enforcement Support Team. Interethnic participation	CS	N	Y – minority participation	P – all ethnicities represented.	Ministry of Internal Affairs of Canton of Sarajevo
35	FEB 00	SFOR HQ House Reconstruction for returns	CIMIC	N	N	N/A	Stap II plan with Solidarité. No minorities involved.
36	FEB 00	Norwegian SFOR donation of containers.	CIMIC	N	N	N/A	Modrica
37	MAR 00	German engagement with local politicians and leaders on return and participation	CIMIC	N	Y – minority participation and returns	P – minority representatives participated in discussions	Foca
38	MAR 00	Czech SFOR	HA	N	Y – minority	P – existing	Bosanski Krupa.

		support for kinder garden			participation	minority participation in the school reinforced.	School was multi-ethnic before the project started
39	MAR 00	Nordic/Polish CIMIC House	CIMIC	N	Y – minority participation	N – facility had just opened.	Brod. In conjunction with OSCE and UNHCR.
40	MAR 00	Italian school reconstruction contingent on support of minority returns	CIMIC	Y- financial incentives linked to support for minority returns	Y – minority returns	P – majority population signalled willingness to engage constructively but no returns recorded at that time.	Kalinovik
41	APR 00	Canadian small business projects linked to returns support	CIMIC	Y – financial support conditional on commitment to employ minorities.	Y – minority participation	P – four individuals from ethnic minority employed.	Srpska Kostajnica. In cooperation with DFID
42	MAY 00	Italian school reconstruction	CIMIC	N	N	N/A	Miljevina
43	JUN 00	USA CIMIC House	CIMIC	N	Y – minority participation	N – facility had just opened.	Tuzla
44	JUN 00	Nordic/Polish CIMIC centre and reconstruction efforts	CIMIC	N	Y – minority participation	P - CIMIC team negotiated access to farming land for minority. Majority agreed.	Doboj
45	JUN 00	French SFOR reconstruction	CIMIC	N	N	N/A	Borovcici

46	JUN 00	support Nordic/ Polish returns and reconciliation cell in conjunction with CIMIC houses	CIMIC	Y – financial and technical support linked to returns	Y – minority returns	P – reports 247 minority returns out of 1,345 IDPs	Doboj area. In cooperation with UNHCR
47	JUN 00	French Foreign Legion returns support. Tented accommodation during reconstruction of property	HA	N	Y – minority returns	P – facilitated returnees input to reconstruction effort	Borovcici
48	JUL 00	Italian SFOR support for hospital	HA	N	N	N/A	Sarajevo
49	AUG 00	Turkish reconstruction for returns	CIMIC	N	Y – minority returns	N	Zenica
50	AUG 00	Turkish school and house reconstruction	CIMIC	N	Y – minority participation and returns	P – minorities did attend local school at separate times	Zenica
51	AUG 00	German Playground	CIMIC	N	N	N/A	Foca
52	SEPT 00	Italian SFOR. Infrastructure support	CS	N	N	N/A	Sarajevo
53	SEPT 00	Canadian/UK school reconstruction project	CIMIC	N	Y- minority returns	N – returns were anticipated.	Glamoc In cooperation with Canadian and UK governments.
54	SEPT 00	USA	CS	N	N	N/A	Srebrenica in

55	OCT 00	winterisation programme French SFOR. Bridge reconstruction	CS	N	N	N/A	cooperation with Red Cross Seljani. French Foreign Legion
56	OCT 00	Turkish SFOR. Computers for school	HA	N	N	N/A	Zenica. In cooperation with local municipality.
57	OCT 00	Finnish road reconstruction linked to returns	CIMIC	Y – road used to incentivise 48 families to return.	Y – minority returns	P – minorities participated in ‘go and see’ visits.	Korace
58	NOV 00	German/Irish SFOR. Support for Institute for Special Education for Children in Mjedenica	HA	N	Y – minority participation	N/A	Sarajevo. School already catered for children from different ethnic background. German intention was to reinforce idea of inter-ethnic cooperation.
59	NOV 00	Spanish humanitarian aid and reconstruction linked to returns.	CIMIC	N	Y – minority returns and participation	P – engagement by some minority persons recorded	Stolac
60	NOV 00	Canadian and UK reconstruction and business projects linked to returns	CIMIC	Y – projects to address electricity and minority employment in order to incentivise returns	Y – minority returns and participations	N – project just initiated	Halapic. In cooperation with DFID

61	DEC 00	Canadian SFOR. Humanitarian Aid to support returns	CIMIC	N	N	N/A	Glamoc. Aid given to returning majority population
62	DEC 00	Dutch engagement with municipal authorities	CIMIC	Y – insistence that all municipal plans should address minority participation.	Y – minority participation	P – initial commitments given by municipalities.	Novi Travnik area. In cooperation with UNHCR and OSCE.
63	DEC 00	French SFOR. Infrastructure assistance.	CS	N	N	N/A	Prozor
64	JAN 01	Nordic/Polish SFOR bridge reconstruction	CIMIC	N	Y – minority participation	P – political leaders from both ethnicities engaged in the project	Mircina
65	FEB 01	Scandinavian projects	CIMIC	N	N	N/A	Doboj. Incorporating EU funding
66	FEB 01	Electricity projects linked to the facilitation of returns	CIMIC	Y –restoration of electricity in order to incentivise returns	Y – minority returns	N	Prijedor. In partnership with DFID
67	FEB 01	USA economic forums	CIMIC	N	Y – minority participation	N – no record of ethnicity of attendees	Zenica
68	FEB 01	UK round table discussion of CIMIC projects	CIMIC	N	Y – Emphasis on minority participation and local ownership	N – no record of ethnicity of attendees	Sipovo
69	MAR 01	Dutch reconstruction	CIMIC	N	N	N/A	Bugojno

70	MAR 01	programme in part linked to returns UK Quick Impact Project. Support for sawmill linked to returnee support	CIMIC	Y – financial support conditioned on provision of wood to support returns	Y – minority returns	P – precise figures not referenced.	Gornji Vakuf. In cooperation with DFID.
71	MAR 01	Turkish environmental project	CIMIC	N	N	N/A	Zenica.
72	MAR 01	Polish returns support	CIMIC	Y – linked to implementation of Property Legislation Implementation plan	Y – minority returns	P – Bosniak families initially returned to 18 houses	Bocinja Donja. In cooperation with UNHCR
73	MAR 01	UK business project linked to returns	CIMIC	Y – funding linked to employment of returnees and support for reconstruction	Y – minority returns and participation	P – two minority returnees employed	Prijedor. In cooperation with DFID
74	MAR 01	Swiss humanitarian support for IDPs	CIMIC	N	N	N/A	Doboj. In cooperation with UNHCR
75	MAR 01	Swiss temporary accommodation to facilitate returns	CIMIC	N	Y – minority returns.	P – returnees were assisting in the reconstruction of their properties	Foca
76	APR 01	Czech reconstruction	CIMIC	Y – financial support for	Y – minority returns and	P – 4 minority Bosniaks	Prijedor. Supported by Canadian CIDA

		project to support returns		business projects linked to returns	participation.	employed.	and DFID
77	APR 01	Spanish school supplies	CIMIC	N	N	N/A	Ljubinje
78	APR 01	UK business project	CIMIC	Y – funding linked to employment of returnees	Y – minority returns and participation.	P – six returnees employed	Bosanski Novi/Novi Gad. In cooperation with DFID
79	APR 01	Italian medical supplies	HA	N	N	N/A	Sokolac
80	MAY 01	Italian school refurbishment.	CIMIC	N	N	N/A	Sarajevo.
81	MAY 01	USA support for ‘go and see’ visit	CIMIC	Y – support conditional on minority commitment to returns	Y – minority returns	P – 250 people participated in visit	Potocari/Srebrenica. In partnership with NGOs and UNHCR
82	MAY 01	Norwegian SFOR furniture distribution	HA	N	N	N/A	Zenica
83	MAY 01	Canadian SFOR coordination of ‘go and see’ visit	CIMIC	N	Y – minority returns	P – 150 Bosnian Serbs attended the visit	Glamoc. In cooperations with UNHCR.
84	MAY 01	UK environmental project	CIMIC	N	N	N/A	Sipovo
85	MAY 01	UK electricity project	CIMIC	Y – funding linked to progression of returns	Y – minority returns	P – 60 minority returns recorded as part of wider project	Prijedor. In cooperation with DFID
86	MAY 01	Finnish returns project. Logistical support	CIMIC	N	Y – minority returns	P – minority expressions of interest in returning	Drina Valley. In cooperation with UNHCR.



87	JUN 01	French SFOR clothing supplies	CIMIC	N	N	N/A	Sarajevo.
88	JUN 01	Dutch project (IDEA) Integrated Development Entrepreneurial Assistance	CIMIC	Y – support linked to minority employment.	Y – minority participation	P – companies willing to employ minorities engaged in the process	Travnik plus five canton areas. In cooperation with Dutch Chamber of Commerce.
89	JUN 01	UK business project linked to returns support.	CIMIC	Y – funding conditional on returnees employment	Y – minority returns and participation	P – unspecified numbers of minorities employed.	Sipovo. In cooperation with DFID.
90	JUL 01	Italian medical supplies	CIMIC	N	N	N/A	Sokolac
91	JUL 01	Finnish returns resolution and reconstruction assistance	CIMIC	N	Y – minority returns	N – Early stage of project	Cavljina. In cooperation with NGOs and UNHCR.
92	JUL 01	Finish mobile CIMIC house	CIMIC	N	Y – minority participation	P – facilitating inter-ethnic dialogue	Bijeljina
93	JUL 01	Spanish helicopter assistance Supplies to local authorities	CS	N	N	N/A	Trebinje. In support to local authorities
94	AUG 01	Spanish medical assistance	CIMIC	N	N	N/A	Bacevici
95	AUG 01	German returns project. House reconstruction	CIMIC	Y – local support linked to agreement to source materials locally	Y – minority returns	P – minorities returned to 26 houses	Turovi. Funded by the EU in partnership with local municipality
96	AUG 01	Swedish returns	CIMIC	Y – economic	Y – minority	P – returnees	Foca. In conjunction

		project including reconstruction and business projects		stimulus linked to returns support	returns	received assistance to allow them a livelihood following return	with SIDA, Swedish development cooperation in the Balkans
97	AUG 01	German reconstruction project	CIMIC	N	Y – minority participation	N – Early stage of project	Rajlovac
98	AUG 01	Italian demining for returns and reconstruction	CIMIC	N	N	N/A	Gorazde
99	SEPT 01	Finnish local government dialogue initiative	CIMIC	N	Y – minority participation.	P – minority politicians did participate	Tuzla/Zvornik. In cooperation with local municipalities
100	SEPT 01	French SFOR clothing supplies	HA	N	N	N/A	Sarajevo
101	SEPT 01	SFOR CIMIC training.	CIMIC	N	Y – minority participation.	N/A	Sarajevo.
102	OCT 01	UK and Canadian returns and participation projects	CIMIC	Y – linked to OHR policy	Y – minority returns	N – early stages of project	Banja Luka. Partnership between MND-SW and Canadian International Development Agency
103	OCT 01	Turkish returns project	CIMIC	N	Y- minority returns	P – difficulties with implementation of property laws. Up to 892 family returns recorded with varying degrees of	Zenica/Teslic. In cooperation with USAID

104	OCT 01	French water works project	CIMIC	N	N	sustainability N/A	Lastavica
105	OCT 01	UK Quick Impact Project	CIMIC	Y – linked to returnee employment and reconstruction of reconstruction effort	Y – minority returns and participation	P – no record of minority employment. Companies gave commitment to employ minorities	Sipova. In cooperation with DFID
106	OCT 01	Italian demining and road building	CIMIC	N	N	N/A	Novo Srpsko
107	OCT 01	Dutch returns project	CIMIC	Y – provision of community centre linked to returns compliance	Y – minority returns	P – 500 families had registered for return	Cipuljic
108	NOV 01	SFOR CIMIC Training	CIMIC	N	Y – Enhancing awareness of CIMIC principles linked to minority and other policies	N/A	Sarajevo.
109	NOV 01	UK joint Schools project	CIMIC	Y – funding linked to returns and participation	Y – minority returns and participation	P – multi-ethnic school.	Bosnaska Gradiska. In cooperation with CIDA (Canada).
110	NOV 01	UK medical project	CIMIC	N	N	N/A	Slatina. In cooperation with CIDA (Canada).
111	NOV 01	Turkish bridge reconstruction linked to returns	CIMIC	N	N	N – majority returns only	Tomici
112	DEC 01	Polish Bosniak	CIMIC	Y – finance and	Y – minority	P – record of 16	Rjecica & Johovac

		returns to B-Serb areas		technical support linked to majority and minority support for the project	returns	families returning in Rjecic while negotiations ongoing with VRS with regard to facilitating further returns	
113	DEC 01	Polish reconstruction project	CIMIC	Y – engagement with local leadership linked to returns	Y – minority returns	N – no record of impact.	Suko Polje
114	JAN 02	MND-SW Electricity project.	CIMIC	N	Y – minority returns. Dialogue with local municipality ‘removing excuses’ regarding returns	N – early stage of project	Prijedor. In cooperation with CIDA
115	JAN 02	Finnish engagement with minority communities	CIMIC	Y – targeting of administrative obstacles to incentivise returns	Y – minority returns and participation.	P – “Of the 250,000 who have claimed their pre-war property only 37% have effectively returned...”	Ugljevik & Janjari
116	JAN 02	Czech Quick Impact Projects	CIMIC	Y – finance linked to returns and participation	Y – minority returns and participation.	N – no record of returns.	Prijedor. In cooperation with local municipality and NGOs.
117	JAN 02	Finnish project to manage the	CIMIC	N	Y – minority participation	P – predominantly	Bijeljina

		impact of Bosniak returns on minority Serb community					dealing with evection issues	
118	FEB 02	UK winterisation project	HA	N	N	N/A		Banja Luka
119	MAR 02	SFOR CIMIC training for BiH AF	CIMIC	N	Y – minority participation	N/A		Sarajevo.
120	MAR 02	Polish youth project	CIMIC	N	N	N/A		Derventa
121	MAR 02	Dutch SFOR humanitarian assistance	CIMIC	N	N	N/A		Bugojno
122	MAR 02	Dutch SFOR assistance with returns	CIMIC	N	Y – minority returns	P – returnees were facilitated by SFOR logistics support.		Zepa. In cooperation with the UNHCR
123	APR 02	Finish/Russian reconstruction and returns project	CIMIC	N	Y – minority returns	P – 34 families returned ‘of their own accord’		Zaljova. Demographics in this area were not contentious due to its isolated location
124	APR 02	French bridge reconstruction and school project	CIMIC	N	N	N/A		Djajici
125	MAY 02	Finnish road reconstruction linked to returns	CIMIC	Y - reconstruction linked to economic stimulus for both communities	Y – minority returns	P – some returns occurred. No figures given		Bratunac. In cooperation with UNHCR

126	MAY 02	Turkish post-returns security and school support	CIMIC	N		Y – minority participation	N	Zenica
127	MAY 02	Turkish healthcare project	CIMIC	N		N	N/A	Zenica
128	MAY 02	HQ SFOR school support project	CIMIC	N		N	N/A	Olovo
129	JUN 02	Spanish mixed school support	CIMIC	N		Y – minority participation	P – low. Separate floors for ethnic groups	Stolac
130	JUN 02	SFOR CIMIC course for BiH AF	CIMIC	N		Y – minority participation	N/A	Sarajevo
131	JUL 02	Portuguese school Playground	CIMIC	N		N	N/A	Buci
132	JUL 02	Turkish reconstruction project.	CIMIC	N		N	N/A	Kovaci
133	AUG 02	Russian SFOR peace building camp	CIMIC	N		Y – minority participation	P – children from all ethnicities attended camp	Brezovo Polje. In cooperation with World vision Internaitonal. One off event
134	AUG 02	Spanish bridge reconstruction	CIMIC	Y – to incentivise local community to facilitate returns		Y – minority returns	N – early stage in project	Dindo. In cooperation with EU and UNHCR
135	AUG 02	Spanish inter-ethnic dialogue project	CIMIC	Y – linked to awards scheme for tolerance to		Y – minority participation	P – minority groups did participate	Berkovici

				other ethnic groups				
136	SEPT 02	USA dialogue project	CIMIC	N	Y – minority participation	P – affected by limited resources	Suceska	
137	SEPT 02	UK joint bridge project	CIMIC	N	Y – minority participation	N – no returns recorded. Bridge only just completed	Sipovo. In cooperation with Dutch government	
138	SEPT 02	SFOR CIMIC course	CIMIC	N	Y – minority participation plus guidance on EU funding criteria	N/A	Sarajevo	
139	SEPT 02	Italian school renovation	CIMIC	N	N	N/A	Pale	
140	OCT 02	Spanish bridge project	CIMIC	Y – EU Commission funding linked to returns.	Y – minority returns	N – project just completed	Dindo. In cooperation with EU and local municipalities.	
141	NOV 02	Dutch/Finnish returns projects revaluation	CIMIC	Y – funding contingent on access for returns	Y – minority participation	N – no early returns recorded	Novi Grad & Odzak	
142	NOV 02	Portuguese water and reconstruction	CIMIC	N	N	N/A	Dubrave	
143	DEC 02	SFOR CIMIC Course	CIMIC	N	Y – minority participation	N/A	Sarajevo. In cooperation with BiH Armed forces.	
144	DEC 02	Morocco SFOR food distribution	CIMIC	N	N	N/A	Vrapici	
145	DEC 02	Italian road reconstruction	CIMIC	Y – funding linked to employment	Y – minority participation	N- no returns recorded. Bridge just completed	Kukavice. In cooperation with European	

				participation of Bosniaks in RS area.			Commission
146	FEB 02	Greek food and clothing supplies	HA	N	N	N/A	Sarajevo
147	JAN 03	USA environment project.	CIMIC	N	N	N/A	Brcko
148	JAN 03	Norwegian winterisation	CIMIC	N	N	N/A	Doboj
149	JAN 03	Dutch business project	CIMIC	N	N	N/A	Jajce
150	JAN 03	French returns project	CIMIC	N	Y – minority returns	P – project aimed at sustaining returns where they had already occurred	Nevesinje
151	FEB 03	German returns project	CIMIC	N	N	N/A	Foca
152	FEB 03	Italian school refurbishment	CIMIC	N	N	N/A	Dragoradi. In cooperation with UNHCR
153	MAR 03	Italian schools and employment projects	CIMIC	Y – provision of facilities intended to incentivise returns	Y – minority returns linked to employment opportunities	N – projects intended to incentivize future returns	Cajnice
154	APR 03	SFOR CIMIC course for BiH AF	CIMIC	N	Y – minority participation	N/A	Sarajevo. In cooperation with BiH Armed Forces
155	APR 03	USA agriculture project	CIMIC	Y – project funding linked to participation	Y – minority participation	P – One Serb participated	Modrica



156	JUN 03	Italian aid for IDPs	HA	N	N	N/A	Moscanica
157	JUL 03	Finnish agriculture project linked to returns and participation	CIMIC	Y – Financial support contingent on participation in Economic Action Group connecting returnees to local business and municipality	Y – minority returns and participation	P – project focused on sustainability of existing returns and participation	Kamenica Gornja
<b>Total</b>				<b>44 (R30 P16)*</b>	<b>94 (R48 P52)*</b>	<b>49 (R25 P26)*</b>	

**Legend:** HA – Humanitarian Aid; CS – Civil Support; N/S – Non-specified; CIMIC – Civil-Military Cooperation; LOT – Liaison and Observation Team; N/S – Non-specified; Y – Yes; N – No; P – Partial; N/A – Non-applicable; R – Returns; P – Participation; \* - some projects involved both returns and participation.. **Sources:** SFOR Informer; Irish Defence Forces files.

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2. NATO officer, Sarajevo, July 2013.
3. Former Irish Company Commander A from MNTF (C), Dublin, April 2013.
4. Bosniak politician, Sarajevo, July 2013.
5. Bosnian government defence official, Sarajevo, July 2013.
6. Bosnian Serb political party official, Sarajevo, July 2013.
7. Former Irish KFOR CIMIC Officer, Dublin, March 2013.
8. Former staff member of EU Mission to Kosovo staff officer, Brussels, February 2014.
9. Finnish KFOR CIMIC officer A, Lipljan, September 2007.
10. Finnish KFOR CIMIC officer B, Lipljan, September 2007.
11. Former UNMIK civilian staff officer, Naqoura, Lebanon, September 2012.
12. Former Austrian KFOR LMT officer, Kildare, November 2013.
13. Former Irish Commander B from MNTF (C), Dublin, November, 2013.
14. Former Irish KFOR KSF liaison officer, Kildare, March 2013.
15. Former New Zealand LOT House officer, Naqoura, Lebanon, September, 2012.

16. Former EUFOR staff officer, Dublin April 2014.
17. Follow – on interview with Former Finnish CIMIC officer A, Brussels, February, 2013.
18. Former French KFOR CIMIC officer, Naqoura, Lebanon, June 2012.
19. Former German KFOR officer, Naqoura, Lebanon, September 2012.
20. Former Irish IFOR staff officer A, Dublin, April 2013.
21. Former Irish IFOR staff officer B, Kildare, January 2013.
22. Former UK IFOR & SFOR senior staff officer, London, December 2013.
23. Former Irish SFOR staff officer, Dublin, April 2013.
24. Former Irish Company Commander B, MNTF (C), Dublin, May 2013.
25. Former Irish KFOR (KPC training officer), Kildare, March 2013.
26. German KFOR HQ staff officer, Pristina, September 2007.
27. Former Irish KFOR KSF trainer and PSYOPS office, Athlone, March 2013.
28. Former Irish KFOR military police officer, Dublin, April 2013.
29. Former German KFOR officer involved in support the function of the JCR, Naqoura, Lebanon, March 2012.
30. Former UK KFOR officer, London, December, 2013.
31. Former Spanish KFOR officer, Naqoura, Lebanon, March 2012.
32. Former Irish KFOR platoon commander, Dublin, July 2013.
33. Kosovo Albanian politician A, Belgrade, September 2013.
34. Kosovo Albanian politician B, Pristina, September 2007.
35. Former Kosovo Albanian politician, Pristina, September 2007.
36. Former Irish LMT officer, Kildare, April 2013.
37. Former US member of COMKFOR staff, London, December 2013.
38. Former Swedish KFOR LMT officer, Dublin, March 2013.

39. Former member of Norwegian KFOR, Naqoura, Lebanon April, 2013.
40. Former member of the OHR, Sarajevo, July 2013.
41. Senior staff member, OSCE, Sarajevo, July 2013.
42. Former senior staff member, OHR, Sarajevo, July 2013.
43. Former OSCE staff member, Brussels, February 2014.
44. Former UK OSCE staff, Mission in Kosovo, Sarajevo, July 2013.
45. Former UK senior IFOR officer, London, December 2013.
46. Former Italian senior officer of KFOR HQ staff, Naqoura, Lebanon September 2012.
47. Finnish senior staff officer of MNTF (C), Camp Vielle, Lipljan, Kosovo, September 2007.
48. Former Italian KFOR CIMIC officer, Naqoura, Lebanon, March 2012.
49. Former Italian SFOR commander, Naqoura, Lebanon August 2012.
50. Former Italian SFOR HQ staff officer, Naqoura, Lebanon, September 2012.
51. Former Canadian SFOR LOT House officer Naqoura, Lebanon, September 2012.
52. Former UK SFOR MND commander, London, December 2013.
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54. Former Swedish SFOR staff officer for MND-N, Naqoura, Lebanon September 2012.
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56. Former staff member of the OHR, London, March 2013.
57. Former Finnish staff officer of MNTF (C), Naqoura, Lebanon, July 2012.
58. Former UK SFOR Company commander, London, December, 2013.
59. Former UNMIK international staff member, Naqoura, Lebanon, March 2012.
60. Former UNMIK international staff officer A, Dublin, May 2013.

61. Former UNMIK international staff officer B, Dublin, April 2013.
62. UNMIK official, Pristina, September 2007.
63. German CIMIC officer, Pristina, September 2007.
64. Kosovo Albanian village leader, Slovinje, Kosovo in September 2004.
65. Kosovo Serb representative, Gracenica, September 2007.
66. Kosovo Serb village leader, Lipljan municipality, September 2007.
67. Kosovo Serbian politician, Belgrade, September 2013.
68. Member of EU Office in Kosovo, September 2007.
69. Retired Kosovo Albanian politician, Belgrade, September 2013.
70. Former UK senior KFOR planner, London, December 2013.
71. Serbian village leader Donja Gusterica, Lipljan municipality, September 2007.
72. Serbian village leader of Dobrotin, Lipljan municipality, September 2007.
73. Follow-on interview with UNHCR staff member A Geneva, February 2013.
74. UNHCR staff member A, Lipljan, Kosovo, September 2007.
75. UNHCR staff member B, Lipljan, Kosovo, September 2007.
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77. Kosovo Croatian village leader in Janjevo, September 2007.
78. Former Finnish battalion commander from MNTF (C) Naqoura, Lebanon March 2012.
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