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A PRELIMINARY ASSESSMENT**

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With the establishment of the Kosovo Verification Mission (KVM) the Organization for Security and Cooperation in Europe (OSCE) has undoubtedly undertaken its most complex and demanding endeavour since its member states decided, at the 1992 Helsinki Summit, to provide it with a wider role in conflict prevention and resolution, including the conduct of various types of peace-keeping operations. As of this writing (end-January 1999) the deployment of the mission itself has still to be completed and, due to the volatile situation on the ground and at the diplomatic level, both its immediate future and its long-term one remain highly uncertain. However, in the last few weeks, following the 14 October 1998 agreement between the US special envoy Richard Holbrooke and the President of the Federal Republic of Yugoslavia (FRY) Slobodan Milosevic, the KVM has been an operational and strategic key component of the international response to the Kosovo conflict. This article gives a brief preliminary assessment of the KVM's role and initial performance. Its purpose is to offer some additional insights on the problems associated with the OSCE peacekeeping and to draw relevant lessons for its future development.

The establishment of the KVM resulted from a series of political and legal decisions. The agreement between Holbrooke and Milosevic marked the decisive political breakthrough. Under the threat of NATO air strikes, the Yugoslav President agreed to remove from Kosovo the additional forces that Belgrade had used, since end-February 1998, for its crackdown against the ethnic Albanian rebels; to define rapidly - by 2 November - the procedures for a political solution of the conflict on the basis of the proposals elaborated in the previous weeks by the US Ambassador to Skopje Christopher Hill; to allow for the holding of elections in Kosovo within nine months; and to accept the deployment in the province of an OSCE mission for international verification of the ceasefire and of the compliance by the FRY and the Kosovar guerrillas with the UN Security Council Resolution 1199 (1998)¹. On 16 October the Yugoslav government and the OSCE signed an agreement concerning the terms of reference, duration, composition and structure of the KVM as well as the forms of cooperation to be established between the mission and the Yugoslav authorities. The agreement was endorsed by the United Nations Security Council on 24 October through Resolution 1203. On the following day, with its Decision 263, the Permanent Council (PC) of the OSCE formally approved the dispatch of the mission.

The KVM is by far the largest and most expensive mission ever established under the aegis of the OSCE. Belgrade agreed to allow the deployment of a mission of up to 2,000 unarmed verifiers to be provided from the OSCE member states. By purpose of comparison, it can be recalled that the OSCE mission in Bosnia-Herzegovina - the largest ever established before the KVM - is composed of about 230 people. The duration of the mission was fixed at one year, i.e. until 16 October 1999. It is worth noting that in the

¹ Resolution 1199 urged the parties, among other things, to establish and maintain a ceasefire, to take steps to avert a humanitarian catastrophe, and to enter immediately into negotiations, without preconditions and with international involvement, for a political solution of the crisis.

last few years the OSCE has established this duration for its missions ever more often, instead of the six months that were the usual practice before.

The scope of its mandate is also unprecedented for the OSCE. In addition to the verification tasks, which can be considered the core of its mandate in the short term, the KVM was entrusted with several other tasks relating to human dimension and institution-building, some of which necessarily require a long-term engagement.

As for the verification tasks, it must be noted that the term “verifiers”, instead of the more traditional “observers” or “monitors”, was chosen to indicate that the staff of the KVM is expected to act in a substantially more intrusive way than other OSCE monitoring missions. The KVM was mandated, in particular, to verify the maintenance of the ceasefire, the end of the action by the FRY security forces against civilian population and the withdrawal of security units as well as to investigate reported cases of non-compliance. In order to accomplish these tasks, the KVM was allowed, among other things, to establish a permanent presence throughout Kosovo and to visit and accompany FRY police and border control units, receiving weekly information on their movements.

The mission was also given the task of assisting the humanitarian organizations in providing assistance and in facilitating the return of refugees and displaced persons. At a later stage, after a political settlement is reached, the KVM should also contribute to its implementation, by supervising elections and supporting the establishment of democratic institutions and the development of the police force.

The KVM, whose headquarters was established in Pristina, is articulated in five regional centers and a number of sub-unit, municipality-based coordination centers. The US Ambassador William Walker was appointed head of the mission, which may be seen as a confirmation of the US interest in being directly involved in the direction of the OSCE activities in the Balkans in light of the growing NATO involvement in the region (both the mission in Albania and the one in Bosnia-Herzegovina are headed by an American).

The establishment of the KVM presents some controversial aspects since it appears that not all requirements for the OSCE peacekeeping set out in the 1992 Helsinki Document were fulfilled. Three problems, in particular, are worth underlining.

First, while the Helsinki Document requires “the consent of the parties directly concerned”², the mission received formal approval only from the Yugoslav authorities. The representatives of the Albanian community of Kosovo were not involved in the negotiations leading to the establishment of the mission. It must be noted that since the beginning of the crisis Belgrade had consistently refused to enter into talks with them. On the other hand, the Kosovars were unable to speak with a single voice due to the deep political contrasts between the moderates led by Ibrahim Rugova and the guerrilla groups of the Kosovo Liberation Army (KLA).

Second, it is hardly arguable that “an effective and durable ceasefire” as required by the 1992 Helsinki document³ had been established when the dispatch of the mission was decided. There were, on the contrary, many indications that the parties were ready to resume hostilities. By the beginning of December the OSCE had to recognize that the ceasefire was “fragile”⁴. In the following weeks the situation on the ground further deteriorated with daily and increasingly serious violations of the ceasefire on the part of

² CSCE Helsinki Document 1992, *The Challenges of Change*, Part III, para. 23.

³ *Ibidem*, Part III, para. 30.

⁴ MC (7). Jour/2, 2 December 1998, Annex 2.

both sides. Not surprisingly, the safety of the KVM's personnel has been, since the very beginning, one of the crucial issues faced by the OSCE⁵. Pursuant to the agreement establishing the mission, the responsibility for the safety of the OSCE verifiers rests with the Yugoslav government. However, the risk that the OSCE personnel are attacked or even kept in hostage by the warring parties, as actually happened several times to the UN troops in Bosnia-Herzegovina, is far from negligible. The fear has been repeatedly voiced, in particular, that the Yugoslav forces can use the OSCE personnel as "human shields" against the threat of NATO attacks. But, apart from this worst-case scenario, the ability and willingness of the Yugoslav authorities to guarantee the safety of the OSCE personnel appears, from the very beginning, uncertain, to say the least. Indeed, the experience of the KVM has highlighted the need for the OSCE to elaborate a general concept of minimal acceptable risk for the personnel involved in its missions.

More generally, the real possibility to establish effective forms of cooperation with the FRY, whose membership in the OSCE continues to be suspended⁶, could hardly be taken for granted. Although the OSCE has recognized the importance of the concessions made by Belgrade when approving the mission⁷, it has denounced, on several occasions, that the Yugoslav authorities have provided inadequate support to the mission and, in fact, posed a number of political and practical obstacles to its development⁸. On 18 January 1999 the Yugoslav government, reacting to a statement by Walker that the Serbian forces had massacred 45 Kosovar civilians in Recak, accused him of violating the 16 October 1998 agreement and gave him 48 hours to leave the country. Later on, pressed by the Western countries, Belgrade renounced to carry out this threat, but, for some time, there was a widespread perception that the episode could result in the ending of the mission.

Third, the 1992 Helsinki Document states that the OSCE peacekeeping mission shall be undertaken "in support of an ongoing effort at political solution".⁹ This implies that there should be a credible link between the peacekeeping effort on the ground and the peace-making effort. However, in the case of the mission in Kosovo this link has proved to be quite problematic. An agreement on the procedures to be followed for a political settlement should have been reached, according to the Holbrooke-Milosevic accord, by 2 November 1998, but it was not. Each side continued to set preconditions for engaging in direct talks that was considered unacceptable by the other. Belgrade even refused to negotiate with representatives of the KLA, labelling them "terrorists". The Kosovar Albanians, in turn, failed to build up a united negotiating team and to adopt a common negotiating stance. The new draft peace plan put forward by Chris Hill, which called for a large autonomy for Kosovo while leaving open the question of its final status, was badly received by the ethnic Albanians and plainly rejected by the Yugoslav

⁵ The Helsinki Document 1992 includes the "provision of guarantees for the safety at all times of personnel involved" (Part III, para. 30) among the conditions to be fulfilled before the establishment of OSCE missions.

⁶ The FRY was suspended from the organization in July 1992 because of its responsibility in unleashing the conflicts in Croatia and Bosnia-Herzegovina.

⁷ "Yugoslav President Slobodan Milosevic made extraordinary concessions to allow us in. - wrote the Head of Mission Walker - We are saying and doing things that are obviously difficult for the Yugoslav government to accept" (William Walker, "Improvisational Peace", *Newsweek*, 1 February 1999).

⁸ See, in particular, the declaration by the Norwegian Foreign Minister Knut Vollebaek, Chairman-in-Office of the OSCE, reported in *RFE/RL Newslines*, 17 December 1998.

⁹ Part III, para. 17.

government¹⁰. It must be noted that, even after the establishment of the KVM, the OSCE was not engaged in the negotiation process, which has been led by Chris Hill and the EU representative Wolfgang Petritsch. Only in late January 1999 did the International Contact Group on the former Yugoslavia launch a new initiative aimed at the holding of a peace conference in Rambouillet.

The OSCE Permanent Council's decision to approve the mission even in the absence of all required conditions confirms the tendency within the OSCE to interpret the mandates concerning peacekeeping and the other aspects of crisis management that were established at the 1992 Helsinki Summit in a rather loose way and, in fact, to go beyond them. As a matter of fact, this approach has been instrumental in allowing the OSCE to take over important conflict prevention and crisis management tasks in many hot spots in Europe. Indeed, if the member states had chosen to abide strictly by the letter of the 1992 Helsinki Document, this would probably have had, in most cases, a paralyzing effect on the organization.

In the case of KVM, the Head of Mission himself has recognized that both the establishment and the development of the mission has been, to a large extent, the result not of a clear design, but of improvisation¹¹. During the planning phase of the mission, which lasted four weeks, the OSCE was not able to provide a clear guidance concerning the agreement on which the mission was based and its mandate. It appeared evident that the organization still lacks the capacity to provide, soon after an agreement for the establishment of an OSCE mission is reached, its own guidelines for its implementation.

The OSCE has also encountered big difficulties in recruiting the personnel for the mission. According to the Holbrooke-Milosevic agreement the 2,000 verifiers should have been in Kosovo by mid-January¹². At the end of the month, however, the mission's personnel already deployed were less than half of this figure. The OSCE chairman-in-office has admitted that the final size of the force probably will not be more than 1,500¹³. This is certainly not the first case that the OSCE has to face considerable problems in finding, in a timely fashion, enough qualified people for its missions. But the personnel selection process for the KVM has been probably the most complicated and lengthy due to the particularly risky tasks that the mission involves. Another complicating factor has been that most of the contributing countries have provided personnel and material through their Ministries of Defence which were often not adequately familiar with the procedures of the OSCE with which they had rarely cooperated in the past.

The verification tasks assigned to the KVM obviously requires that it be involved extensively with the military dimension of the Kosovo crisis. In this regard, it must be noted that the possibility of a "mission creep" has become increasingly evident. Indeed, the unfolding of the events, characterised by a widespread resumption of the hostilities, has forced the OSCE verifiers to take over some tasks that can be seen as more appropriate for a truly interposition force. In the words of the Head of the Mission, the KVM is committed to "attempting to keep isolated clashes from spiraling into broader

¹⁰ See Patrick Moore, "Kosova: No sure solution in sight", *Rfe/rl Newslines*, 17 December 1998; Richard Caplan, "Christopher Hill's Road Show", *The World Today*, January 1999, pp. 13-14.

¹¹ See William Walker, *op. cit.*

¹² The Head of the Mission declared at the end of November that he expected that the entire force would be in place by 1 January. See *RFE/RL Newslines*, 1 December 1998.

¹³ See the declaration by Norwegian Foreign Minister Knut Vollebaek reported in *RFE/RL Newslines*, 7 January 1999.

conflict”.¹⁴ However, it is questionable that the KVM can have a real impact on the military situation should a general intensification of the fighting take place. On the contrary, in this scenario there could hardly be an option other than the withdrawal of the OSCE mission.

As said before, there is a big uncertainty concerning the development of the KVM’s action in the field of democratization and human rights. According to the Holbrooke-Milosevic agreement, the procedures for the elections should have been agreed on by 9 November 1998, but, in the absence of any accord on the status of Kosovo, even this point has obviously remained on paper. It is unclear what type of elections will have to be organized in Kosovo and how the conditions for their holding will be determined. In any case, especially with regard to the latter issue, the OSCE would play a key role, should an agreement on the political settlement of the Kosovo conflict be reached in Rambouillet. It is worth noting that at the November 1998 OSCE Meeting on Human Dimension a broad consensus emerged on the need to provide the KVM with a strong capacity of action in the field. The idea has also been floated within the OSCE to set up a separate “democratization department” of the KVM.

In order to accomplish its tasks, the KVM has to interact, more or less extensively, with a number of other organizations. In particular, as underlined by the NATO Council, “the establishment of the Kosovo Verification Mission has opened a new stage in the cooperation between NATO and the OSCE”¹⁵. The former was also mandated, pursuant to the Holbrooke-Milosevic agreement and the UNSC Resolution 1203, to verify compliance through an air mission over Kosovo code-named Operation “Eagle Eye”. Hence, NATO and the OSCE had to set up unprecedented mechanisms of communications and liaison and for compliance targeting and the handling of data. Moreover, the task of rescuing the OSCE verifiers should they run into danger was assigned to the 1,500 strong all-European NATO Extraction Force, which was deployed in the neighbouring Macedonia. This means that a direct threat against the OSCE verifiers may trigger the first ever NATO intervention in the Yugoslav territory. NATO would appeal to the right of self-defence and refer to the statement, contained in UNSC Resolution 1203, that, “in case of an emergency, action may be needed to ensure” the “safety and freedom of movement” of the OSCE personnel¹⁶. However, in case of a military confrontation between NATO and the Yugoslav forces, the role of the OSCE - in particular its capacity of control on the events - would necessarily be further reduced.

At this stage any assessment of the experience of the KVM cannot be but very provisional. What can be said is that its action has contributed to prevent a further deterioration of the humanitarian situation in Kosovo in late 1998, which was widely perceived as the most immediate threat to be averted. It appears that in several areas of the province the KVM has been successful in convincing the two sides to respect the ceasefire. This has probably avoided the resumption of the hostilities on a larger scale. The KVM mediation was instrumental, in particular, in obtaining the release on 13 January of eight Serbs that had been kept in hostage by the KLA, an episode that threatened to result in a new escalation of the conflict. It must be recognized, however, that the slowness in the deployment of the mission has had a negative impact on the

¹⁴ William Walker, *op. cit.*

¹⁵ Final Communiqué of the meeting of the North Atlantic Council in Defense Ministers Session, 17 December 1998, in *Atlantic News*, No. 3068, Annex, 19 December 1998.

¹⁶ On this point, see James Gow, “Kosovo After the Holbrooke-Milosevic Agreement. What Now?”, *The International Spectator*, Vol. 33, No. 4, October-December 1998, pp. 17-22.

effectiveness of the overall international response to the crisis. Indeed it has seriously eroded the credibility of the international actors involved in its management. More generally, a gap has emerged between the tasks assigned to the OSCE and its actual capabilities. Filling this gap should increasingly be seen as a top priority by the countries interested in promoting the role of the OSCE, which, despite its shortcomings, has proved to be the most appropriate available instrument to deal with essential aspects of conflict management in Europe.