

KOSOVO BENCHMARKS

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COMMUNICATION

FROM

**THE PRESIDENT OF THE UNITED STATES**

TRANSMITTING

A REPORT ON THE PROGRESS MADE IN ACHIEVING THE MILITARILY SIGNIFICANT BENCHMARKS FOR CONDITIONS THAT WOULD ACHIEVE A SUSTAINABLE PEACE IN KOSOVO, PURSUANT TO PUB. L. 106-398



JANUARY 7, 2003.—Referred jointly to the Committees on International Relations, Armed Services, and Appropriations and ordered to be printed

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THE WHITE HOUSE,  
*Washington, November 26, 2002.*

Hon. J. DENNIS HASTERT,  
*Speaker of the House of Representatives,*  
*Washington, DC.*

DEAR MR. SPEAKER: Pursuant to section 1212 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, Public Law 106-398, I hereby submit a report, prepared by my Administration, on the progress made in achieving the militarily significant benchmarks for conditions that would achieve a sustainable peace in Kosovo and ultimately allow for the withdrawal of the United States military presence in Kosovo.

The term “militarily significant” relates to tasks and objectives significant from a military standpoint that once accomplished would allow for withdrawal of military forces from Kosovo. In the establishment of the Kosovo benchmarks, four critical tasks for NATO forces were identified: military stability, public security, border/boundary issues, and war crimes/International Criminal Tribunal for the Former Yugoslavia support. Objectives for these tasks were drawn from United Nations Security Council Resolution 1244, the NATO Operations Plan, the Military Technical Agreement, and the Kosovo Liberation Army Undertaking.

I anticipate that KFOR—and U.S. participation in it—will gradually reduce in size as public security conditions improve and Kosovars assume increasing responsibility for their own self-government.

Sincerely,

GEORGE W. BUSH.



## KOSOVO BENCHMARKS

### INTRODUCTION

Section 1212(a) of Public Law 106-398, The Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (the Act), requires that "The President shall develop militarily significant benchmarks for conditions that would achieve a sustainable peace in Kosovo and ultimately allow for the withdrawal of the U.S. military presence in Kosovo." Pursuant to Section 1212(b) of the Act, I am providing this report to Congress on progress in Kosovo toward achieving such militarily significant benchmarks.

Every 6 months, NATO reviews the situation on the ground in Kosovo and Bosnia, and adjusts troop strengths in the NATO-led Kosovo Force (KFOR) and Stabilization Force (SFOR) accordingly. Reflecting a positive trend in the region, the Foreign Ministers and Defense Ministers of NATO took important decisions during their Spring 2002 ministerials regarding a regional approach in the Balkans, including Kosovo. As a result of these decisions, KFOR will be reduced from 36,000 as of June 2002, to 32,000 by December 2002, and 29,000 by June 2003. This latter figure represents about a 38 percent reduction from the initial KFOR commitment of 47,000 following Operation ALLIED FORCE in 1999. The U.S. contribution in KFOR will be reduced from 5,200 in June 2002 to approximately 4,000 in June 2003, thereby remaining at approximately 15 percent of the total force.

### BACKGROUND

The benchmarks measure progress in achieving a sustainable peace in Kosovo. The objectives and tasks were drawn from several important documents: the NATO Operation Plan for Kosovo (OPLAN 10413); United Nations Security Council Resolution (UNSCR) 1244 (1999); the Military Technical Agreement (MTA) between the international Security Force (KFOR) and the governments of the Federal Republic of Yugoslavia and the Republic of Serbia; and the Undertaking of Demilitarization and Transformation of the Kosovo Liberation Army (the Undertaking).

Significant progress has been made in Kosovo since the establishment of KFOR and the U.N. Interim Administration Mission in Kosovo (UNMIK). KFOR has completed several military tasks specified in OPLAN 10413 and UNSCR 1244. The remaining tasks are of a continuous or recurring nature and provide for the unimpeded operation of UNMIK, freedom of movement for minorities, and the safe return of displaced persons and refugees. KFOR efforts have helped UNMIK to make substantial progress in implementing UNSCR 1244: reconstruction is well-advanced, free and fair elections held twice, more than 4,900 multi-ethnic Kosovo police

trained and deployed, and a new constitutional framework for provisional self-government promulgated.

Security challenges remain in the form of ethnically oriented, political extremist and criminally motivated armed groups who threaten to compromise these accomplishments, both through their actions in Kosovo and in southern Serbia and Macedonia. Rather than Yugoslav and Serbian forces posing a continued risk, these internal factors are now the primary threat to public security within Kosovo. KFOR and UNMIK will have to continue to cooperate over the coming months to deter and disrupt the activities of these groups, and continue to ensure stability in Kosovo and, by extension, the surrounding region.

#### PROGRESS REVIEW

The benchmarks depict progress on four overarching tasks and related objectives that will allow for the withdrawal of U.S. military forces from Kosovo. They are: Military Stability; Public Security; Border and Boundary Issues; and, War Crimes.

##### 1. Task: Military Stability

###### *Objectives*

- Withdrawal of Yugoslav and Serbian Security Forces from Kosovo.
- Demilitarization of the Kosovo Liberation Army (KLA) and other armed Kosovar-Albanian groups.
- Deterrence of renewed hostilities, maintenance and, where necessary, enforcement of the cease-fire.

Progress on these objectives and the benchmarks associated with them has been very good. FRY forces have withdrawn from Kosovo and have adhered to all military agreements, the Kosovo Liberation Army has been demilitarized and there are no ongoing hostilities in Kosovo.

###### *Benchmarks*

- a. The cease-fire has been maintained and FRY has adhered to the MTA*

The rampant ethnic cleansing and the killing of Spring 1999 is now history and neither party to the conflict has resumed military action. FRY forces left Kosovo as called for in the MTA. In 2001, NATO oversaw a reduction in the Air Safety Zone and the return of FRY forces to the GSZ in southern Serbia, as part of a political agreement to end fighting between government forces and ethnic Albanian groups in southern Serbia.

- b. KLA has been demilitarized and transformed in compliance with the Undertaking*

The Kosovo Liberation Army (KLA) ceased to exist on September 20, 1999. Many former KLA members chose to enter the Kosovo Protection Corps (KPC), now a civil emergency response force, or the Kosovo Police Service.

*c. Establishment of the KPC and low incidence of officer non-compliance*

The KPC was created in 1999 out of demobilized KLA troops. UNMIK Regulation 1999/8 authorizes the KPC to engage in disaster response, search and rescue, and infrastructure rebuilding activities. The KPC is permitted no role in law enforcement, security or defense. KFOR and UNMIK jointly supervise the KPC. Authorized strength is 5,000 members; by the end of 2002 just under 2,000 will have moved from active to reserve status with an additional 2,000 projected to follow. Ten percent of the positions are reserved for minorities. The 2001 KPC budget was approximately \$11.8 million.

One of the primary purposes for the establishment of the KPC was to provide transparency to the process of demilitarizing the KLA. While some individual members of the KPC are involved in supporting extremism and organized crime, since the KPC was established, documented non-compliance has declined from 35 incidents per month to as few as 4 per month, to include such incidents as illegal possession of weapons and ammunition, and celebratory gunfire.

*d. FRY and Kosovars participate in the Joint Implementation Commission*

The Joint Implementation Commission (JIC) was established in accordance with the MTA and given two key mandates: ensure compliance with the MTA and demilitarize the KLA. JICs have been established at two echelons—at KFOR Headquarters and at each of the five Multinational Brigades (MNBs). Meetings between KFOR, Yugoslav Army (VJ), FRY Ministry of Interior Police (MUP), UNMIK CIVPOL, FRY JIC, International Committee for Red Cross (ICRC) and Border Police occur on a regular basis. Topical areas range from administrative issues such as ID cards to security issues such as VJ/MUP manned contact points on/near the administrative boundary. The JICs have facilitated training for the KPC in first aid, fire fighting, land navigation, identification of unexploded ordnance, construction, and humanitarian relief.

*e. End of Offensive Activities by armed groups*

Large armed groups are no longer active in Kosovo proper, but ethnic Albanian armed groups (EAAGs) in southern Serbia and in Macedonia have used Kosovo as a supply route and base for recruiting and fundraising. KFOR and U.N. police have been active in apprehending members of these groups and their supporters, and the United States Government has repeatedly reminded Kosovo's political leaders and the KPC that any support for the insurgents' activities is not acceptable.

2. Task: Public Security

*Objectives*

- Establishment and maintenance of a secure environment for the operation of UNMIK, the delivery of humanitarian aid, and the safe return of refugees and displaced persons to their homes.

- Ensure protection and freedom of movement for KFOR, UNMIK, and other International Organizations (IOs).
- Transfer responsibility for public safety and order when either UNMIK or newly elected Kosovar authorities can take responsibility for this function.

Significant progress has been achieved toward the benchmarks related to these objectives, but continued progress in the area of public security will require a strong continued commitment by the international community to provide resources for rule of law and other security programs.

#### *Benchmarks*

##### *a. UNMIK safely conducts its mission*

UNMIK has regional administrations in each KFOR MNB, headed by an international administrator and staffed by a mixture of international and local staff. Additionally, there are UNMIK offices in each of Kosovo's 30 municipalities. UNMIK success stories include promulgation of the Constitutional Framework, municipal and province-wide elections, registration of and distribution of ID cards to nearly one million Kosovars, and issuance of over 30,000 travel documents recognized in 20 countries. In all UNMIK endeavors (except North Mitrovica)—from travel to governance—UNMIK has been able to safely conduct its mission.

##### *b. IOs travel without disruption of their activities*

Travel in Kosovo by IOs is generally unimpeded. Serb residents in northern Kosovo sporadically established roadblocks in Serb majority areas, but alternative routes were available to IOs with little or no disruption of their activities.

##### *c. Humanitarian relief delivered*

Humanitarian relief was one of the original UNMIK pillars, led by the U.N. High Commissioner for Refugees (UNHCR), but as humanitarian needs abated, the UNMIK humanitarian pillar ceased operations in June 2000. UNMIK has institutionalized the delivery of goods and services to Kosovo's neediest populations through a system of Centers for Social Work. These centers ensure poor, isolated and/or minority communities have the goods and services they require. UNHCR also remains active in its core protection functions, including minority stabilization and returns.

##### *d. Initial demining efforts accomplished and responsibility transferred to requisite civilian authorities*

Since June 1999, over 20,000 mines, 13,000 items of unexploded ordnance (UXO), and 6,700 cluster bomb units (CBU) have been located and destroyed. Over 25 million square meters of land have been cleared and returned to use. There are 16 different international demining organizations involved in mine awareness activities; and mine awareness has been incorporated into the Kosovo school system curriculum. While KFOR's mandate is concerned only with minefields that impede its mission, KFOR soldiers continue to mark newly discovered minefields for demining by accredited civilian agencies. Also, the KPC has been trained to conduct



emergency explosive ordinance disposal services and is primarily responsible for UXO deactivation or destruction. The overall result of this concentrated effort has been a drastic reduction in mine/UXO/CBU-related casualties. In light of these operating procedures, this benchmark is essentially accomplished.

*e. Elections held in secure environment*

UNMIK held elections for Municipal Assemblies in October 2000. Kosovars endured long lines to vote in municipal elections that were deemed free and fair, and that were unmarred by violence. Local assemblies and governments have been established in almost all of Kosovo's 30 municipalities, including most Serb-dominated ones in the north. Province-wide elections for a Provincial Assembly were held in November 2001. UNMIK Police, KPS, and KFOR worked together to help ensure these first-ever democratic provincial elections were not marred by any significant violence. In Spring 2002, the Assembly elected a President and a Prime Minister to head Kosovo's provisional government.

*f. Parallel institutions dissolved and pose no threat to KFOR and/or UNMIK authority*

There were two parallel sets of institutions initially operating in Kosovo. The Provisional Government of Kosovo (PGOK), led by former KLA elements, installed officials in 27 of Kosovo's 30 municipalities. These officials exercised varying amounts of power and influence, in some cases collecting taxes and regulating business and property. The second set of parallel institutions was a "shadow government" organized by the Democratic League of Kosovo following the unofficial elections of March 1998. The "shadow government" consisted of a president, prime minister and parliament. The PGOK and the "shadow government" were peacefully dissolved in January 2000, when the Joint Interim Administrative Structure (JIAS) was implemented by UNMIK. However, Serbian parallel institutions, primarily in the areas of health, education to some extent, and the judiciary, continue to exist with support from some elements in the FRY Government. In North Mitrovica, to date, UNMIK and KFOR have not yet effectively fully established their authority under UNSCR 1244.

*g. KFOR transfers criminal cases to UNMIK/Kosovo Transitional Government for investigation, prosecution, and detention; and sufficient civilian prisons and detention facilities are established*

UNMIK judicial officials and UNMIK CIVPOL and KPS, conduct all criminal investigations in Kosovo. When KFOR apprehends a suspect, he/she can be turned over to UNMIK for action under the Special Representative's "executive detention" authority pending UNMIK (or local) criminal charges being filed. Under his own authority, COMKFOR can confine individuals on the basis that they pose a threat to a safe and secure environment. KFOR maintains detention facilities for individuals at Camp Bondsteel. Owing to a lack of capacity, UNMIK normally only provides pretrial detention facilities for individuals charged with very serious crimes, such as murder.

*h. Adequate court system for criminal cases transferred to UNMIK*

Since June 1999, UNMIK has established a Kosovo supreme court, five district courts, 18 municipal courts, 23 “minor offenses courts,” one “high court of minor offense,” one commercial court, and 13 prosecutors offices. UNMIK has appointed more than 400 local judges and prosecutors (only 320 are currently working in those positions), as well as 12 international judges and 12 international prosecutors to the district courts and two international judges to the supreme court. UNMIK approved the addition of seven international judges and prosecutors. Trials are conducted in all five district courts and lower courts. Thus, there is an embryonic court system in place; however, concerns continue over the ability of the criminal courts to apply judges and prosecutors, suspected intimidation, as well as the outdated socialist criminal code still applicable in Kosovo. Judicial training conducted by the Kosovo Judicial Institute is beginning to address this problem. Some cases referred by KFOR to UNMIK are difficult to prosecute due to evidentiary problems. KFOR soldiers are not trained criminal investigators, and often the information gathered by KFOR is classified. As a result, some criminal cases are dismissed by UNMIK due to a lack of prosecutable evidence. UNMIK and KFOR are working together to resolve these issues. Adequate witness protection is a problem in some cases as well.

*i. Core KPS police training is completed and effective*

The Organization for Security and Cooperation in Europe (OSCE) administers the Kosovo Police Service School, which has graduated over 4,000 Kosovar police trainees. Graduate trainees go on to complete field training and assume independent patrol responsibilities (with UNMIK police oversight). Advanced training phases have been added to the KPS School curriculum to create specialized capacities, including training supervisors, criminal investigators, traffic officers, and close protection specialists. The United States is initiating further specialized training in areas such as civil disorder management and advanced criminal investigators. Major crime has dropped substantially (by 27 percent) with the murder rate for 2001 down 51.8 percent from the previous year. Anti-Serb violence has shown a similar downward trend, although periodic incidents continue to mar progress. Violence in Mitrovica continues to be a problem, with numerous UNMIK Civilian Police having been injured in an April 8, 2002 incident.

*j. UNMIK and KPS assume primacy for tactical police responsibilities; and, UNMIK Special Police Unit and KPS are capable to respond to civil disturbances.*

UNMIK Police, working with KPS, has assumed full primacy in Pristine, Prizren, Gjilan, and Peja regions; and shares primacy with KFOR in Mitrovica, where they recently have begun to assert more authority to address the continuing challenge from violent “bridge gangs.” UNMIK generally has been able to handle civil disturbances through the use of its Special Police Units (SPUs) that react to any civil disturbances throughout Kosovo.

*k. Some displaced persons and refugees able to return home safely*

Displaced Kosovo Albanians began returning to their homes in June 1999, concomitant with the entry of NATO forces into Kosovo. To date, over one million people have returned and begun rebuilding their lives. By contrast, significant difficulties remain in the area of minority returns. More than 200,000 Serbs, Roma, and other minorities remain displaced outside of Kosovo, most in Serbia. While modest progress has been made to date, UNMIK has predicted that the next twelve months will be marked by a significant increase in international community facilitated returns. KFOR cooperation with UNHCR and UNMIK officials will be a key part of making these returns safe and sustainable.

Freedom of movement remains a problem for many Serbs and Roma who remain in Kosovo, living in difficult circumstances in isolated enclaves. Some even require KFOR escort each time they venture out. For others, freedom of movement has improved significantly and KFOR has removed a number of checkpoints, particularly in the MNB-E area.

### 3. Task: Border and Boundary Issues

#### *Objectives*

- Monitor international and provincial boundaries.
- Inhibit traffic of persons or materials supporting insurgency and illegal goods.
- Transfer border responsibilities to local authorities.

#### *Benchmarks*

*a. The FRY respects the Ground and Air Safety Zones as stipulated in the MTA and at the discretion of the KFOR commander*

The Ground Safety Zone (GSZ) and Air Safety Zone (ASZ), 5- and 25-kilometer “buffer zones” respectively around Kosovo, were established to prevent boundary incidents or reentry into Kosovo by FRY security forces. The FRY has respected the zones from their inception. Following the change of government in Yugoslavia and a concomitant improvement in the relationship with NATO and KFOR, FRY security forces were allowed to reenter the GSZ in the Spring of 2001. Reentry was conducted successfully and in a professional manner. Similarly, the Air Safety Zone was reduced to 10-kilometers.

*b. Illegal border crossings inhibited; and UNMIK or indigenous border service in place to monitor provincial and international border crossings*

Kosovo’s boundaries are generally unmarked and in many areas lie in rough, mountainous terrain. Inhabitants traditionally have crisscrossed the borders freely. UNMIK established five official border crossing points, including the Pristina airport, where UNMIK policy control immigration and tariffs are collected. KFOR actively supports UNMIK in this role, regularly patrolling borders and employing monitoring technology. Also, a border police section of the

Kosovo Police Service has been established. Net assessment of combined efforts is that illegal border crossings have been significantly reduced, although much remains to be done.

#### 4. Task: War Crimes

##### *Objective*

- Full cooperation of the international security presence with the International Criminal Tribunal for the Former Yugoslavia (ICTY).

The objective of this benchmark is of an ongoing nature for the international community, continuing until the work of the ICTY is completed.

##### *Benchmark*

###### *a. KFOR assists and supports ICTY*

KFOR actively supports the collection of evidence by ICTY, and provides area security for exhumations. The United States deployed two FBI forensic investigative teams to Kosovo at a cost of \$5 million, and provided an additional \$8.5 million for ICTY investigative costs associated with Kosovo war crimes. In Spring 2001 UNMIK arrested three Kosovo Albanians for war crimes. They remain in detention pending UNMIK judicial proceedings.

##### SUMMARY

NATO has adopted a regional approach to the Balkans, with a view towards providing a smaller, lighter, more mobile and flexible force posture. This regional approach, in conjunction with progress in Kosovo as detailed above, has allowed a continued reduction in KFOR levels with no weakening of NATO engagement.

