Interplay between the Council of Europe, OSCE, EU and NATO
This report was compiled in the frame of the FP6 project “Human and Minority Rights in the Life Cycle of Ethnic conflicts”.
The author was affiliated to the Wilhelm-Merton-Centre for European Integration and International Economic Order, Johann Wolfgang Goethe University Frankfurt am Main (Germany), one of the partners in this project.
Interplay between the Council of Europe, OSCE, EU and NATO

Ugo Caruso

MIRICO: Human and Minority Rights in the Life Cycle of Ethnic Conflicts
# TABLE OF CONTENTS

## 1. Part One - Analysis of the Interplay in Croatia

Introduction ............................................................................................. 7  
1.1. Historical Background .................................................................... 7  
1.2. Cooperation at Headquarter Level .................................................. 12  
  1.2.1. International Organizations at the Beginning of the 1990’s ............. 12  
     (a) The European Community (EC) ................................................ 12  
     (b) The Conference for Security and Cooperation in Europe (CSCE) .... 12  
     (c) The North Atlantic Treaty Organization (NATO) ......................... 14  
     (d) The Council of Europe (CoE) .................................................. 15  
  1.2.2. Cooperation during the Conflict ................................................. 16  
  1.2.3. Cooperation after the End of the Conflict .................................... 18  
1.3. Cooperation in the Field ................................................................. 19  
  1.3.1. Cooperation during the Conflict ................................................ 19  
     (a) Sanctions Assistance Missions (SAMs) ....................................... 19  
     (b) Involvement of the Council of Europe ....................................... 19  
     (c) The European Commission Monitor Mission (ECMM) ................. 22  
  1.3.2. Cooperation after the End of the Conflict .................................... 23  
1.4. Cooperation in Election Observation ............................................. 25  
1.5. Evaluation of the Cooperation ....................................................... 29

## 2. Part Two - Analysis of the Interplay in Bosnia and Herzegovina

Introduction ............................................................................................. 33  
2.1. Historical Background .................................................................... 33  
2.2. Cooperation at Headquarters Level .................................................. 43  
  2.2.1. Cooperation at the Beginning of the Conflict ............................... 43  
     (a) The Position of the International Community Member States ....... 43  
     (b) The position of International Organizations ............................... 44  
  2.2.2. Cooperation During the Conflict ............................................... 46  
  2.2.3. Cooperation After the End of the Conflict .................................... 47  
  2.2.4. Human Rights Institutions under Dayton .................................... 49  
     (a) Institutions of the State of Bosnia and Herzegovina .................. 50  
     (b) The Institution of the Entities .................................................. 51  
     The Federation of Bosnia and Herzegovina (FBH) ......................... 51  
     Republika Srpska ........................................................................ 51  
2.3. Cooperation in the Field ................................................................. 52  
  2.3.1. NATO’s Role and Operations in the Conflict ............................... 52  
  2.3.2. OSCE Mission to Bosnia and Herzegovina .................................. 57  
  2.3.3. The Council of Europe and Local Democratic Agencies .......... 61  
  2.3.4. The European Union and its Monitoring Mission ....................... 63  
2.4. Cooperation in Election Observation ............................................. 64  
2.5. Evaluation of the Cooperation ....................................................... 71

ANNEX I - Summary of EU policy in the years 1991-1995 ....................... 78

Introduction ................................................................  80
3.1. Historical Background ............................................ 80
3.2. Analysis of the Cooperation ..................................... 81
  3.2.1. The OSCE Missions ............................................. 81
    (a) Missions in Kosovo, Sandjak and Vojvodina .......... 81
    (b) Mission to the Federal Republic of Yugoslavia ....... 82
    (c) Mission to Serbia and Montenegro ....................... 83
  3.2.2. The Position of the Council of Europe .................... 84
    (a) Local Democratic Agencies in Serbia and Montenegro 84
    (b) Cooperation with the OSCE ..................................... 85
  3.2.3. The European Union in the FRY ......................... 86
  3.2.4. Sanctions Assistance Missions (SAMs) .................. 88

3.3. Cooperation in Election Observation ........................ 89
  3.3.1. In Montenegro .................................................. 89
  3.3.2. In Serbia ........................................................ 91

4. Part Four - Analysis of the Interplay in Kosovo

Introduction .................................................................. 95
4.1. Historical Background ........................................... 95
4.2. Cooperation at Headquarters Level ......................... 103
  4.2.1. Cooperation Before the Conflict ......................... 104
  4.2.2. Cooperation During the Conflict ....................... 106
  4.2.3. Cooperation After the End of the Conflict ............ 109

4.3. Cooperation in the Field ........................................ 110
  4.3.1. Cooperation During the Conflict ....................... 110
  4.3.2. Cooperation After the End of the Conflict ............ 113
    (a) The United Nations Interim Administration Mission in Kosovo 113
    (b) The OSCE in Kosovo ............................................. 116
    (c) NATO in Kosovo ................................................. 121
    (d) The European Union after the conflict .................... 123
    (e) The Council of Europe ......................................... 125

4.4. Cooperation in Election Observation ....................... 127
4.5 Evaluation of the Cooperation .................................. 130
Annex II - Lessons Un-Learned From Bosnia .................. 138

5. Part Five - Analysis of the Interplay in the FYR of Macedonia

Introduction .................................................................. 140
5.1. Historical Background ........................................... 140
5.2. Cooperation at Headquarters Level .......................... 146
  5.2.1 Cooperation Before the Conflict ......................... 146
  5.2.2 Cooperation During the Conflict ....................... 148
  5.2.3 Cooperation After the End of the Conflict ............ 149
5.3 Cooperation in the Field ........................................ 149
  5.3.1 Cooperation Before the Conflict ............................. 149
     (a) The OSCE Spill-over Mission to Skopje ....................... 149
     (b) Role of the European Union ..................................... 151
     (c) NATO-led KFOR in Macedonia .................................. 152
     (d) The Council of Europe Local Democracy Agency (LDA) in Ohrid 153
  5.3.2 Cooperation During the Conflict ............................... 154
  5.3.3 Cooperation After the End of the Conflict ................. 155
     (a) NATO – Operation Allied Harmony ............................ 155
     (b) The European Union ............................................. 155
     (c) The Council of Europe .......................................... 156

5.4. Cooperation in the Election Observation Missions .......... 156
5.5. Evaluation of the Cooperation .................................. 159

6. Part Six - Analysis of the Interplay under the Stability Pact for South-Eastern Europe

   Introduction .................................................................. 162
   6.1 Creation of the Stability Pact .................................... 162
   6.2 Structure of the Stability Pact ................................... 164
     6.2.1 Analysis of the Working Tables ............................... 164
   6.3 Cooperation under the Pact: Problems and Risks ........... 170
     Annex III - List of Task Forces and Initiatives for 2006 .......... 173

7. Part Seven - Conclusions

   7.1 Overview of the Main Problems ................................. 182
   7.2 Provocative questions ............................................. 184
General Introduction

The analysis of the interplay between international organisations involved in conflict-related scenarios is today a matter of priority for modern peace operations. Multifunctional peace operations normally take place in difficult political, security, economic and humanitarian environments and therefore require effective cooperation and coordination. However, the question of who should carry out such activities has resulted in an overlap of interests and responsibilities.

The report, being part of the MIRICO Project, attempts to provide a complete overview of the state of cooperation between the CoE, OSCE, EU and NATO during the Yugoslav wars, considering the period 1991-2002. In this case, the “reconstruction” of what the organisations did in each of the countries involved in the conflict, the country-by-country approach used in writing the report and the consideration of both headquarters and field level should ensure a complete understanding of the state of things at that time. Furthermore, the “evaluation of the cooperation” included in each part of the document is instrumental in achieving the conclusions and presenting the provocative questions at the end of the report.
1. Part One - Analysis of the Interplay in Croatia
Introduction

The following analysis of cooperation in Croatia is focused on the beginning of the war in South-Eastern Europe, from 1991-1992. An explanation of what the initial approach taken by the international community, in this case the EU, OSCE, COE and NATO, was in trying to handle the dissolution of Yugoslavia, is the main aim of the analysis. In the part regarding “Cooperation at Headquarters Level” attention is devoted to the problems connected to the early recognition of Germany and the passive role played by the whole European Union that followed (at that time still the European Community).

The analysis of the European Community Monitor Mission (ECMM) is presented under the title cooperation “during the conflict”; this decision simply followed what was the chronological deployment of the Mission. However, its activity in the country and in the region beyond it also continued after the end of the conflict, as further explained in the whole report. Finally, the section regarding the Sanctions Assistance Missions (SAMs) will be further analysed in the chapter dedicated to the Federal Republic of Yugoslavia (FRY). In this chapter, these are mentioned simply due to the presence of one of the Missions in the Croatian territory.

1.1. Historical Background

Beginning of the conflict

The War in Croatia began in autumn 1991, yet as early as August the Serbs from Krajina already strongly opposed the Croatian government. A major escalation began in February 1991 when Serb militia attempted to broaden their area of control by seizing a police station and a municipal building in the small town of Pakrac in western Slavonia. This action was followed in late March by an attempt to take control of the Plitvice national park complex, after the HDZ had established a new police station with an all-Croatian staff in the local town of Titova Korenica, provoking a fire fight with the Croatian National Guard that resulted in the first combat fatalities of Yugoslavia’s ethnic wars.

During the spring of 1991, the Krajina Serbs began asserting their independence through actions hostile to the Croatian government. Radical SDS members seized government police stations and erected barricades at the entrances of Serb-populated towns. Krajina unilaterally declared itself an independent Serb territory within Croatia. Unrest also developed in a region of Croatia on the border of Serbian Vojvodina known as Eastern Slavonia. Armed Serb village patrols formed in both Krajina and Eastern Slavonia, while the SDS demanded Eastern Slavonia’s annexation to Serbia, along with Krajina’s independence.

---

1 In spring 1990, the first post-communist elections in Croatia saw the victory of the HDZ and Franjo Tudjman was elected as President. Propaganda from Belgrade and the discriminatory policies resulted in violent incidents in the Krajina in August 1990. The Yugoslav National Army (JNA), under Mr. Milosevic’s control, prevented the Croatian authorities from restoring law and order.


3 SDS is the acronym of Serbian Democratic Party, which was created in the Krajina area of Croatia in response to the Croatian nationalism. The Party formally recognised the independence of Slovenia in date 4 July 1991.

4 See Alan Hanson, “ Croatian Independence from Yugoslavia, 1991-1992”, in Melanie C. Greenburg, John H. Barton and Margaret E. Mc Guinness (eds.), Words over War: Mediation
In May 1991, Serb leaders prevented the Croatian Stjepan Mesic, in accordance with the rotation procedure, from becoming Yugoslav President and Commander-in-chief of the Yugoslav National Army. In the referendum on May 19th, 1991 Croatia supported independence; the outcome, however, was not accepted by the Serbs of Krajina, who in fact asked for the unification with Serbia. Furthermore, on 24 July 1991 Zagreb and Slovenia announced their “dissociation” from the Yugoslav federation. Belgrade reacted by deploying its Federal Army within Slovenia to reassert control over the state border.  

International intervention and the Brioni agreement

Following the reaction of Belgrade, the Slovenian government requested diplomatic mediation on the part of the European Community (hereafter EC) and of the Conference on Security and Cooperation in Europe (hereafter CSCE).

On 27 June 1991, EC Ministers, accepting the request, agreed not to recognize the Slovene and Croat secessions and called for the restoration of the constitutional order and territorial integrity of Yugoslavia. Following this decision an EC Troika was dispatched, composed of Jacques Poos of Luxembourg, Gianni De Michelis of Italy, and Hans van den Broek of the Netherlands. The aim was to help mediate the Slovene conflict at the federal and republican levels. The Troika brokered a cease-fire agreement that, in exchange for the withdrawal of JNA troops to their barracks, imposed a three-month suspension on Slovene and Croat independence. This was in fact the content of the Brioni Agreement signed on 7 July 1991, under the political sponsorship of the European Community. Both of the separatist republics were required to suspend their declarations of disassociation for three months and to accept the presence on their territory of an unarmed international observer mission organized by the EC on behalf of the CSCE. The monitoring body, namely the European Community Monitor Mission (hereafter ECMM), was composed of both civilian and military monitors, all of whom were unarmed. Its mandate was to help stabilize the cease-fire and monitor the implementation of the Brioni Agreement commitments.

Regarding the Brioni Agreement it has to be clarified that the accord, even considering the increased stability of the region, actually spelled the end of the Yugoslav Federation. It merely established a moratorium on the implementation of independence but not a prohibition on the right of unilateral secession for Slovenia and Croatia.

In the meantime, the area controlled by the Krajina Serbs expanded rapidly into the summer of 1991; Serb militias were reinforced by the interventions of the JNA, whose action objectively supported local aggression on the ground.

The EC Peace Conference on Yugoslavia

Following the Brioni Accord of 7 July 1991, and preparations for EC-sponsored general settlement negotiations, the EC authorized the Peace Conference on Yugoslavia and appointed Lord Carrington as chair. The EC Peace Conference constituted the EC’s primary mediation vehicle during the first year of the Yugoslav crisis. In addition, in July and August, the EC dispatched a new Troika, which

---

6 Ibid., 85.
7 See Craig R. Nation, op. cit., 104.
8 See Alan Hanson, op. cit., 86.
according to the rotation of the presidency, was composed of the Foreign Ministers of Luxembourg, the Netherlands and Portugal. Aim of the Troika was to pursue negotiations through the intermediary of the rump Yugoslav Federal Presidency. Furthermore, the European Community stated, in its declaration of 27 August, that it could not “stand idly by as the bloodshed in Croatia increases day by day” and it urged the parties involved in the conflict to accept a peace conference and the establishment of “an arbitration procedure”.

The EC Peace Conference was actually established in conjunction with an arbitration procedure through which participants in the Conference could submit their differences for judicial consideration. The Conference’s arbitration commission (the so-called Badinter Commission) was composed of five members chosen from the Constitutional Courts of EC member countries, two of whom were appointed by the Yugoslav Federal Presidency and three by the EC, and was chaired by Judge Robert Badinter of France. Officially convening the Peace Conference depended upon two related prerequisites. The first prerequisite was the signing of a cease-fire agreement among the six republics and the federal government; the second was the expansion of the mandate of the ECMM to include monitoring the implementation of this cease-fire.

Despite all these efforts the value of the Conference negotiations were undermined by the failure of the cease-fire agreement; in fact on 1 September it was violated. At this point, contrary to EC intent, the Conference had been convened while hostilities among the Croatian National Guard, Serb paramilitaries, and the JNA continued to erupt; in fact, since September, the fighting in Croatia had escalated dramatically.

From the political point of view, the Peace Conference started to understand its weakness during its plenary session held on October 18th, 1991 when Carrington presented his “Arrangement for General Settlement” plan for the constitutional reorganization of the federation. Following the presentation, on October 30th, 1991, Serbia and Montenegro jointly proposed an amendment to Article 1 of the Plan. Carrington’s refusal of the amendment and relative rejection of the Serb ambitions determined the fall of interest in the general settlement by the Serbs. The Conference never moved beyond this point.

In addition, there was also another obstacle in the progress toward a general settlement: the persistence of war in Croatia. From their side, Serbia decided to achieve on the ground what they would never achieve through negotiations with Carrington. October 4th - the day on which all the Conference participants agreed to the fundamental principles of peace - coincided with the most violent attack conducted by Serbian forces. A combined Serb-JNA force bombarded Vukovar from the ground and the air, and attacked the city hospital. The destruction of Vukovar, followed by Dubrovnik had a great impact on the world opinion, and a negative effect on the Serb position in the conflict.

---

9 The federal presidency disappeared with the creation of the new Federal Republic of Yugoslavia in April 1992.
12 The amendment regarded the request for the Serbian succession to the Yugoslav State comprising of all non seceding republics.
From EC to UN administration

A lack of results contributed to the gradual effacement of the EC’s mediation role in favour of the United Nations. On 25 September 1991, in response to a request presented by Belgium, France, Great Britain and the same Yugoslavia, the United Nations (hereafter UN) declared an arms embargo against all conflicting parties. On October 8th, Secretary General Javier Pérez de Cuéllar designated former U.S. Secretary of State Cyrus Vance as his personal representative to the region. Led by Vance the UN’s role expanded rapidly, and it was under UN auspices that a fifteenth, and finally successful, ceasefire agreement was accepted by the warring factions and signed on 2 January 1992.

Considering the context and the importance of the ceasefire agreement, it should be underlined that even if different from the one supported by the EC Peace Conference, the UN achieved something that the Conference could not: a cessation of hostilities in Croatia. The so called Implementing Accord provided for a sustainable ceasefire which enabled the UN to deploy UNPROFOR troops and created the conditions for political track negotiations. The EC’s inability to stop the fighting seriously undermined its ability to reach a political solution to the Yugoslav crisis.\(^{15}\)

On the Serbian side, Milosevic was supporting the idea of a UN Peacekeeping Operation, this pursuant his will to consolidate the territorial gains that Serb forces made in the war against Croatia. However, while the peacekeeping force effectively carried out the ceasefire agreement, it also gave Serbia the opportunity to re-deploy troops in Bosnia-Herzegovina, the next battleground for Serb supremacy.

Later on, in February 1992, UNSC Resolution 743 finally decided for the deployment of what was a 14,000 UN Protection Force (UNPROFOR) involving more than thirty nations, the second largest UN peacekeeping contingent ever assembled, and establishing the so called UN Protected Areas (UNPAs) inside Croatia.\(^{16}\) The original UNPROFOR headquarters, however, was incongruously established in Sarajevo. In the light of UN deployment, the CSCE clarified its position explaining that “the stationing of peacekeeping forces must not in any way endorse the seizure of territory by force”.\(^{17}\)

German recognition and consequences on the stability of the region

After 11 December 1991 and actually during the UN ceasefire, German Minister for Foreign Affairs Hans-Dietrich Genscher informed the EC ministers that Germany planned to break ranks with EC foreign policy and recognize Croatian sovereignty unilaterally. In light of the impending German defection, the EPC Council of Foreign Ministers convened in an extraordinary Ministerial Meeting on 15 and 16 December to settle the recognition issue between the German coalition and other EC member states. Without considering the view of the other member states, Germany unilaterally recognized the sovereignty of Croatia and Slovenia. The early recognition arrived before the Badinter Commission’s opinion as to their qualifications, this in spite of the rules of democracy and human rights used in so far as guidelines in dealing with such matters.

\(^{15}\) See Alan Hanson, *op. cit.*, 79.

\(^{16}\) The UNPAs were non-contiguous areas established in Eastern and Western Slavonia and Northern and Southern Krajina, known as sectors East, West, North, and South.

When it issued its opinion on 11 January 1992, the Badinter Commission found that Croatia failed, without reservation, to qualify for EC recognition under the EC guidelines. Concurrent with the issuance of the Badinter Commission opinion regarding Croatia, Genscher proclaimed that it did not legally have binding effect for EC member states, because it was a device of arbitration not of international law. As a chain effect, on 15 January 1992, the EC, as a whole following Germany’s lead, recognized Croatian sovereignty despite the findings of its own arbitral tribunal. In this context, the risks of the German recognition were very well understood by the UN and by the same Lord Carrington. Secretary-General Perez de Cuellar even dispatched a letter to Minister Van den Broek on 10 December 1991, stating in explicit terms that premature, selective recognition of Croatian independence would lead to disastrous consequences for the EC Conference and for the Republic of Bosnia-Herzegovina.

Lord Carrington, on his side, recognized immediately that premature unilateral recognition would not only destroy his fragile peace initiative, but would also effectively force the EC to pose the question of recognition to every remaining Yugoslav republic. For instance, President Izetbegovic of Bosnia-Herzegovina in this case could not refuse to declare independence in the current political climate of nationalist separatism and Serb aggression.

Finally, as Slovenia and Croatia were recognized as independent states by the whole EC in January 1992, the war in Bosnia started in April of the same year.

After recognition - fragility of the UN cease-fire

The UN-brokered ceasefire was fragile from the start. Fronts remained intact, and sporadic shelling continued through 1992 and 1993. Continued tension resulted in military operations such as in early 1993, when Croatian forces successfully took the Maslanica Bridge and several other strategic areas from rebel Serb forces.

Although another ceasefire was renegotiated in 1994, at this point the balance of forces in the area was turning against the Serbs. To take advantage of the situation, at the beginning of August 1995, the Croatian army launched an offensive, called “Operation Storm”, and regained control of the former sectors north and south of the UN Protected Areas (Krajina). This operation came precisely after another one conducted a month before by the Croatian Army, under the code-name “Operation Flash,” which was launched in order to remove Serb Krajina forces from Western Slavonia. Furthermore, when the Croatian Army attacked the self-declared republic of Serbian Krajina in August 1995, Milosevic chose to ignore the Prijedor Agreement, a mutual defense treaty signed in October 1992 by the Yugoslav Army, the Bosnian Serb Army and the Army of the Serb Republic of Krajina. Considering the situation at the time, the Croatian decision to use military force could also be seen in the light of the failure of the international community to protect the population of safe areas in Bosnia and Herzegovina.

---

18 See Alan Hanson, op. cit., 104.
20 The Operation Storm was conducted in conjunction with the Army of the Republic of Bosnia and Herzegovina, from 4 to 4 August 1995.
21 The Operation Flash was conducted from 1 to 3 May 1995.
From UNPROF to UNCRO

Following repeated earlier protest about UNPROFOR’s inefficiency, President Tudjman announced in January 1995 that Croatia would not accept the renewal of UNPROFOR’s mandate. In Tudjman’s opinion, despite its endeavours, UNPROFOR had been unable to implement the most important provisions of the Vance plan and subsequent Security Council resolutions, in particular by failing to establish control of Croatia’s international borders. However, widespread international pressure resulted in a joint statement by President Tudjman and US Vice-President Gore in Copenhagen, on 12 March 1995, indicating Croatia’s acceptance of continued UN presence, but with a new name and modified composition and mandate. Following further negotiations, on 31 March 1995, the UN Secretary Council adopted Resolution 981 creating the UN Confidence Restoration Operation in Croatia (UNCRO).

1.2. Cooperation at Headquarter Level

1.2.1. The Position of International Organizations at the Beginning of the 1990’s

The present analysis seeks to give, through a brief overview of the international organizations at that time, a general idea of what the position of each organization faced by the conflict was.

(a) The European Community (EC)

The EC was not ready for the crisis in Yugoslavia. The members of the European Community were just about to start the final phase of the negotiations leading up to the Maastricht summit of December 1991. The strengthening of cooperation in foreign policy among the members of the EC, and the transformations of this cooperation into a common foreign policy were still controversial issues. In addition, the EC’s first diplomatic initiatives, namely the Troikas, were still under the so-called European Political Cooperation (EPC), a document of 1970 formalized in 1987. The EPC would be replaced by the Common Foreign and Security Policy (CFSP) in 1992 within the Maastricht Treaty and the same policy would further be defined and broadened in 1997 thanks to the Amsterdam Treaty.

(b) The Conference for Security and Cooperation in Europe (CSCE)

The CSCE was in a process of transformation from a mechanism dedicated to maintaining crisis stability in Cold War Europe to a standing organization capable of providing for collective security measures within Europe. The CSCE was the first international organization to react to the Yugoslav crisis (Ministerial Council’s Declaration on Yugoslavia, Berlin, 20 June 1991). In the same year, the Committee of Senior Officials (CSO) held five emergency sessions on the situation in the Socialist Federal Republic of Yugoslavia (SFRY) and the organization successfully pushed the UN to establish an arms embargo in the area and the EC to establish an observer mission to Yugoslavia, which was integrated by CSCE observers on 8 August 1991.

The Charter of Paris for a New Europe adopted in 1990, although not considering the peacekeeping operation directly, marked the beginning of an institutionalization of the CSCE and the idea of “common efforts in the field

---

23 Ibid., 571.
24 The CSO assigned Canadian, Polish and Swedish monitors to EC monitoring missions.
military security. The Charter was the context for the creation of the Conflict Prevention Centre (CPC)\textsuperscript{25} and of the Committee of Senior Officials (CSO); the latter charged with considering “serious emergency situation(s) which may arise from a violation of one of the Principles of the Final Act or as the result of major disruptions endangering peace, security or stability”.\textsuperscript{26} Regarding the situation in the Balkans, the Consultative Committee of the CPC in a statement on 1 July 1991 underlined the importance of an immediate and complete cessation of hostilities by all parties involved.\textsuperscript{27} At Madrid in 1991, the CSCE countries established a Parliamentary Assembly, under the provisions of the Paris Charter. The idea of such an assembly was first raised at the London NATO Summit in July 1990 and further developed in the Charter of Paris. The first meeting of the CSCE Parliamentary Assembly took place in Budapest, 3 to 5 July 1992, where members of the CoE PACE actively contributed, and which the CoE Office of the Clerk of the Assembly together with the Clerk of the North Atlantic Assembly helped to organize.\textsuperscript{28} The section on the human dimension in the Budapest declaration of the CSCE Parliamentary Assembly, 5 July 1992, “stressed the need to avoid unnecessary duplication and to make full use of the expertise of existing organizations, and especially of the CoE.”\textsuperscript{29}

Shortly before, the CoE PACE considered “that the human dimension of the CSCE could greatly benefit from the expertise of the CoE in this field,” that “cooperation between the CSCE and the Council of Europe should also develop in fields relating to culture and education, promotion of a multicultural society and rights of minorities” and “believes that the presence of certain of its members in the respective national delegations to the CSCE Assembly could contribute to a better coordination of the work of both Assemblies.” Furthermore, the CoE PACE recommended that the Committee of Ministers of the CoE “develop in the near future a close cooperation with the CSCE institutions and structure, negotiate with the CSCE competent bodies the modalities of such cooperation..., define the modalities of associating CSCE participating States [that are] not members of the Council of Europe with specific Council of Europe projects, ...[and] promote the implementation of a charter between the Council of Europe and the CSCE, establishing the principles and modalities on which their indispensable Europe-wide cooperation is based.\textsuperscript{30} The second meeting of the CSCE Parliamentary Assembly affirmed on 3 February 1993, that it “will continue to take a close interest in the proper establishment of the Parliamentary Assembly of the CSCE to assure that the work of both assemblies remain complementary and to avoid any unnecessary duplication.”\textsuperscript{31}

\textsuperscript{25} The CPC was also empowered to hold meetings on “unusually military activities”.

\textsuperscript{26} Supplementary Document to give effects to Certain Provisions Contained in the Charter of Paris for a New Europe sec. I(B) and Summary of conclusions of the Berlin Meeting of the Council, including Arrangements and Consultation in Emergency Situations and Peaceful Settlement of Dispute, Ann. 2 (21June 1991).

\textsuperscript{27} Chairman’s Statement on the results of the Meeting of the Consultative Committee of the Conflict Prevention centre, 1 July 1991.

\textsuperscript{28} From Thomas M. Buchsbaum, “The CSCE and International Organisations: Expanding Cooperation with the Council of Europe”, in Michael R. Lucas (ed.), The CSCE in the 1990s: Constructing European Security and Cooperation, Nomos Verlagsgesellschaft, Baden-Baden 1993, 137.

\textsuperscript{29} See Declaration of the CSCE Parliamentary Assembly, July 5, 1992, point A.3

\textsuperscript{30} See Parliamentary Assembly of the Council of Europe (PACE) Recommendation 1184 (1992) on the work of the CSCE on the eve of the 3rd Summit (Helsinki July 9-11, 1992), adopted by the Assembly of the Council of Europe on May 6, 1992 (5th Sitting).

Representatives of the CSCE Parliamentary Assembly were also invited to participate in the Parliamentary Conference (2 to 4 June 1993) on “Progress of economic Reform in Central and Eastern Europe. Lessons and Prospects”, organized by the CoE PACE. To further demonstrate its interest in the CSCE, the CoE PACE established an “Ad Hoc Committee on the CSCE,” which took up its work in early 1993 and was composed of members of the Bureau of the Parliamentary Assembly, the Political Affairs Committee, the Committee on Legal Affairs and Human Rights, and the Committee on Relations with European Non-Member Countries.\(^{32}\)

In the Prague Document on “Further Development of CSCE Institutions and Structure” (a result of the second meeting of the CSCE Council), the CSCE for the first time put on the agenda the idea of CSCE peacekeeping and a possible CSCE role in peacekeeping. In The Helsinki Summit in December 1992, some States also supported the idea of a traditional peacekeeping role based on military participation within the CSCE framework. Others insisted on developing limited CSCE capacity of middle-size missions with a mandate to observe and monitor cease-fire, and calling upon NATO and WEU where larger operations with a military component were needed.

The Helsinki Document “The Challenge of Change” of 1992 finally defined CSCE peacekeeping as an “important operational element of the overall capability of the CSCE for conflict prevention and crisis management intended to complement the political process of dispute resolution”.\(^{33}\) Due to the limited resources of the CSCE to address the entire range of tasks of a peacekeeping operation alone, an intention was voiced to use the resources and expertise of other organizations such as the EC, NATO and WEU. In this case, the decision by the CSCE would be made on a case-by-case basis. Furthermore, in 1994, they signed the Budapest document “Towards a Genuine Partnership in a New Era”. This was a step that confirmed the necessity for further enhancement of their role and capabilities in early warning, conflict prevention and crisis management, including peacekeeping operations and missions.\(^{34}\)

(c) The North Atlantic Treaty Organization (NATO)

The organization pushed for its own transformation, and in fact the so-called “Alliance Strategic Concept,” agreed upon at the London Summit in 1991, considered the major changes in the international environment with a view to their implication in NATO’s objectives and security function. However, a communiqué issued by the heads of state at a NATO meeting in November 1991 called on all parties to “comply fully with principles of the CSCE” and to avoid “attempts to change existing borders through the use of force.” The communiqué is known as the Rome Declaration on Peace and Cooperation.\(^{35}\) In December 1991, NATO re-emphasized that the creation of a “new security architecture” had to be achieved by “a framework of interlocking institutions tying the countries of Europe and North America.”\(^{36}\)

---

32 From Thomas M. Buchsbaum, op. cit., 138.
34 One more aspect was added to the CSCE/OSCE engagements - post conflicts rehabilitation and assisting with reconstruction.
In May 1992, the Ministerial meeting of the Defense Planning Committee (DPC) and the Nuclear Planning Group (NPG) in Brussels suggested that, in principle, NATO supported the conflict prevention and crisis management mechanism developed by the CSCE and would provide resources and expertise for CSCE peacekeeping activities. Furthermore, the NAC Ministerial meeting in Oslo in June 1992 stressed that NATO was ready to support, on a case-by-case basis, peacekeeping activities under the responsibility of the CSCE, including making available resources and expertise.

Five months later, the NAC Ministerial meeting in Brussels of December 1992, clarified that NATO support would be available not only for CSCE peacekeeping but also, on a case-by-case basis, to “peacekeeping operation under the authority of the UN Security Council, which has the primary responsibility for international peace and security.” In 1993 an Ad Hoc Group on Cooperation in Peacekeeping (AHG) was set up within the framework of the newly established North Atlantic Cooperation Council (NACC). The AHG put down the principle of cooperation among the NACC members and between NACC-UN-CSCE, as well as measures for practical cooperation in peacekeeping. Furthermore, in accordance with the decision taken at the NACC meeting on 18 December 1992, an Ad Hoc Group on Cooperation in Peacekeeping was established with the aim of developing a common understanding on the political principles and the tools for peacekeeping, and to share experience and thereby develop common practical approaches and cooperation in support of peacekeeping under the responsibility of the UN or the CSCE.38

The Brussels Summit Declaration in 1994 reaffirmed NATO’s support of UN and CSCE/OSCE peacekeeping missions. The concept of Command Joint Task Force as a means to facilitate contingency operations and to provide “separable but not separate military capabilities” to be employed by NATO of the WEU was endorsed.39

(d) The Council of Europe (CoE)

At the beginning of the conflict the Council of Europe (hereafter the CoE) supported in principle the initiatives of EC. This changed later, as from 1993 it started to act in the field through its Local Democracy Embassies. However, the CoE was more involved in the post-conflict phase. In fact, after Croatia became a member of the Council of Europe on 6 November 1996, several bodies of the organization became involved in monitoring the honouring of obligations by the PACE to advise on draft legislation by the Venice Commission and the FCNM.40

The CoE organized meetings of its Ad Hoc committee of experts to exchange Views on Standard Setting Activities of the CSCE in the Field of Human Rights (CAHSC). The first meeting, which took place in Strasbourg, 26 to 27 June 1991, was open to representatives of all states participating in the CSCE. The meeting was mandated by the CoE Committee of Ministers “to hold an exchange of views on the Human Rights standards of the CSCE, in comparison with the corresponding standards in the European convention on Human Rights and the International Covenant on Civil and Political Rights.” A second CAHSC meeting, held in

38 See Nicholas Gammer, “From Peacekeeping to Peacemaking. Canada’s response to the Yugoslav crisis”, McGill-Queen’s University Press 2001
Strasbourg, 18 and 19 February 1992, during the run-up to the HFUM, had an expanded mandate that included consideration of the human rights machinery of the CoE and the CSCE, though excluding comparisons with UN human rights work.

Because of the shift of emphasis of CSCE human dimension work to implementation and cooperation and support activities, the new CSCE structures, and the enhanced practical cooperation between the CSCE and the CoE, the CAHSC was renamed the “Ad Hoc Committee of Experts on CSCE Human Dimension Issues” (CAHDH) and given the mandate “to exchange opinions with view to facilitating coordination of action on CSCE human Dimension Issues and relevant Council of Europe Human Rights activities.”

1.2.2. Cooperation During the Conflict

When the hostilities started, the shock of the armed conflict of Slovenia was particularly acute for neighbouring states, and both Italy and Austria immediately appealed for explanations through the CSCE.42

The EC and the CSCE had been the two major actors, apart from the UN, involved in trying to contain the desegregation of the Socialist Federal Republic of Yugoslavia at the political level. At the beginning, however, only the EC went beyond the “theory,” deciding to intervene practically in the conflict by deploying the European Commission Monitor Mission. The EC’s initial intent was to prevent the development of a destabilizing chain reaction in Eastern Europe. Aware that it did not have justification to interfere in Eastern Europe, the EC went before the CSCE to seek approval for its actions.43 The CSCE supported the EC diplomatic initiatives44 and following the approval, the EC Troika organized two rapid missions to Yugoslavia and conducted another on 30 June, but this time the Troika was composed of diplomats from Luxembourg, the Netherlands and Portugal. In addition, in November 1991, the European Council and the representatives of the member states suspended the EEC (European Economic Community) and the ECFC (European Coal and Steel Community) agreements with Yugoslavia with immediate effect.45

Early in August when the violence in Croatia increased, Luxemburg’s Foreign Minister Jacques Poos suggested that the EC might need to consider military interposition forces. This view was echoed by the foreign ministers of Netherlands, Germany and France. In the end, however, the majority of the members decided that it was better not to be involved with the crisis, both in consideration of the British opinion, and in the view of the possible effects on the situation in the Soviet Union.46 The intervention also met with opposition from the CSCE, which did not approve the military option,47 and through its Committee of Senior Officials

41 From Thomas M. Buchsbaum, op. cit., 139-140.
(CSO) in the Meeting in Prague stated “that any recourse to the use of force in the present crisis in Yugoslavia continues to be absolutely inadmissible.” 48

Thanks to the initiative taken by the CSCE and EC together, a Good Offices Mission to Yugoslavia was established on 4 July 1991. The Committee of Senior Officials in tandem with the mediation efforts of the European Community decided for the Good Office with the aim of “facilitating the political dialogue among the parties concerned.” 49

The CoE position and its activity in 1991 can be summarized by the following statement of the Parliamentary Assembly (PACE). In a communication from the Committee of Ministers on October 14th, 1991 the PACE stated:

The Committee of Ministers supports the efforts of the European Community and welcomes with hope the negotiations of the Conference of The Hague with a view to a global and peaceful solution [...].

In regards to the position of NATO in the Croatian conflict, the organization followed what was stated in the NAC Ministerial meeting in Brussels in December 1992, by contributing naval forces in cooperation with the WEU to monitor the compliance of the embargo imposed by the UNSC Resolutions against the Federal Republic of Yugoslavia. 50 The Republic of Croatia, however, welcomed the NATO Partnership for Peace (PfP) invitation issued in the Meeting of the NAC, at NATO Headquarters in Brussels, in 1994. The PfP Framework Document was ultimately signed on 25 May 2000.

Within the context of the United Nations

Even if coming to replace the lack of results of the EC, the UN recognized the role and efforts made by the organization and by the CSCE. The preamble of UNSC Resolution 713 is a suitable example of this attitude:

[...] Commending the efforts undertaken by the European Community and its member States, with the support of the States participating in the Conference on Security and Co-operation in Europe, to restore peace and dialogue in Yugoslavia, through, inter alia, the implementation of a cease-fire including the sending of observers, the convening of a conference on Yugoslavia, including the mechanisms set forth within it, and the suspension of the delivery of all weapons and military equipment to Yugoslavia,

Recalling the relevant principles enshrined in the Charter of the United Nations and, in this context, noting the Declaration of 3 September 1991 of the States participating in the Conference on Security and Co-operation in Europe that no territorial gains or changes within Yugoslavia brought about by violence are acceptable,

[...]

The position of the United States

At the beginning, the United States and the European Community publicly reiterated support for Yugoslav unity, and the EC offered support for economic reform. Furthermore, in March 1991 the United States insisted that border alterations should only result from “peaceful consensual means.” 51 However, as the

48 See Mark Weller, op. cit., 573.
49 Offer of CSCE Good Offices Mission to Yugoslavia, in Mark Weller, op. cit., 573.
50 The practical role of NATO will be explained in the analysis of the co-operation in the field, in the part dedicated to the Sanction Assistance Missions SAMs.
fighting erupted between Serbia and Croatia during June 1991, Bush and senior U.S. military figures publicly stated that the emerging conflict in the Balkans did not threaten vital U.S. interests. In July 1992, President Bush attended the annual meetings of the Western European Union (WEU) and the Conference on Security and Cooperation in Europe (CSCE) where he stated that while the United States would support humanitarian relief for the region, no U.S. ground forces would join their European counterparts. Arguing that the conflict was primarily a European concern, Bush opposed U.N. intervention and declared that the North Atlantic Treaty Organization (NATO) should not go “out of area”.  

The United States called for Europe to take the lead in addressing what was perceived as essentially a European problem. In addition, at the EC’s Maastricht summit in December, the Yugoslav crisis was widely represented as “a challenge wherein the new political ambitions of the [European] Community would be submitted to a real-life test.”

1.2.3. Cooperation After the End of the Conflict

In 1995 when the attention of the international community moved to the post-conflict phase, the Council of Europe immediately took a position:

(The role of the Council of Europe in the reconstruction process). In pursuance of Resolution 1066 (1995) on the situation in some parts of the former Yugoslavia, “the Council of Europe should make a major contribution to reconstruction in the fields of its experts”. In the opinion presented by the Committee on Migration, Refugees and Demography to the debate at the end of which this resolution was adopted, the committee proposed that the Council of Europe make use of its know-how in fields such as assistance to governments with the drafting of legislation on the rights of minorities and on the citizenship of displaced Yugoslav nationals, the setting up of democratic institutions, the operation of independent media, the restoration and protection of the natural and cultural heritage, youth, etc.

One year later, on 6 November 1996, Croatia became a member of the Council of Europe. The Parliamentary Assembly was charged to monitor the honouring of commitments coming from the membership and, with its opinion 195 (1996), it also instructed Croatia to ratify the Framework Convention for the Protection of National Minorities (hereafter FCNM).

In 1998, together with the OSCE Mission in Croatia, the ODHR and the Council of Europe FCNM, the HCNM analyzed Croatia’s electoral law, especially the provision regarding the participation of persons belonging to national minorities in elections. In this context the Venice Commission started working on the drafting process of the Constitutional Law. In 2001, the Office of the HCNM, in

---

54 Parliamentary Assembly of the Council of Europe (PACE), Doc. ADOC7440, Report on refugees, displaced persons and reconstruction in certain countries of former Yugoslavia, 19 December 1995, § 69.
55 The activities of the HCNM in Croatia began on 14 December 1995, exactly the day that the Dayton Agreement was signed.
56 OSCE the Secretary General, Annual report 1999 on OSCE Activities, 17 November 1999, § 2.2, 52.
cooperation with the Venice Commission, was involved in assisting the Croatian authorities in drafting the new Constitutional Law on Minorities.\textsuperscript{57}

The European Union remained in the field with its Monitor Mission, the ECMM. The Mission provided a constant information source for the other organizations, and after the Croatian conflict, remained in the territory cooperating with field missions conducted by the OSCE and CoE. Within the EU, the interest in Croatia increased after its inclusion in the Stabilization and Association Agreement (SAA), signed October 2001, and with the application for the accession to the EU on 21 February 2003 — an interest that culminated with the acceptance of Croatia as candidate country by the EU in June 2004.

Finally, with the announcement of the Membership Action Plan with NATO in May 2002, Croatia reached its objective to become part of the Euro-Atlantic community. On 12 December 2002, the Croatian Parliament also approved participation of Croatian troops in the NATO International Security Assistance Force (ISAF).\textsuperscript{58}

\section*{1.3. Cooperation in the Field}

\subsection*{1.3.1. Cooperation During the Conflict}

(a) Sanctions Assistance Missions (SAMs)\textsuperscript{59}

SAMs were launched to advise the authorities of the host countries on the implementation of sanctions carried out in accordance with the UN Security Council Resolutions 713 (arms embargo against all former Yugoslav Republics), 757 (sanctions against Serbia and Montenegro), 787 (transshipment interdiction for sensitive goods) and 820 (further tightening of sanctions, inclusion of the services sector), and to provide practical assistance to help these authorities enforce sanctions rigorously. As the CSCE declared, on this issue there was a close CSCE/EC practical cooperation in the field.\textsuperscript{60}

On 4 February 1993, the CSCE Committee of Senior Officials (CSO) appointed a Sanctions Coordinator who was tasked with ensuring the oversight of sanctions, assessing the implementation and advising on measures to implement sanctions more effectively, as well as providing countries in the region with advice and assistance as requested.

At time of the conflict there were seven SAMs. In the case of Croatia, the Mission was established on 27 January 1993.\textsuperscript{61}

(b) The involvement of the Council of Europe

Although the CoE was not directly involved in the field, it joined the group from the headquarters. As instructed by Order No. 483 (1992),\textsuperscript{62} the CoE Political Affairs Committee of the Parliamentary Assembly expressed its support for the initiative.\textsuperscript{63}

\begin{thebibliography}{99}
\bibitem{57} OSCE the Secretary General, Annual report 2001 on OSCE Activities, 26 November 1999, 77.
\bibitem{58} The final decision was taken by the President Mr. Stjepan Mesic on 13 February 2003.
\bibitem{60} See CSCE Annual report 1993 on CSCE Activities, § 2.7.
\bibitem{61} The analysis of the SAMs continues in the chapter dedicated to the Federal Republic of Yugoslavia (FRY).
\bibitem{62} In Recommendation 1198 (1992) on the crisis in the former Yugoslavia, adopted on 5 November 1992, the Assembly reserved the right to exclude from its midst national delegations of member states or states whose parliaments enjoy special guest status, if it
4. The application of the embargo against Serbia and Montenegro has occasioned many practical problems for the neighbouring states. In order to help them, the CSCE decided in September 1992, on a proposal made by the United Kingdom in close co-operation with the Commission of the European Communities and the United States of America, to deploy Sanctions Assistance Missions (SAMs) and to set up a communications centre (SAMCOMM) to facilitate communications and co-ordination between the SAMs and the authorities of the countries concerned.

5. The Assembly welcomes the stationing of SAMs in Albania, Bulgaria, Croatia, Hungary, Romania, Ukraine and the Former Yugoslav Republic of Macedonia. It is gratified to note that the staffs of the SAMs and SAMCOMM, who are mainly customs officers, have been provided by thirteen Council of Europe member states plus Canada, the United States and the Commission of the European Communities.

6. The Assembly welcomes the appointment by the European Community and CSCE of a sanctions coordinator, who co-operates closely with the SAMs and SAMCOMM.\(^\text{64}\)

Furthermore, the Assembly called upon the governments of the Council of Europe member states and of states whose parliaments enjoy special guest status:

iii. to co-operate closely with the sanctions coordinator appointed by the European Community and the CSCE;

iv. to provide the Sanctions Assistance Missions (SAMs) and communications centre (SAMCOMM) with the necessary technical resources and staff needed to carry out their tasks efficiently;\(^\text{65}\)

Regarding the consequences of the embargo on the other neighbouring countries, once again the Parliamentary Assembly in its Order No.403 (1994) “On the economic consequences and problems for neighbouring countries arising from the implementation of United Nations sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro)” clarified its position within the monitor action for the compensation:

The Assembly instructs its Committee on Economic Affairs and Development to monitor action for compensating neighbouring countries affected by the sanctions against the former Yugoslavia (Serbia and Montenegro), and if necessary to report back to the Assembly.

considered that those states were not enforcing the embargo against Serbia and Montenegro. In order to be able to exercise this right, the Assembly on the same day adopted Order No.483 (1992), in which it instructed the Political affairs Committee to monitor compliance with the United Nations embargo against Serbia and Montenegro by member states and states whose parliaments enjoy special guest status, and to report back to the Assembly at regular intervals.


CoE Local Democracy Embassies (LDE)

The Local Democracy Embassies (hereafter LDE) were created in 1993, during the Standing Conference of the Congress of Local and Regional Authorities of Europe (hereafter CLRAE) of the Council of Europe, with the approval of Resolution 251(1993). On 28 May 1998, with Resolution 73 (1998), the Standing Committee of the CLRAE decided to change the name of the programme from “Local Democracy Embassies,” as adopted in 1993, to “Local Democracy Agencies (hereafter LDAs).”

The Standing Conference of the Congress of Local and Regional Authorities of Europe launched the pilot project of “Local Democracy Embassies” in order to provide humanitarian assistance to the war-ravaged regions and municipalities in the former Yugoslavia. The same year, two embassies were created: the first one in Subotica, Serbia and Montenegro, and the second one in Osijek, Croatia. The programme was accomplished thanks to the fundamental support of the Council of Europe, of the member states of the Council, and of the European Commission and Parliament.

In 1999, due to the increasing number of LDAs and the scale of their activities, the Congress of Local and Regional Authorities of Europe (CLRAE) created the Association of Local Democracy Agencies (ALDA) as an umbrella organization to co-ordinate the network of the LDAs. Article 3 of the Statute explains that the Association was set up with the aim to:

[...]

4. build up a network of LDAs capable of meeting the requirements of local partners and acting as a relay for a number of the international community’s activities, in particular those of the European institutions, thus ensuring that ALDA and LDA activities respect and assist the rapprochement of the host countries to the European Union;

5. manage the LDA network so as to promote local democracy, involving the organs of the Council of Europe (the Secretary General, the Committee of Ministers, the Parliamentary Assembly, the Congress, etc.) and the European Union (the European Commission, the European Parliament, the Committee of the Regions) in the decision-making bodies and fostering co-operation between the Local Democracy Agencies;

6. serve as an interface between the LDAs and the relevant departments of the Council of Europe, including with a view to facilitating the access to Council of Europe and European Union co-operation programmes;

---

66 The concept of “Local Democracy Agency” was introduced (in collaboration with Médecins sans Frontières and Amnesty International of Belgium) and proposed by Causes Communes Belgique, supported by Causes Communes Suisse, discussed with the Helsinki Citizens Assembly, incorporated into CLRAE Resolution 251 (1993)12, and later developed and clarified by the Monitoring Committee set up under CLRAE auspices. The concept was further developed in Resolutions 25 (1995), 39 (1996) and 56 (1997) and Recommendations 15 (1995), 24 (1996) and 33 (1997) of the Congress of Local and Regional Authorities of Europe (CLRAE). In the Resolution 251 (1993) the Standing Committee of the CLRAE established the principles of the Local Democracy Agencies.


68 Council of Europe, Statute of the Association of Local Democracy Agencies, signed on 14 December 1999.
The core funding for the Agencies and the Association comes from the partnerships’ support from the Council of Europe, the Congress of Local and Regional Authorities of Europe, the European Commission, the United Nations, and the Organization for Security and Cooperation in Europe (OSCE). The LDAs also play a significant role in the Stability Pact for South East-Europe and they are members of the Steering Committee on Local Democracy and Trans-border Cooperation.  

LDAs field presence in Croatia

- **LDA - Sisak.** The Sisak area was heavily affected by the war in Croatia; the LDA was created in 1996 to help this war ravaged region. The LDA has been involved in social inclusion of weak citizens, in mine removal activities since 2002, and in a project of local economic development.

- **LDA - Osijek.** The city of Osijek is located in the Osijek-Baranja County, at the border with Serbia and Montenegro and Hungary. This region was seriously affected by the war, and part of it was actually under the UN administration until 1998. In this case, the activities of the Agency were concerned with economic development, training and trans-border cooperation.

- **LDA - Verteneglio.** The LDA in Verteneglio was created in 1996 and has been working particularly on trans-border cooperation and economic development.

(c) The European Commission Monitor Mission (ECMM)

Following the Brioni agreement on 15 July 1991, the first group of 20 EC Monitors arrived in Slovenia. On 29 July 1991, at the EC foreign minister meeting in Brussels it was decided to increase the number of monitors and to include Croatia in its mission. Until the UNPROFOR deployment the EUMM had mainly been monitoring ceasefire lines, but thereafter its role changed, as the ECMM took responsibility for monitoring the “pink zones.” At the end of 1992 the ECMM started monitoring airfields in Croatia after the no-fly zone over Bosnia-Herzegovina. At the end of 1992 and the beginning of 1993 the ECMM moved back to Bosnia and Herzegovina.

Regarding the structure of the Mission, the ECMM in Croatia operated with headquarters in Zagreb, controlling seven Regional Centres (hereafter RCs) from there. The RCs control the monitors in the field. Those Centres which have many monitors were divided into smaller Coordination Centres (CCs).

One of the main tasks of the ECMM was to collect information about the military situation in the areas in which they were active through daily reports or periodic communications. The ECMM in fact provided information to other institutions and organizations such as the Council of Europe, the UN, the OSCE, and other agencies. Part of its responsibilities also included humanitarian work, through cooperation with humanitarian organizations.

For instance, the importance of the ECMM was highlighted by the Parliamentary Assembly of the Council of Europe. In its opinion dated 26

---

69 For a description of the role played by the LDAs in the Stability Pact please see Council of Europe/ALDA Doc. CG/ASS/ADL (8) 82, ”The added value of the city co-operation to the democratisation and stabilisation process in SEE. The support of the Association of Local Democracy Agencies.” Paper from the Working Table I, Stability Pact 12/13 of June 2002, Istanbul.

70 For further information please have a look at the ALDA’s webpage www.ldaaonline.org.

71 The concept of “pink zones”, under the UN terminology, refers to certain areas of Croatia controlled by the JNA and populated by then largely by Serbs, but which were outside the agreed UNPA boundaries.

72 Exactly in Zagreb, Knin, Zenica, Belgrade, Szeged, Sofia and Tirana.
September 1995 “On the situation of some parts of the former Yugoslavia” the organization stated:

13. [...] The ECMM now includes a section on cultural heritage in its weekly bulletins (and other sections contain much relevant information as the monitors are now aware of the cultural dimension) and the ECMM has itself produced three detailed cultural heritage information reports.

14. The importance of continued ECMM involvement in this work is that the military personnel are better equipped to visit many of the dangerous sites involved that civilian cultural observers. It is possible that they might play a role in enabling a joint human rights/heritage assessment of the situation in the Krajina in the coming autumn.”

On 22 December 2000, the Council of the European Union adopted a Joint Action (2000/811/CFSP) on the European Union Monitoring Mission. The European Community Monitor Mission (ECMM), which had been operating in the Western Balkans since July 1991, thereby became the European Union Monitoring Mission (EUMM). As explained above, the EUMM remained in the territory even after the end of the conflict.

1.3.2. Cooperation After the End of the Conflict

The OSCE Mission in Croatia

Following the report of the OSCE fact-finding Mission to Croatia in October 1995, and of the Personal Representative of the Chairman-in-Office on his country visit in February 1996, the PC decided on 17 April 1996 to establish a long-term OSCE mission, at the invitation of the Croatian Government. Experts from the CoE joined the fact-finding and the follow-up mission, which also visited Eastern Slavonia and Krajina.

The OSCE Mission to Croatia became operational on 5 July 1996. According to its mandate, the Mission cooperates with the HCNM and the ODIHR, the Council of Europe, the ECMM, the Special Envoy for Regional Issues, UNHCR, the ICRC and relevant NGOs in carrying out its tasks. The PC at the time highlighted the need for the Mission to cooperate closely with UNTAES. The mandate was also expanded to encompass assistance to and monitoring of the Croatian authorities with regard to the return of refugees and the treatment of national minorities.

When the UNTAES ended its work in 1998, the OSCE Mission took over its tasks and monitored the implementation of the various agreements UNTAES had concluded with the Croatian authorities. In this perspective the Mission was reinforced by Permanent Council Decision No. 176 (26 June 1997), which authorized the gradual increase of personnel up to a ceiling of 250 international
staff. The Mission was also authorized to assist with the drafting of Croatian legislation and to monitor implementation not only of these laws, but also of agreements and commitments entered into by the Croatian Government on: (i) the two-way return of all refugees and displaced persons and the protection of their rights; (ii) the protection of persons belonging to national minorities.

From the analysis of the mandate it is easy to perceive that cooperation was one of the main topics of the OSCE Mission. The following words, taken from the official 1997 annual report of OSCE activities, give an initial idea of what the level of cooperation, sometimes defined as close, in the field after the conflict was.

Following the strengthening of the Mission, its headquarters in Zagreb is supported by Co-ordination Centres in Vukovar, Knin, Sisak and Daruvar, and by field offices at 16 other locations, as well as by a Zagreb Area Office. Close co-operation has been established with the European Commission Monitoring Mission (ECMM) and the United Nations High Commissioner for Refugees (UNHCR), who are participating in the co-ordination of field operations and in information-sharing through liaison officers working out of OSCE headquarters. Cooperation is maintained with the OSCE High Commissioner on National Minorities, the Council of Europe, the United Nations High Commissioner for Human Rights and also with relevant non-governmental organizations. Particularly close co-operation has been established with the UN Transitional Administration in Eastern Slavonia in view of its forthcoming withdrawal from the region.78

Following its 1996 and 1997 recommendations concerning electoral legislation, the Mission, together with the Council of Europe and the ODIHR, drew up an internationally supported position paper outlining recommendations for making necessary changes in Croatia’s electoral legislation.79 In 1998 the OSCE Mission became the main international presence in the country, with 280 international staff members at the Mission’s headquarters (in Zagreb), at three co-ordination centres (in Vukovar, Sisak and Knin) and at 16 field offices and seven field sub-offices. Together with the United Nations High Commissioner for Refugees and the European Community Monitoring Mission, the Mission established Return Facilitation Groups for the coordination of international monitoring of and support for the Return Programme.

In 1999, as a result of Decision 112 of the Permanent Council (18 April 1996), the Mission was tasked to provide assistance and expertise to the Croatian authorities, individuals and groups in the field of human rights and minority rights, as well as to assist and advise on the full implementation of legislation. Furthermore, Decisions No. 176 (26 June 1997) and No. 239 (25 June 1998) amended the mandate of the Mission to assist with and to monitor the implementation of Croatian legislation, and of agreements and commitments entered into by the Croatian Government on the two-way-return of all refugees and displaced persons, and on the protection of persons belonging to national minorities. The Mission also cooperated with the ECMM in monitoring the performance of the so-called Housing Commissions, whose mandate is to implement the Return Programme.

In 1997, the Mission promoted the reform of electoral legislation and the media. These issues form part of the commitments which Croatia undertook when it acceded to the Council of Europe (CoE) in 1996, and thus the Mission had closely coordinated its efforts with the CoE. Members of the Mission also attended

meetings of the European Commission on Democracy through Law of the CoE (Venice Commission) in December 1998 and acted as facilitators at a joint training workshop on human rights of the EU, OSCE, United Nations and CoE in Venice in July 1999. As part of his efforts to inform international partners about ongoing activities and to broaden the international dialogue, the Head of Mission visited Brussels on 11 January 1999 and Bonn (German EU Presidency) on 12 January 1999 at the invitation of the EU and NATO.80

In 2000-2001, the Mission continued to work closely with the experts of the Council of Europe to help the new Government move Croatia towards achieving its goal of full compliance with the commitments undertaken upon accession to the Council of Europe in 1996. Mission staff was also in regular contact with the Council of Europe legal and human rights experts regarding such important areas of legal reform as media and telecommunications, local government and minority rights. In April 2000, the Head of Mission had a series of high-level meetings at the Council of Europe in Strasbourg, culminating in a speech to the Expanded Rapporteur Group for Democratic Stability on 14 April.81

Mission experts also participated in a joint Council of Europe/EU/UNHCHR/OSCE Mission to Kosovo to assess the human rights training needs of persons working for international organizations, as well as in an ODIHR/HCNM conference on minority representation in Warsaw.

As part of the tripartite meetings between the OSCE, the UN and the Council of Europe, the Mission lent its police-monitoring and law enforcement experience to a target-oriented meeting on international law enforcement and police monitoring, held on 24 February in Geneva.

1.4. Cooperation in Election Observation

During the 1991 Madrid Organizational Conference of CSCE concerning the establishment of the CSCE Parliamentary Assembly (PA), it was decided that one of the main criteria for the work of the Assembly would be a willingness to use the resources of other European parliamentary institutions, including the Parliamentary Assembly of the Council of Europe (PACE), the Assembly of the Western European Union (WEU), the North Atlantic Treaty Organization (NATO), Parliamentary Assembly and the European Parliament.82

Since its creation in 1991, the OSCE Parliamentary Assembly has developed regular and formal high-level interaction with the other OSCE institutions, as well as with the parliamentary bodies of other international organizations. One of the main topics of the interaction is the election observation missions: cooperation between the OSCE institutions, namely the OSCE PA and the Field Missions, with other international organizations concerning almost all elections in Croatia.

During election observation missions, the OSCE Parliamentary Assembly cooperates with parliamentary institutions, particularly the European Parliament, the Parliamentary Assembly of the Council of Europe and the NATO Parliamentary Assembly, whose members often join OSCE PA observer missions.83

The leading position of the OSCE/ODIHR was also recognized by the Bureau of the Parliamentary Assembly of the Council of Europe; the Bureau in the Memorandum approved in 1999 precisely on this point stated:

82 OSCE the Secretary General, Annual Report 2000 on Interaction Between Organizations and Institutions in the OSCE Area, 26.
83 Ibid., 27.
14. The OSCE/ODIHR presents itself as the main organizer and coordinator of the observations. In view of its presence on site well before the elections, its material resources and the number of long and short-term observers deployed (hundreds of people), the OSCE/ODIHR is generally accepted as the main organization by the authorities of the country involved and tends to co-ordinate the monitoring activities of other international institutions.

Analysis of the Election Observation Missions

1997 - Local election

According to the normal rule established for election observation, upon receipt of an official invitation by the Ministry of Foreign Affairs of the Republic of Croatia, the OSCE’s Office for Democratic Institutions and Human Rights (ODIHR) observed the election of representatives to the Chamber of Counties of the Parliament of the Republic of Croatia, and the election of members of Representatives of Local Government and Self Government Bodies.

As stated by the ODIHR in the final report about the election observation mission:

The ODIHR had a close co-operation with UNTAES and with ECMM whose support and contribution of observers was vital to the observation. [...] From mid-February the ODIHR deployed 22 long-term observers in ten locations throughout the Republic of Croatia. They followed and reported on the pre-election period prepared for the observation of Election Day.

[...] The co-operation with all agencies has been open and at a high professional level.

On Election Day, ODIHR deployed 192 observers provided by 25 OSCE participating States, including 60 persons provided by ECMM. 58 short-term observers were deployed in the UNTAES region. 84

1997 - Presidential Election

Upon receipt of an official invitation by the Ministry of Foreign Affairs of the Republic of Croatia, representatives of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) decided to observe the election campaign and the balloting for the 15 June 1997 Croatian Presidential Election.

On Election Day itself, the ODIHR deployed 104 observers throughout the country, covering all counties. 85 Although in this case the exact role of other international organizations was not mentioned, the OSCE in its Annual Report of 1997 clarified it as:

In accordance with its mandate the ODIHR is now able to offer a framework for co-operation, making it possible to include election observers from other international, such as the Council of Europe and

the European Parliament, and from relevant non-governmental organizations wishing to participate.\textsuperscript{86}

The Cooperation Agreement signed on 9 September 1997 between the OSCE Parliamentary Assembly and the ODIHR established a framework for joint observation missions and the issuance of a joint post-election statement.

2000 - Parliamentary Elections (House of Representatives)\textsuperscript{87}

The OSCE/ODIHR established an Election Observation Mission in Zagreb on 19 November 1999 to monitor the parliamentary elections to the House of Representatives. Regarding the structure of the election observation mission, the OSCE/ODIHR clarified:

The Final Report consolidates the findings of eight core-staff based in Zagreb, 12 long-term observers deployed in the 10 election constituencies in Croatia, and over 350 short-term observers from 30 OSCE participating States, including 25 parliamentarians from the OSCE Parliamentary Assembly [...]. In addition, nine parliamentarians from the Parliamentary Assembly of the Council of Europe (PACE) took part in the observation.

[...] The European Institute for the Media undertook a long-term media monitoring for the OSCE Mission to Croatia and the OSCE/ODIHR, with financial support from the European Commission (EC).\textsuperscript{88}

2000 - Extraordinary Presidential Elections

The OSCE/ODIHR established an Election Observation Mission (EOM) on 19 November 1999 to monitor the parliamentary elections to the House of Representatives. Following the death of president Tudjman on 10 December 1999, on 22 December the government announced presidential elections would take place on 24 January 2000. The OSCE/ODIHR remained in Croatia, and extended its Election Observation Mission (EOM) to monitor these elections from 10 January 2000 until after the second round.\textsuperscript{89} As a non candidate was able to secure a majority in the first round on 24 January, a second round took place between Stjepan Mesic and Drazen Budisa on 7 February.

The EOM was composed of:

[...] eight core-staff based in Zagreb, 14 long-term observers deployed in 20 Counties in Croatia and Zagreb, and over 300 short-term observers from 28 OSCE participating States on 24 January and over 250 observers from 27 OSCE participating States for the second round.

\textsuperscript{87} The Election Administration comprises a four-tier structure: the State Election Commission (SEC); 11 Constituency Commissions; 543 Municipal Election Commissions (MECs) or City Election Commissions (CiECs) and over 6,500 Voting Committees (VCs).
\textsuperscript{88} OSCE/ODIHR Final Report, Republic of Croatia, Parliamentary Election House of Representatives, 2 and 3 January 2000.
\textsuperscript{89} In contrast to the election administration for the parliamentary election which had a four-tier structure, the presidential election law provides for a three-tier structure comprising the State Election Commission (SEC), 543 Municipal and City Election Commissions (MECs and CiECs) and over 6,500 Voting Commissions (VCs). As no intermediate level commission existed between the SEC and the MECs, the SEC granted 21 MECs a special status, fulfilling some of the administrative functions carried out by the Constituency Election Commissions during the parliamentary election.
on 7 February. In addition, three parliamentarians and staff from the Parliamentary Assembly of the Council of Europe (PACE) observed polling on 24 January.

[...] the European Institute for the Media continued its monitoring of the media, with financial support from the European Commission (EC).

The OSCE played an active role in monitoring media, namely the HVT. The OSCE Mission organized independent monitoring starting in July 1999. The results of this monitoring activity had been discussed at regular meetings of the OSCE, the European Union and the US and the HRT management. 92

2001 - Local Elections

The OSCE’s Office for Democratic Institutions and Human Rights (ODIHR) established an Election Observation Mission (EOM) on 18 April 2001. Regarding the structure of the Mission, the OSCE/ODIHR explained: 93

[...] the findings of 12 international experts and long-term observers and 136 short-term observers. The short-term observers included a six-person delegation from the Congress of Local and Regional Authorities of the Council of Europe (CLRAE) and representatives of Zagreb-based diplomatic missions and international organizations.

[...] on 21 May the OSCE/ODIHR EOM and the CLRAE delegation, constituted as an International Election Observation Mission issued a joint statement of preliminary findings and conclusions.

Regarding the presence of the Congress of Local and Regional Authorities of the Council of Europe (CLRAE), the Bureau of the PA of the CoE clarified that:

As regards the observation of elections at local and regional level, the Bureau decided on 28 June 1996 to leave it, in principle, to the Congress of Local and regional Authorities of Europe. [...] 94

The 2001 election was also monitored by two short-term observers recruited to the election observation mission by the Norwegian Institute of Human Rights and the Norwegian Refugee Council at the request by the Norwegian Ministry of Foreign Affairs. In addition, one observer was seconded directly by the Norwegian Ministry of Foreign Affairs. 95

2003 - Parliamentary election

The OSCE/ODIHR Election Observation Mission (EOM) was invited by the Croatian Ministry of Foreign Affairs to observe elections to the Croatian Parliament, the
fourth since Croatia gained independence in 1991. The Election Observation Mission was headed by Mr. Ian Mitchell (Canada) and consisted of 7 experts based in Zagreb, and 12 long term observers deployed in 6 regional centres: Rijeka, Split, Zadar, Osijek, Varazdin and Sisak. 96 The Council of Europe was involved in the election observation in the phase of “post-monitoring”. The Parliamentary Assembly in the “Guidelines for elections observation by the Parliamentary Assembly of the Council of Europe” explained:

19. Observation of parliamentary elections in an applicant State or a state under the monitoring procedure or subject to a post-monitoring dialogue should be inalienable right of the Assembly. [...] 97

1.5. Evaluation of the Cooperation

The management of the conflict in Croatia can be seen as an exercise of “soft-measures” (monitoring, embargo and relative sanctions, political solutions) by the international community. It can be argued that military action was necessary, but the fact remains that both the EC and the CSCE were not prepared to deploy military units in the conflict. They were able to provide security mechanisms, but they did not possess the same capabilities as United Nations or NATO.

The first tangible evidence of a lack of cooperation can be found within the European Community itself. The early recognition by the Germans, non-consideration of the role of the Badinter Commission, and ultimately the passive behaviour of the other member states of the EC in following the German decision, show a lack of cooperation. The failure revealed problems on the rule of consensus, which enabled strong member states to influence the common policy. 98 However, this was not a problem unique to the EU: lack of consistent principles and effective coordination and different approaches to conflict management were elements that were common in other international organizations as well.

Cooperation and minority rights

In the phase of post-conflict the cooperation was mainly focused on setting the minority rights issues and relative legal means. Around this topic there was a context of cooperation in exchanging information and sharing knowledge but this came as a support in reaching the main objective: help Croatia in honouring the commitments accepted within the context of some organizations.

Improving minority rights at the national level in order to reach the criteria established at the international level was more a burden that came from the early and negative recognition of Croatian independence by the International Community. The EU recognized Croatia as an independent state, but despite the opinion expressed by the Badinter Commission; the main reason was in fact Croatia’s non-compliance with minority rights. 99 However, even in this praiseworthy action (helping Croatia honour the commitments), there was a lack of cooperation at least regarding the different positions taken by each organization.

98 For instance, the Greek veto in the case of Macedonia.
As mentioned above, different CoE, OSCE bodies have been involved in setting the minority right issues in the country. The CoE Venice Commission and the FCNM, the OSCE’s Mission to Croatia, and the HCNM contributed with their respective expertise. In this context, the main evidence of a lack of coordination came from the definition of minorities in Article 5 of the Constitutional Law on the Rights of National Minorities in Croatia. The Opinion of the Venice commission went against the opinion of the HCNM and the Advisory Committee of the FCNM.100 The discrepancy concerned the consideration of citizenship among the elements of the definition of national minorities. In the light of sure regular contacts among the organizations, the difference might be sought in the nature of the bodies.101

Croatia and minority rights commitments

Another example of a lack of proper cooperation regarding the history of Croatia as a member of the Council of Europe was as follows: Croatia became member of the CoE on 6 November 1996. However, the membership was strongly criticized by the CoE deputy Secretary General Mr. Leuprecht, and in September 1997, the United States also proposed to suspend the CoE membership of Croatia.102 Furthermore, Leuprecht, referring to a meeting of the Committee of Ministers at which the Croatian minister of Foreign Affairs Mate Granic argued at length that his country is a “model of democracy that fully respects human and minority rights”, stated that “none of the ministers present said a word, not even one said “What do you take us for, idiots?” there was only soft, soggy consensus”.103

The Parliamentary Assembly, in its Recommendation 1405 (1999), observed that “little progress has been made by Croatia in honouring commitments and obligations related to the fundamental principles of the Council of Europe (democracy, the rule of law and human rights), notably in the fields of electoral reform, local self-government, administration of justice, the revision of the suspended provisions of the 1991 Constitutional Law on Human Rights and the Rights and Freedoms of National and Ethnic Communities and Minorities, in compliance with recommendations made by the Venice Commission, and freedom of expression, including freedom of the electronic and printed media.”104 Only one year later the Assembly welcomed the significant progress achieved by Croatia towards honouring its commitments and obligations as a Member State of the CoE, in particular since the parliamentary and presidential elections held in 2000. The Assembly also decided to stop the monitoring procedure.105

The mention of the Parliamentary and Presidential elections has to be seen in the light of the OSCE/ODIHR election observation missions. Regarding this point, it has to be seen that the OSCE/ODIHR, in its final report, clearly affirmed the need for an amendment of the Croatian Law on Electoral Registers, removing the obligation to record the voter’s ethnic origin. The Report noted, “Although voter lists should be subject to public scrutiny, so long as a record of ethnicity remains on the lists, these should not be publicly displayed, as it may open the potential for discrimination and intimidation.” Reference in this case was made to paragraph 32

100 See Rianne M. Letschert, op. cit., 391.


102 Ibid, 384.

103 From Radio Free Europe of 8 July 1997 (13:00).

104 Parliamentary Assembly of the Council of Europe (PACE) Recommendation 1405 (1999), § 1 (viii).

of the OSCE Copenhagen Document (1990) and to Article 3 (1) of the Council of Europe FCNM.\(^{106}\)

Concerning the Presidential Election, the OSCE/ODIHR again remembered that the disclosure of ethnicity on voter lists raised serious concern, particularly since it was irrelevant, as national minority voters had no special voting rights in a presidential election. Furthermore, OSCE/ODIHR observers reported that many voters were uncomfortable with the practice, which introduced the risk of discrimination and intimidation into the election process. The final report continued making reference to a possible contrast with Article 3 of the FCNM, ratified by Croatia in October 1997.\(^{107}\)

So it can be seen as follows: in 1999 the CoE criticized Croatia for their lack of progress concerning the commitments related to their membership and also mentioned the position of national minorities. In 2000, the CoE welcomed the progress made by the country, recalling the elections of 2000 — elections that were criticized by the OSCE/ODIHR leader in conducting election observation missions on issues regarding the national minorities.

Nevertheless, returning to what stated by the Assembly in 2000, it has to be clarified that the signature and ratification of the FCNM have often been considered sufficient for the Assembly to close the monitoring procedure.\(^{108}\) In this particular case, however, the reference to the elections of 2000 can be misleading, at least from the perspective of minority rights issues.

In addition to what has been explained, Croatia’s situation and that of its national minorities was also analyzed in the First Annual report on progress made within the Stabilization and Association Process of the European Commission, dated 2002. The Commission noted that “there has been a sea of change in the approach of the current Government in the areas of democratization, respect for human rights including minority rights”. However, as reported, “nationalistic” pressures continue to have some impact on the pace of reform. This is particularly true for the return process and de facto integration of the Serb minority”.\(^{109}\)

---

2. Part Two - Analysis of the Interplay in Bosnia and Herzegovina
Introduction

Bosnia and Herzegovina is the first important test case analyzing the cooperation among international organizations in conflict-related scenarios. The present “country analysis” will be further compared with the Kosovo one in order to trace and better underline the positive and negative elements in handling the crisis and if, mostly regarding the negative, these mistakes will be committed again by the International Community entering Kosovo.

Looking at the report, the part regarding “Cooperation at Headquarters Level” is focused on the years soon after the Dayton Agreement in order to provide for an overview of the efforts undertaken by the International Community in implementing the Agreement. A presentation of the Human Rights Institutions set up under Dayton is included as well, in order to explain the position of international organizations in each new institution.

Finally, the part entitled “Evaluation of the Cooperation” includes a brief assessment of the minority rights under the Bosnian constitution: this part, even if not directly connected with the theme of the report, is useful to explain the actual problems in the country and the difficulties for the international community in providing for an exit strategy.

2.1. Historical Background

The Bosnian conflict officially started in 1992, however the preparation for the war started well prior to the outbreak of hostilities. In 1991, the so called Patriotic League was set up by Izetbegovic leadership as an organ for self-defense. The League was subordinated to a Council for the National Defense of the Muslim Nation based in Sarajevo. On 5 July 1992, the Patriotic League later formed part of the Army of Bosnia-Herzegovina (ABH) under the command of the Muslim General Šefer Halilović.

Almost at the same time, Bosnian Croat military units were set up in Croatia. In the first months of 1992 they were attached to a Croat Defense Council with its headquarters in Kiseljak, subordinated to the leadership of the HDZ. The SDS also created an armed militia on the basis of existing territorial defense assets and volunteer units, armed and organized by the JNA. These varied units, coordinated by the JNA command structure and supported by JNA firepower, would be militarily dominant in the first phase of the war.

In this unanimous context, Sarajevo conducted its referendum on independence in 1992. The Muslim and Croat communities voted for independence; exactly 99.4 % of the electorate (63 % participated) voted in support of the proposition; on the other side the Bosnian Serbs boycotted the election. Furthermore, following the results of the election, the Bosnian government declared independence on 27 March 1992 and after a few days the formal recognition by the EC and the United States arrived. On 30 April, Bosnia-Herzegovina became the 52nd member of the CSCE, and on 22 May it was admitted to the United Nations.

---

110 The historical analysis of the conflict is based on the studies: Craig R. Nation, op. cit; Jože Pirjevec, op. cit.
111 At the outset, the Patriotic League had approximately 35,000 personnel at its disposal, coordinated by a rudimentary organisational structure. Furthermore, the Patriotic League together with the Green Berets and local Territorial Defence Units formed part of the ABH.
SDS activists determined to resist separation from Yugoslavia began to erect barriers in Sarajevo in the first days of March.\(^{112}\) Fighting between Croat and Serb militias and regular forces in the Bosanska Krajina, Posavina, and eastern Bosnia erupted shortly thereafter, and immediately after the declaration of independence skirmishes between Serb militias and local police forces reinforced by Muslim militias and criminal gangs broke out in the outskirts of Sarajevo.

On 6 April the shelling of Sarajevo by Serb artillery was initiated. The day after, the Assembly of Serbian People in Bosnia-Herzegovina, meeting in Banja Luka, declared the independence of the Serb Republic of Bosnia-Herzegovina, renamed the Serb Republic on 13 August 1992. The HDZ publicly supported the government in Sarajevo, and on 7 April Zagreb accorded Bosnia-Herzegovina diplomatic recognition, but simultaneously sought to reinforce the autonomy of Herceg-Bosna\(^{113}\) with the intent of promoting its eventual attachment to Croatia. This goal was partially realized on 3 July 1992 when Herceg-Bosna declared itself to be an independent state with its own flag and armed forces.

However, when it was clear where Bosnia-Herzegovina was going, the only party who protested were the citizens of Bosnia themselves. On 5 and 6 April, after a week of country-wide demonstrations, tens of thousands of protestors assembled before the Bosnian Parliament in Sarajevo to demand new elections and a policy of reconciliation. The crowd was dispersed on the evening of 6 April by sniper fire.\(^{114}\)

During this first period of the conflict, fighting developed around individual battle zones, often focused on urban complexes encircled by hostile forces and subjected to artillery fire and harassment by snipers but rarely taken by assault. The phenomenon of ethnic cleansing was used as a guerrilla tactic and became synonymous with assaults upon local populations intended to provoke mass flight. By the summer of 1993, former Yugoslavia counted over 4 million refugees and displaced persons. Poland’s Tadeusz Mazowiecki, appointed on October 6th, 1992 to head the UN Expert Commission on Human Rights Violations in Bosnia-Herzegovina, was correct in remarking that “ethnic cleansing is not a consequence of this war, but rather its goal.”

Despite the confused nature of the fighting, the strategic goals of the warring factions were clear. The Serb and the Croat factions’ plan was aimed at securing compact territories, controlled militarily, in the view of attaching them to their respective homelands. That meant a \textit{de facto} partition of Bosnia-Herzegovina between Serbia and Croatia. However, from their side, the Muslim party sought to ward off such outcomes at all costs by maintaining control of the capital, insisting upon the integrity of Bosnia-Herzegovina, banking on international recognition as a guarantor of survival, and resisting Serb and Croat territorial encroachments wherever possible.

In order to achieve this goal, the first action was to secure control of the frontier with Serbia along the valley of the Drina. In the first weeks of April, Serb paramilitary formations, aided by regular units of the JNA, pushed into municipalities such as Zvornik, Višegrad, Bratunac, Srebrenica, and Foča, beating down inadequate defenses and expelling the Muslim populations. Other towns in the Drina valley, including Goražde, and Žepa, were placed under siege. The fall of Bijeljina opened the season of massacres. The Serbs also succeeded in opening a


\(^{113}\) The Community of Herceg-Bosna and Bosanska Posavina had been created by the HDZ in November 1991 as Autonomous Regions; this after the declaration of the Serb Republic of Bosnia-Herzegovina by the Parliament of the Serb Nation in Bosnia on 21 November 1991.

corridor from Zvornik to Serb-controlled areas surrounding Sarajevo, but in May and June the overextended Army of the Serb Republic (VRS) forces were pushed out of Srebrenica and besieged in Doboj.

By the end of 1992 the first phase in the history of the Bosnian conflict had culminated with the Serb faction dominating nearly 70% of the national territory. The Croat Defense Council (HVO), precariously aligned with Muslim forces, controlled the predominantly Croat areas of western Herzegovina, while Izetbegovic found his authority reduced to a small area in central Bosnia stretching from Tuzla to Kiseljak, Sarajevo, and the handful of exposed eastern Bosnian enclaves.

It has to be clarified that during this season the intensity of violence in Bosnia-Herzegovina from the spring of 1992 onward took observers by surprise, and provoked hasty efforts to bring the fighting under control. As a consequence, in the early summer of 1992 the UNPROFOR mandate was extended to Bosnia-Herzegovina. The original purpose of the deployments was to support the delivery of humanitarian assistance, but the mission was steadily expanded to include the protection of the Sarajevo Airport, mounting guards for convoys, oversight of ceasefires, monitoring of military exclusion zones, and deterrence of local aggression.

On 3 April 1993 the regional centre Banja Luka was occupied by the JNA and transformed into the political centre of a Serb-dominated western Bosnia. In October the VRS finally forced the Croatian Army (HV) and HVO forces out of Bosanski Brod, and by December a tenuous hold on the so called Posavina or Northern Corridor had been re-established. In this context, Sarajevo quickly became a focal point of international attention. The siege of the city actually served to demonstrate the precariousness of Bosnia’s legally constituted government, but, like the siege of Dubrovnik during the previous year, it had a devastating impact upon the credibility of the Serb cause.

The military cooperation agreement in May 1993 between Izetbegovic and Tudjman was one of the most important events of this season, and it led to the rapid consolidation of the Army of Bosnia-Herzegovina (ABH) from May onward which enabled Croat and Muslim forces to reinforce their positions in central Bosnia.

Meanwhile, during 1993, the Serb faction focused its operations to broaden the Posavina Corridor and consolidate areas of control in the Drina valley. Fighting in the Drina valley was initiated by the Muslim faction, when on 7 January 1993, the local commander Naser Orić launched a series of raids from within the Srebrenica enclave, burning villages and setting the stage for what would become a tragic revenge. The Serbs responded by closing on Srebrenica and threatening to seize it, advancing by 15 April to within several kilometres of the city centre. However, in response to international pressure the assault was called off, and the status quo preserved, but the exposure of the eastern Bosnian enclaves had been clearly demonstrated.

The most significant strategic development of the 1993 campaigning season was the breakdown of the Croat-Muslim alliance and the emergence of a series of new battle areas in central Bosnia. In January 1993, Croat-Muslim fighting erupted in Gornji Vakuf, and in April the Croat-Muslim contest became a war within the war.

115 The Corridor establishing geographical contiguity between the emerging Serb entities of Croatia and Bosnia-Herzegovina and northern Serbia was a strategic imperative.
116 Already in October 1992 local fighting between Croats and Muslims erupted in Novi Travnik, Prozor and Vitez.
117 On 16 April 1993 HVO forces moved an offensive towards the inhabitants of the predominant Muslim village of Ahmići in western Bosnia’s Lašva valley.
Between May 1993 and January 1994, not even attracting the same international attention, the HVO prosecuted a siege of Muslim-controlled east Mostar, in tandem with the Serb siege of Sarajevo. Over time, the course of the Croat-Muslim war in central Bosnia went in favour of the Muslim faction and by September the momentum of the Croat offensive had been reversed, with the ABH once again in control of significant parts of central Bosnia.

In direct contravention of the safe area concept, several of the enclaves were used by Muslim forces as sanctuaries for launching raids against Serb-held territories. By assuming responsibility for their protection, UNPROFOR was not prepared for the responsibility it took, and extended its mandate to the breaking point. In direct contravention of the safe area concept, several of the enclaves were used by Muslim forces as sanctuaries for launching raids against Serb-held territories. By assuming responsibility for their protection, UNPROFOR was not prepared for the responsibility it took, and extended its mandate to the breaking point.

118 The alternative offered by the Clinton administration became known as “Lift and Strike”: lifting the arms embargo against the Muslim party in order to allow it to organize a more effective defense and selective air strikes under NATO auspices to punish Serb violations. In addition, the U.S. called for a selective end to the arms embargo; this while the other European allies were already significantly engaged on the ground.

In April 1993, Serb forces launched an attack on the Eastern enclaves of Srebrenica and Zepa. A last minute agreement with the UN created a safe area around Srebrenica. On 16 April 1993, the UNSC adopted Resolution 819 demanding that all parties treat Srebrenica and its surrounding as a “Safe Area”. Over the next two months, the UNSC further elaborated its safe-haven policy with the UNSC Resolution 824 of 6 May 1993, adopted under Chapter VII of the UN Charter. According to the Resolution, Sarajevo and the towns of Tuzla, Zepa, Goradze and Bihac should also be treated as safe areas. Furthermore, on 4 June UNSCR 836, adopted under Chapter VII of the UN Charter, extended the UNPROFOR’s mandate.

Nevertheless, the UNSC’s safe-haven policy did little to defuse the crisis. The Bosnian Serbs shelled Goradze throughout the month of June 1993, and early in July the recommenced heavy artillery attacks on Sarajevo began. Responding to these renewed hostilities, the U.S. advanced a more concrete proposal before NATO to subject Serb gunners surrounding Sarajevo to NATO’s air power. Despite UNSC Resolution 836, which authorized UNPROFOR to deter attacks against the designated safe areas, by December 1993 the UN commander in Bosnia was reporting that at least three of the enclaves, Srebrenica, Zepa and Goradze, were “in imminent danger of being overrun” by the Bosnian Serbs. The commander of UNPROFOR had estimated that in order to ensure full respect for the safe areas, the force would need approximately 34,000 additional troops. Unfortunately, as we know, the UNSC Resolution 844 of 18 June 1993 approved only a light option of some 7,500 troops, with a delay in the deployment of over a year. UNPROFOR was neither structured nor equipped for combat and never had sufficient resources, even with air support to defend the safe areas against a deliberate attack or to hold ground.

In May 1993, the International Tribunal for the Former Yugoslavia (ICTY) was created. It was in principle a gesture toward a more exigent international war convention, but the ICTY of that time was insufficiently funded, understaffed, and pursued its dossiers too slowly to make a real difference. In the summer of 1993,

121 See UN Doc. S/25939, 14 June 1993, § 5.
with Mostar under siege and the Muslims’ strategic position temporarily declining, Izetbegovic began to entertain concessions; but as the Muslims’ military fortunes improved, willingness to compromise melted away. All parties to the conflict continued to perceive the war instrumentally, as a means toward the achievement of political goals.

Months later, on 5 February 1994, a mortar shell landed in the Markale market in Sarajevo, killing 65 and wounding over 200. The massacre seems to have functioned as a cathartic event, shattering the acquiescence that had hindered international conflict management efforts in the past.

A first consequence was to energize NATO as a strategic actor. On 7 February, the Atlantic Alliance set a 10-day ultimatum for the withdrawal of Serb heavy weapons and mortars from a twenty kilometres “total exclusion zone” around Sarajevo. As an alternative, the Serbs were instructed to establish nine weapon storage sites outside the zone, to be controlled by UNPROFOR but accessible in case of a Bosnian Muslim attack. After complicated negotiations, the Bosnian Serbs finally agreed to comply with these conditions, but only begrudgingly and with the support provided by some 400 Russian soldiers moved into Sarajevo from the Russian UNPROFOR contingent in Croatia’s UNPA-East. However, General Michael Rose, commander of the UNPROFOR for Bosnia-Herzegovina, stated that an analysis of the crater did not allow conclusions concerning the trajectory of the shell, and Yasushi Akashi, special envoy of the UN Secretary General, expressed “certain doubts” about the round’s origin. Despite these affirmations, Pale was immediately condemned by the world opinion.

By the beginning of 1994, with the Clinton administration facing the mid-term elections, the conflict had begun to have a higher position among the substantial U.S. interests. This combination of interests provoked a concerted effort to devise an effective strategy for bringing the conflict under control. In addition, in February-March 1994, Western pressure achieved the reopening of Tuzla Airport as a means to facilitate the delivery of humanitarian aid.

On 27 February 1994, in line with the strategic reappraisal underway, two NATO aircraft shot down four Yugoslav jet fighters that had passed the no-fly zone near Banja Luka. This was the first combat action undertaken by the Alliance since its establishment in 1949. The International Community proved its more assertive military posture during the following months of 1994, and this policy was actually also matched by a new diplomatic approach. In January 1994 representatives of the Muslim and Bosnian Croat factions came together under U.S. auspices in the Petersburg conference centre near Bonn. Three months later, on 18 March 1994, a Washington Agreement announced the creation of a Bosnian Croat-Muslim Federation. The federation, with the assistance of UNPROFOR monitors, allowed contending Muslim and Croat forces in central Bosnia to disengage, permitting the siege of Mostar to be lifted. Military pressure against Serb positions was correspondingly increased. Strategically, the accord created an objective foundation for .S. determination to direct cumulative pressure against the Bosnian Serbs.

In 1994 an unexpected Serb offensive against Goradze began at the end of March. Within a week, the Serbs appeared to be on the verge of overrunning the city. Serb artillery began shelling the city centre. Several NATO air strikes followed, but the Serb offensive showed no signs of abating. Finally, on 22 April,

---


NATO issued an ultimatum. Serb forces were to withdraw three kilometres from the centre of Goradze and Serb heavy weapons were to be removed from a 20 kilometres Total Exclusion Zone (TEZ) around the city. By 26 April, Bosnian Serb forces began to withdraw on their own initiative and fighting within the enclave came to a halt.

During the summer, violations of the Sarajevo exclusion zone by both sides multiplied. Simultaneously, a coordinated Muslim-Croat offensive retook Kupreš in central Bosnia, and fighting erupted around Donji Vakuf, Glamoć, and Bosansko Grahovo.

On October 26th the Bosnians launched an offensive southward from Bihac which overran several Serb villages. On 6 November the Serbs launched a counterattack and within a week Bihac was under siege by Serb forces. Serb planes based in Krajina attacked Bihac on 18 November, leading to a NATO strike on the airfield at Udbina, located on Croat soil, on 21 November. On 24 November 1994, NATO met but failed to issue an ultimatum to the Serbs to withdraw from Bihac due to disagreements within the alliance. On 26 November a NATO raid on SAM missile sites was vetoed by Akashi and General Rose, ending NATO involvement in the Bihac crisis. Serb forces, for their part, halted their advance into the city and the crisis passed. Soon after the Bihac crisis, former U.S. President Jimmy Carter arrived in Bosnia and, working with Akashi, succeeded in brokering a cease-fire agreement among the parties. The accord came into effect on 1 January 1995.

Above all, the events of 1994 demonstrated the difficulty of employing air strikes in support of safe areas and TEZs. The absence of additional UN contingents to police the safe areas meant that both sides could violate the UN resolutions on protected zones with impunity. This was evident in Bihac, where, after the pull-out of French troops, the UN was left with a small force of poorly armed Bangladeshi troops. When the fighting for Bihac began, the UN did not even have a map of the Bihac safe area.

By the end of 1994 the situation in Bosnia appeared to have reached a stalemate. The Serbs had seized most ethnically mixed Serb-Muslim areas in eastern and central Bosnia and the Posavina region of mixed Serb, Croat and Muslim population in the north. The Croats were in Western Herzegovina, and the Muslims in central Bosnia. Mostar remained a divided city (even after being put under EU administration) and the provinces where fighting occurred during 1993 remained under the control of the local paramilitary forces, despite efforts to create local government organs in which both Croats and Muslims would be represented. In this context, notwithstanding their advances in western Bosnia, the Pale Serbs continued to be politically isolated, overextended, and vulnerable in places.

On the policy front, 1994 was marked by growing agreement between the Americans and the Europeans on the need to find a political settlement to the Bosnian conflict. The catalyst for this change was the NATO ultimatum of 9 February, following the market massacre of 5 February. For the first time, the Americans were seized with a sense of urgency about the Bosnian situation, and became actively involved in finding ways to end the fighting.

In March 1995, in a report to the UNSC, the UN Secretary General observed that it increasingly appeared that the parties’ principle objective was a winter truce, during which they would be able to rest, reorganize and train in preparation for a future offensive. One month later, the cessation of hostilities agreement was broken by an offensive of the Bosnian Government near Tuzla. Almost at the

same time, the Serbs violated the heavy weapons exclusion zone around Sarajevo and recommenced their bombardments. In response, in May 1995, NATO aircraft launched several attacks against Bosnian Serb targets to enforce a ceasefire in the Sarajevo exclusion zone. In retaliation, Pale seized approximately 400 UN peacekeepers as hostages. Some of these hostages were chained to potential targets in the guise of human shields.

On 3 June the EU and NATO agreed to create a Rapid Reaction Force to protect UNPROFOR contingents from further harassment, and at the end of July the British-French led force was redeployed from bases in central Bosnia to Mount Igman, at a critical juncture of the Sarajevo front. Despite these efforts, on 11 and 25 July, the Bosnian Serbs upped the ante by seizing the UN safe areas of Srebrenica and Žepa, in the former case pushing aside a small force of Dutch Blue Helmets and massacring over 8,000 prisoners in the worst single atrocity of the entire Bosnian conflict (and in all of Europe since the Second World War). Once again, Serb aggression was “helped” by operational confusion on the part of UNPROFOR. The UNPROFOR command was not willing to approve timely NATO air attacks on the Srebrenica front, and the limited strikes launched on 11 July were too little and too late. The small Dutch UNPROFOR contingent, incapable of resisting a major combined arms offensive, withdrew from the city to their operational base at Potocari, followed by a desperate throng of refugees. The international community, which had originally pledged 7,000 peacekeepers to Srebrenica, had never taken serious measures to ensure that its safe areas were safe in fact as well as in name. Following Srebrenica, the Žepa enclave, defended by a grand total of 68 Ukrainian Blue Helmets, fell in a matter of days.

The larger enclave of Goražde appeared to be next in line, but at a session on 26 July in Brussels, the North Atlantic Council pledged “prompt and efficient” action in the event that Goražde was attacked. Already overstretched following their offensives against Srebrenica and Žepa, the Bosnian Serb forces held back.

On 1 August 1995, British, French and American generals warned Bosnian Serb general Ratko Mladic that NATO and the United Nations would meet any further attacks on UN safe areas with “disproportionate” and “overwhelming” force. The “dual-key” command and control arrangements for air strikes were modified such that NATO could undertake air strikes without consulting the UN.

In July and August a large-scale HV offensive, codenamed Operation STORM, ran over the entire Republic of Serb Krajina, seizing the capital Knin and driving the remnants of its armed forces across the border in disarray. Regarding the Croatian offensive of 1995 and the attitude of the international community towards the problems in Krajina from 1994-1995, Ambassador Thorvald Stoltenberg, responding to the question of whether one could talk about a problem of impartiality of the international community, stated in an interview:


[...] Your question is based on a false assumption - namely, that the international community was impartial. That’s not the case. They were partial, in supporting the Muslims or Bosniaks. They turned a blind eye to the Croats and were against the Serbs. You may discuss whether this was justified or not, but it was a fact; there’s no doubt about it. You mentioned Krajina. We can discuss whether one should turn a blind eye to the Croats. But we can’t hide from the fact that

this was the case. This was how it operated the whole time. There was not really impartiality - at least not in 1994 and 1995. On 28 August another shelling incident in Sarajevo provided the Western Alliance with its own justification. On 30 August 1995, NATO initiated a bombing campaign, designated Operation Deliberate Force, focused on disrupting Bosnian Serb communication assets and breaking the siege of Sarajevo. In 2 weeks of concentrated attacks, NATO aircraft flew 3,315 sorties and 750 attack missions directed against 56 target complexes. Assisted by the strikes, Muslim and Croat ground forces were able to accelerate their advance. As a result, the 51:49 percent territorial divisions, the foundation of the Contact Group’s peace plan, came to be mirrored by realities on the ground. Decisive intervention inspired by the United States and spearheaded by NATO air power had restored a regional balance of power, and in so doing created an objective foundation for a negotiated peace.

Military action was paralleled by a U.S. led diplomatic initiative. An outline of the U.S. “Endgame Strategy” was presented to key European allies and the Russian Federation by a high-level delegation led by U.S. National Security Advisor Anthony Lake during a tour through London, Paris, Bonn, Rome, Sochi (a Russian Black Sea resort), Madrid, and Ankara. The plan proposed a comprehensive settlement for the Bosnian crisis that included maintaining a united Bosnia-Herzegovina with a capital at Sarajevo that would be internally divided between “entities” representing the Croat-Muslim federation and the Republika Srpska, defined territorially according to the Contact Group plan. The negotiation with the Balkan regional leaders was assigned to Richard Holbrooke.

On October 5th Clinton was able to announce a 60-day ceasefire, to be accompanied by the creation of a NATO-led Peace Implementation Force (IFOR). The stage was now set for the proximity talks conducted under strict U.S. supervision at Dayton, Ohio from 1 to 21 November. Though present during the deliberations, the Bosnian Croat and Serb delegates were not permitted to function as direct parties in the talks; their interests were represented by Zagreb and Belgrade. The critical issue of control over the Brčko strategic point was placed into the hands of international arbitrators.

At the end the Dayton Peace Accord was formally signed in Paris on 14 December. During the Paris sessions a leftover issue from the Serbian-Croatian conflict was resolved by the accord concluded on 12 November 1995 in the Slavonian town of Erdut, establishing mechanisms for the peaceful transfer of eastern Slavonia, Baranja, and western Srijem back to Croatian sovereignty, a process that was completed without incident in the course of 1996. Although the Croatian territory was not subject to the Dayton agreement per se, the Erdut Agreement was negotiated and signed as part of the wider political deal that allowed Dayton to become a reality.

The ICTY was not formally associated with the Dayton process, but the Dayton Accord mandated signatories to “cooperate” with its work, which was generally viewed as an integral part of the peace building effort. The assumption was that without some kind of retribution for those responsible for the worst atrocities of the war, Bosnia would never be able to clear the slate and engage in a process of reconciliation.

Peacemaking Initiatives

The Carrington-Cutileiro plan

The plan resulted from the EC Peace Conference held in September 1991, proposed ethnic power-sharing on all administrative levels and the devolution of central government to local ethnic communities. Initially, the plan was accepted by all three sides but Izetbegovic later withdrew his consent.

The London Conference

Held in August 1992, its specific goals were “to alleviate the humanitarian nightmare in Bosnia; to support the negotiating process; to punish the aggressors [by] tighten[ing] the economic and political isolation of Serbia and Montenegro; to quarantine and contain the conflict and prevent its widening; and, ultimately, to bring peace to the peoples of the former Yugoslavia.”

The conference paved the way for expanding UNPROFOR’s mandate to include escorting humanitarian assistance convoys, united the peacemaking efforts of the European Community and the United Nations by creating a permanent negotiating forum called the International Conference on Former Yugoslavia, and reached consensus on measures to strengthen the sanctions regime. However, the international community clearly showed its attitude towards the conflict through the UNSCR 770. In fact, by calling the states to take all measures to facilitate the delivery of humanitarian aid in Bosnia, UNSCR 770 indicated that the Western powers were not prepared to use force to compel the warring parties to negotiate a cease-fire, much less a peace settlement.

The International Conference on the Former Yugoslavia

Opened in continuous session in Geneva on 3 September 1992, it was co-chaired by Lord David Owen, representing the European Community, and Cyrus Vance, representing the United Nations. Its goals were to end the bloodshed and to draw up a negotiated settlement regarding the situation in Bosnia. In the light of these goals, a working group was established with the aim to end hostilities, demilitarize Sarajevo, and draft a constitution that would respond to the aspirations of the three constituent nations, providing a string protection for human and minority rights through enforcement mechanisms. According to the plan, the significant functions of the state would be carried out by between four and ten regions. Furthermore, the International Conference was the context in which the main actors, the UN and the EC, cooperated and coordinated with the CSCE and, indirectly, NATO and the WEU.

134 See Elinor C. Sloan, op. cit., 46.
136 See Lawrence Eagleburger, op. cit., 7.
138 See ibid, 62.
The Vance-Owen Plan

The plan came as an outcome of the above mentioned negotiations, and it was presented to the parties in plenary session on 2 January 1993. The plan comprised a three-part package of 10 constitutional principles, a detailed cessation of hostilities agreement and a map. It called for a confederation of 10 autonomous provinces, with 3 provinces being controlled by each of the ethnic groups and Sarajevo being shared by all.  

Facing the rejection of the Bosnian Serbs the great powers were divided on how to respond to it. Britain, France and Russia favoured concerted diplomatic pressure on the warring parties to force them into accepting the plan. At this point, and with the view of going ahead with the peace plan even though the Bosnian Serbs rejected it, Russia called for a special meeting of UNSC foreign ministers on how the powers could impose the plan. However, the United States announced it would not attend such a meeting. The U.S. fundamentally disagreed with the plan due to the percentage of territory recognized to Serbs. With America's refusal to engage in concerted diplomatic pressure, the proposed UNSC meeting was cancelled and the Vance-Owen peace plan abandoned.

The plan was also criticized by the Experts' Committee on the Former Yugoslavia in 1993. In the light of the solution adopted in 1995, it is interesting to see what the Committee stated criticizing the plan:

The committee members have grave reservations about the canonization prescribed by the UN/EC Vance-Owen Plan. This ethnic-base map contradicts Bosnia's centuries' old history of mixed living. Any lasting political solution requires stability and freedom from fear, neither of which would be enjoyed under the plan’s provision for the governor of each province to be a “member of the most numerous constituent people”. This is not a basis for a long-term political settlement but a recipe for further conflict and population transfer.

The Owen-Stoltenberg Plan

Following the demise of the Vance-Owen peace plan, Owen and Stoltenberg, who replaced Vance as co-chair of the International Conference on Former Yugoslavia in April 1993, developed a third peace plan for Bosnia. According to the plan, the Bosnian Serbs would control 52.5% of Bosnian territory, the Croats 17.5%, and the Muslims 30%. The three parts of Bosnia would be joined in a loose union with a common Presidency, Council of Ministers, Supreme Court, Constitutional Court and Court of Human Rights. However, when the Muslims demanded control over the predominantly Muslim towns and the access to the sea, they were met by Serb and Croat refusal and negotiations broke down.

The European Union Action Plan

During the autumn of 1993, Owen and Stoltenberg developed a fourth peace plan for Bosnia. The initiative sought to revive the Owen-Stoltenberg approach by increasing pressure on the Muslim faction to accept an agreement that satisfied

---

141 See ibid, 51.
142 The Committee was formed on December 1992 and it was composed of 12 members in total, ten of whom were based in the former Yugoslavia; they include academics, human rights activists and journalists.
143 See also “They Call it Peace”, in Economist, 28 August 1993, 46.
144 The European Community was renamed European Union on 1 November 1993.
most of its territorial demands, and offering to suspend sanctions against Yugoslavia in exchange for greater flexibility on territorial issues. The plan was in fact a modified version of the union of three republics. The plan was presented to the parties at a November 1993 meeting in Geneva, but the talks ultimately brought no agreement. Facing no threat of force, the Bosnian Serbs did not feel compelled to give up land that they controlled. Both the Serbs and the Muslims effectively rejected the plan.\footnote{See Elinor C. Sloan, \textit{op. cit.}, 55.}

The Contact Group Peace Plan

On 25 April 1994, American, Russian and British officials announced the establishment of a formal coordinating group to be composed of Britain, France, Germany, Russia and the United States. The Contact Group, as it was called, also contributed to the U.S. and Russia’s full involvement in the peace efforts.

At their inaugural meeting at the U.S. embassy in Geneva on 13 May 1994, the Contact Group presented a peace formula that would give the Muslim-Croat Federation 51% of Bosnian territory and the Bosnian Serbs 49%. At the second meeting, held this time at the Russia mission to the United Nations on 5 July 1994, the powers formally approved the detailed map of the plan. They also agreed on a series of incentives and disincentives “designed to focus the minds of Serbs and Muslims on the consequences of pursuing the war”.\footnote{See David Owen, \textit{op. cit.}, 285.}

The Bosnian Muslim and Croat factions accepted the plan without conditions. The Milosevic government, whose ability to pressure the Bosnian Serbs was considered to be critically important, supported the concept. But the Bosnian Serbs, who were asked to make territorial concessions but were also rewarded with international recognition and the capacity to retain independent armed forces, remained recalcitrant. The 20 July deadline was repeatedly extended as the Serb faction raised new conditions and at the end, in a plebiscite in August 1994, the Bosnian Serbs voted to reject the peace plan.

Later, on 8 September 1995, after NATO’s air campaign, the foreign ministers of Serbia, Croatia and Bosnia met in Geneva with the Contact Group foreign Ministers, under the chairmanship of Holbrooke, and agreed that the Contact Group’s plan would form the basis of negotiations for the final peace agreement.

\subsection*{2.2. \textit{Cooperation at Headquarters Level}}

\subsubsection*{2.2.1. Cooperation at the Beginning of the Conflict}

\textit{Britain.} The British played an active role in supporting a resolution of the conflict through diplomatic negotiation,\footnote{This part of the report is based on an analysis of the study \textit{“Bosnia and Collective Security UN, EC, NATO, CSCE, WEU – Which task for whom”}, written by Lieutenant Colonel Johns R.E. Jr., National defence College, Washington, 1993.} while they were supporting NATO’s leadership

\footnote{Britain supported the UNPROFOR’s humanitarian assistance force and provided 2,500 troops for the UN and a couple of warships in the Adriatic under the control of NATO and WEU.}
role in European security matters. In contrast with the French idea, the British reiterated NATO supremacy as a decision making body on key alliance decisions.\(^{149}\)

**France.** Concerned about the possibility of a possible diffusion of the conflict all over Eastern Europe and worried by the EC’s ineffectiveness, France wished a more aggressive UN role in Bosnia.\(^{150}\) French political leaders believed they must reduce European reliance on U.S. support within the Atlantic Alliance. The Bosnian crises on the French side simply illustrated that the US could not be counted on to support all European security needs.\(^{151}\) In the lack of a U.S. resolve, NATO should stay aside in order to allow the WEU to assume a stronger leadership role in the Bosnian crisis. France strongly supported the WEU’s leadership and did not remain cooperative in supporting NATO’s initiatives.

**Germany.** Like the French, the German Government was fearful of a possible explosion of the crisis beyond its borders. Germany assumed only a non-armed role in Bosnia, and in fact did not send any ground troops, though it contributed with ships in the Adriatic.\(^{152}\) Germans wanted to develop European defense enhancing ties with France but also wanted to protect their relationship with the U.S.\(^{153}\) In summary, Germany did not take a very active position in Bosnia; it was under pressure from both the US and France with regard to supporting NATO rather than the WEU.

**United States.** Until the failure of the EC unilateral negotiations in the summer of 1992, the US was not engaged. However, President Bush clearly explained that the US would only take action through a collective security mandate. However, at the beginning, the U.S. supported an EC leadership role in the Bosnian conflict. Later, when the EC failed, the U.S. supported UN stronger measures. In addition, the U.S. tried having NATO as the Europe pre-eminent regional security organization. Later, in February 1992, the United States abandoned its reticence about the dissolution of Yugoslavia, and opted to support Bosnian independence; aligning itself with the other Europeans allies.

**(b) International community - Assessment of the position of International Organizations**

On 6 April 1992, BiH was recognized by the European Community and on 22 May 1992 it was admitted to the United Nations. The parliament of Bosnia obtained special guest status to the CoE Assembly on 29 January 1994, and on 10 April 1995, BiH applied for the Council of Europe membership.


\(^{150}\) The French government supported the UN force with some 4,500 troops, plus several ships under WEU command and control.

\(^{151}\) See Sloan S. R., op. cit..

\(^{152}\) The present restriction was due to an unclear constitutional situation. The explanation arrived in 1994 when the Federal Constitutional Court clarified the constitutional basis for the deployment of German forces abroad with the result that the Bundeswehr can in future fully participate in UN, NATO and WEU missions; the judgement also removed constitutional objections to German participation in NATO and WEU missions under the authority of the UN Security Council. However, troop commitment should first have to be agreed to by the German Bundestag (See Second Senat July 12, 1994 - 2 BvE 3/92, 2 BvE 5/93, 2 be 7/93 and 2 BvE 8/93, Karlsruhe, 12 July 1994; NATO Review 1994/9405-1). For further information regarding the Military Law in German please see Georg Nolte and Heike Krieger, “Military Law in Germany,” in Georg Nolte (ed.), “European Military Law Systems”, De Gruyter Recht, Berlin 2003, 337 to 427.

European Community (EC)

Aware that it had no justification to interfere in Eastern Europe, the EC went before the CSCE to seek approval for its actions. In January 1992 the EC started talking with the three Bosnian leaders who were aiming to find a way for Bosnian independence.

In 1992 the members of the European Union committed themselves to the creation of a Common Foreign and Security Policy, mainly as a response to German unification and the end of the Cold War. However, the overall management of the various Balkan crises highlighted the external policy shortcomings of the CFSP. As already explained in the part dedicated to the conflict in Croatia, in this case as well, the initial policy of the EU was aimed at keeping the Yugoslav federation together. To do this, they applied two basic approaches, mediation and impartiality, that shifted to enforcement from 1992. In addition, the EU attempted to arrange cease-fire agreements between the warring parties, and sent unarmed observers to the field. These, however, failed to produce the desired effect, did not prevent the continuation of fighting, and did not decrease the level of violence.

Finally, regarding economic aid, the European Community responded to the changes in Eastern and Central Europe with the establishment of the European Bank for Reconstruction and Development (EBRD), in May 1990. The bank provided economic and financial support (PHARE, TEMPUS) to states in an individualized way.

The United Nations (UN)

As the situation worsened, the UN decided to expand UNPROFOR. In 1992 they passed a Resolution banning all military flights over Bosnia and authorized a naval blockade around Yugoslavia. At the beginning of the conflict the UN preferred not to take the leadership role, and furthermore the position of Russia and relative use of veto power to block a more aggressive UN effort in the country was considered with fear. Later, when it became evident that the EC was unable to resolve the conflict, the UN was called to assume control by France and the US. In this context, an example of a lack of cooperation with the EU came from the same UN Secretary General Boutros Boutros-Ghali:

The UN did not participate in the negotiation of the London Agreement. Only on the eve of its signature were my staff informed of the request...It is most unusual for the UN to be asked to help carry out a political-military agreement in whose negotiation it has played no part.

The Conference on Security and Cooperation in Europe (CSCE)

The CSCE formally recognized Bosnia on 29 April 1992. However, only when the UN Secretary General called for support did the CSCE decide to act. The organization explained that it would be involved in sending a mission to Bosnia in

---

order to investigate the detention camps and to send observers to Kosovo to try to prevent the conflict from spilling over. In addition, the CSCE was still facing problems connected with its rule of consensus; the Soviet Union, for instance, vetoed any involvement of the CSCE in the Balkans. In this context France supported the idea to have the CSCE members endorse the EC efforts.

In September 1992 the Moscow Human Dimension Mechanism was activated for the first time. Twelve States of the European Community plus the United States activated the mechanism on the issue of reports of atrocities and attacks on unarmed civilians in Croatia and Bosnia-Herzegovina.

The Bosnian conflict showed the CSCE’s lack of any type of enforcement or compliance arm. The record of the CSCE/OSCE involvement in trying to solve this war was very poor, and so was the record of the combined efforts of the international community.

In this context, Mrs. McDougall, at that time Canadian Secretary of State for External Affairs, had become increasingly frustrated that the CSCE’s potential had not been applied in Yugoslavia. In a speech to the CSCE in Helsinki, she called for fundamental changes as she lambasted the body for its lack of “political responsibility” and sarcastically noted: “The 1992 Helsinki document weights about half a kilo but does not even mention the torment in Bosnia-Herzegovina. During the weeks that our officials negotiated and bickered over the political statement, thousands were killed in Bosnia-Herzegovina.”

The North Atlantic Treaty Organization (NATO)

In July 1992 (during the expansion of UNPROFOR in Sarajevo) the UN requested NATO to provide a command and control structure for UNPROFOR, but France blocked the action in the NAC. In this first phase of the conflict, NATO provided aircraft to monitor the ban on military flights and ships in order to monitor the UN embargo on Yugoslavia. After the UN resolution for a naval blockade, NATO ships expanded their role.

2.2.2. Cooperation During the Conflict

In 1992, the refusal to consider military means by the international community led to a long series of feeble gestures - UN resolutions (no less than 54 UN resolutions on the Yugoslav conflict were issued by December 1993), sanctions, embargos, peacekeepers where there was no peace to keep, celebrity visits to embattled Sarajevo, empty threats, and endless mediation that produced considerable sound and fury but did little to deter the dynamic of conflict on the ground. Economic sanctions against the Federal Republic of Yugoslavia imposed by the EC in November 1991 were reinforced on 30 May 1992, by UN Security Council Resolution No. 757, blocking commercial transactions, freezing credit, and closing down international air travel. Another UN resolution of 17 April 1993 deepened the sanctions and tightened controls.

159 See Ibid.
160 See James E. Goodby, “Peacekeeping in the New Europe”, Carnegie Millon University, 18 September 1991, p. 8
161 See CSCE Annual Report 1993 on CSCE Activities, § 4 - Human Dimension.
162 See Joachim Krause, “The OSCE and Co-operative Security in Europe: Lessons for Asia”, Published by the OSCE ASEAN Regional Forum (ARF), 2000 p. 28.
163 See Nicholas Gammer, op. cit., 103.
164 Anyhow, the intervention came later as a contribution of the member states, which acted on their own and not under NATO.
In June 1992, the political basis for NATO's role in the former Yugoslavia was established, exactly when NATO foreign ministers announced their readiness to support peacekeeping activities under the aegis of the Conference on Security and Cooperation in Europe (CSCE), subsequently renamed the Organization for Security and Cooperation in Europe (OSCE). In December 1992, the NATO foreign ministers stated their readiness to support the UNPROFOR peacekeeping operations under the authority of the United Nations. This marked the start of several NATO operations conducted in support of the UN over the next 4 years. During the years 1994-1995 meetings on the theme of “Cooperation in Peacekeeping Operations” had also been organized and attended by the international organizations involved in the managing of the conflict in Bosnia and Herzegovina.

In 1994, the CSCE continued its contacts with the North Atlantic Cooperation Council on peacekeeping. A representative of the CIO attended the NACC ad-hoc group on cooperation in peacekeeping. The Secretary General attended a Seminar (March 1994) on Crisis Management at the NATO headquarters and briefed its participants about CSCE activities in the relevant fields. The CIO of the CSO repeatedly addressed the NATO Council and the Council of the WEU on ongoing CSCE activities and perspectives.\textsuperscript{165}

In October 1995, the second high-level (“2+2”) meeting between the OSCE and the CoE was held in Prague. During the meeting, attended by the CIO, the Secretary General, the HCNM, the Director of the ODIHR and the CoE Secretary General, themes like cooperation in former Yugoslavia, exchange of experiences in the field of compliance monitoring, cooperation in election monitoring, CBMS and information exchange, were analyzed.

During its first meeting in Sarajevo in January 1996, the OSCE Troika discussed with IFOR commanding officers plans for cooperation between the military and the civil implementation organizations in Bosnia and Herzegovina in order to provide a coordinated response to the challenges of post-conflict peace-building.\textsuperscript{166}

Finally, between April 1992 and May 1994, no less than 77 ceasefires were negotiated between warring parties, all of which were broken in short order. Sanctions did serious damage to the Serbian economy, but also had the effect of strengthening popular affiliation with Milosevic by allowing him to blame Yugoslavia’s misfortunes upon foreign enemies.

\subsection*{2.2.3. Cooperation After the End of the Conflict}

Implementation of the Dayton Peace Agreements

The year 1996 was dedicated to the implementation of the Dayton Peace Agreements and to the post-conflict reconstruction of Bosnia and Herzegovina. Many conferences and meetings had been organized on these themes and in this section are presented in chronological order:

\textit{Lancaster House (8 and 9 December 1995).} A Peace Implementation Conference involving the parties to the peace agreement, governments and some organizations was held at Lancaster House, London “to mobilize the international community behind a new start for the people of Bosnia and Herzegovina.” The primary focus of the conference was on economic reconstruction. The conference decided that a Peace Implementation Council, composed of all the states, international organizations and agencies attending the conference, would replace


the International Conference on the Former Yugoslavia, with France to play a specifically strong coordinating role.

**Brussels (20 and 21 December 1995).** The EU and World Bank sponsored the first donors meeting on financing the most urgent needs facing Bosnia and Herzegovina in the first quarter of 1996. High-level officials from 50 countries and 27 organizations attended.

**Geneva (16 January 1996).** The UNHCR convened a Humanitarian Issues Working Group Meeting at which it introduced its Repatriation Plan as provided for in Annex 7 of the peace agreement. UNHCR outlined three benchmarks present in the peace agreement which, once fulfilled by the parties, would allow for the cessation of temporary protection for refugees in host states outside former Yugoslavia.

**Rome (17 and 18 February 1996).** As a result of continuing problems in the implementation of the peace agreement by the parties, a summit meeting took place in Rome. Four final documents were issued. In the Rome Statement on Sarajevo all parties agreed that Sarajevo would be a unified city with equal treatment for all. In the Agreed Measures, the presidents of Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia agreed to resume all civilian and military contacts, to nominate representatives to national institutions, to implement the military aspects of the peace agreement, including freedom of movement, to resume transfers of territory, to release prisoners cooperative with the Tribunal and to adopt amnesty laws. The Agreement on Mostar provided for unlimited freedom of movement between the Muslim and Croatian held parts of the city and an extension of the EU Administration of Mostar’s mandate for six months. The Joint Statement on the Federation pledged to implement the Dayton Federation Agreement, to dissolve political structures competing with the Federation (meaning the Bosnian Croat Herzeg-Bosnia), to ensure freedom of movement (calling upon IFOR and the IPTF to help in this respect) and to conduct regular meetings. The Rome Summit is typical of a series of high-level meetings of the parties to address their failure to implement the peace agreement, and to renew their pledges to implement it.

**Oslo (8 March 1996).** The UNHCR convened the first of three High-Level Working Meetings to follow up the Geneva Meeting in January. This meeting reaffirmed that repatriation must be voluntary up until the fulfillment of three benchmarks which UNHCR outlined in January, at which time temporary protection for refugees could cease; that the building of absorption capacity in Bosnia and Herzegovina, security both from a human rights, standard of living and de-mining perspective were necessary for return; that factors beyond UNHCR's competence were necessary for return; that focus was necessary on returnees to Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) in the spirit of the principles of the peace agreement; that financial support was crucial to all plans; and that all plans should proceed in a multilateral and coordinated manner. Subsequent meetings were planned before summer.

**Moscow (23 March 1996).** The Contact Group (France, Germany, Russian Federation, United Kingdom and United States of America) ministers met with the foreign ministers of the three states which are parties to the peace agreement to review problems concerning implementation. The Contact Group ministers warned that the pledging conference, scheduled to take place in Brussels from 12 to 13 April 1996, would be delayed if all parties did not release prisoners taken during the armed conflict, stated that “strong support, including financial” was essential for civilian implementation of the peace agreement to be successful, and declared that “[e]nsuring respect for human rights and fundamental freedoms in Bosnia and Herzegovina was indispensable to a lasting peace”.

48
Brussels (12 and 13 April 1996). After the parties released all prisoners detained as part of the armed conflict, except those suspected of crimes within the jurisdiction of the Tribunal, the Second Donors Conference for Reconstruction of Bosnia and Herzegovina went ahead, though the Republika Srpska refused to send a representative. High-level officials from the EU, EU member states, the U.S., Japan, Canada, Islamic and other countries, the World Bank, EBRD, the Islamic Development Fund and other organizations attended. Governments and intergovernmental organizations pledged to contribute US$ 1,282,800,000 in 1996 for reconstruction.

Geneva (13 May 1996). The UNHCR convened the second Humanitarian Issues Working Group Meeting to follow up the earlier meetings in Geneva and Oslo. This meeting confirmed that estimates of returns in 1996 made last January were too optimistic and noted that UNHCR’s three benchmarks to the lifting of temporary protection had not been satisfied to date.

Geneva (2 June 1996). At a meeting of the Presidents and signatories of the peace agreement, the Presidents of Bosnia and Herzegovina, Croatia, and Serbia, delegations of the two entities, the OSCE Chairman-in-Office, OSCE Mission Head, IFOR Commander, representatives of Contact Group countries and international organizations involved in implementation of the peace agreement, it was agreed to set a date for elections, even if conditions had not yet been satisfied, to “provide a focus for the work remaining to achieve the full standards established by the OSCE.” The parties to the peace agreement reiterated that “establishment of a lasting peace in Bosnia and Herzegovina requires full implementation of all provisions of the Agreement, in addition to those concerning elections”.

Florence (13 and 14 June 1996). The Peace Implementation Council was to hold a Peace Implementation Review Conference (Florence Mid-Term Review Conference), originally scheduled to take place in Rome, to review the first six months of implementation.

2.2.4. Human Rights Institutions under Dayton

The High Representative: he is in charge of following up on and coordinating the implementation of the Dayton Agreement, and has the authority to take final and binding decisions regarding the interpretation of the civilian aspects of the Dayton Agreement. He also chaired the Steering Committee of the Peace Implementation Council, the key political body responsible for ensuring effective implementation of the peace agreement. The High Representative also was expected to remain in close contact with the IFOR Commander on a regular basis, directly, as part of a Joint Consultative Committee or by participating in meetings of the Joint Military Commission.

The High Representative also convenes and chairs a Joint Civilian Commission, which includes political representatives of the parties, the IFOR commander and representatives of civilian organizations he deems necessary. The functions of the Joint Civilian Commission are not spelled out in the peace agreement. In addition to this body, the High Representative chairs the Joint Interim Commission, which has a mandate “to discuss practical questions related to the implementation of the Constitution of Bosnia and Herzegovina and of the General Framework Agreement and its Annexes, and to make recommendations and proposals” pending establishment of the Constitutional Court after elections. The failure to establish a single, unified civilian human rights monitoring and implementation operation is one of the most significant weaknesses of the peace agreement.

In addition, the High representative chaired the so called Human Rights Task Force, which met regularly in Sarajevo and periodically in Brussels. The Council of Europe assured its contribution to the Task Force through the appointment of a CoE representative.  

The Peace Implementation Council: it was composed of all the states, international organizations and agencies attending the conference. It replaced the International Conference on the Former Yugoslavia, with France playing “a specifically strong coordinating role”. A Steering Board, composed of representatives of Canada, France, Germany, Italy, Japan, the Russian federation, the United Kingdom and the United States, the Presidency of the EU and the European Commission and the Organization of the Islamic Conference was also established with the High Representative as chair.

(a) Institutions of the State of Bosnia and Herzegovina


The Office of the Ombudsperson. The Ombudsperson was appointed by the OSCE. Two staff members of the Council of Europe Secretariat had been put at the disposal of the Human Rights Ombudsperson, Mrs. Gret Haller (a former Swiss Permanent Representative to the Council of Europe and a former member of our Parliamentary Assembly).

The Human Rights Chamber. The Chamber comprises fourteen members, of whom four were appointed by the FBH, two by the RS and eight by the Council of Europe’s Committee of Ministers.

Regarding the financing of the Commission, a joint appeal was signed by the Chairman-in-Office of the Council of Europe Committee of Ministers, the OSCE Chairman-in-Office, and the High Representative for Bosnia and Herzegovina on 30 January 1996 asking for voluntary contributions to be made to the OSCE Voluntary Fund. Apart from the Commission, two other areas had been identified as needing funding: the administration of the forthcoming elections and the media. In this case, donors could indicate the purpose for which their contribution was made.

The Commission for the Real Property Claim of Displaced Persons and Refugees (Property Commission). Inaugurated on 20 March 1996, it had nine members. Four members appointed by the Federation, two members appointed by the Republika Srpska and three members, including the chair, appointed by the President of the European Court of Human Rights for terms of five years.

---


170 See Lancaster House Agreement, § 21(c).

171 See Parliamentary Assembly of the Council of Europe (PACE) Doc. ADOC7536, Contribution to the debate on the implementation of the Dayton Agreements for peace in Bosnia and Herzegovina, 24 April 1996, § 10.

172 See Parliamentary Assembly of the Council of Europe (PACE) Doc. ADOC7536, Contribution to the debate on the implementation of the Dayton Agreements for peace in Bosnia and Herzegovina, 24 April 1996. In the document the financing issues were defined as the biggest problem related to the functioning of the Commission.


174 See GFAP Ibid. Annex 7, Art. XI.
The Constitutional Court. It comprised nine members, four of whom were chosen by the House of Representatives of the Federation and two by the Assembly of the RS. The other three were chosen by the President of the European Court of Human Rights.

The Provisional Election Commission. The OSCE was asked to establish this commission in order to supervise all aspects of elections, which according to the General Framework Agreement “shall take place on a date six months after entry into force of this Agreement or, if the OSCE determines a delay necessary, no later than nine months after entry into force.”

(b) The Institutions of the Entities

The Federation of Bosnia and Herzegovina (FBH)

The Constitutional Court. The Constitution of the Federation of Bosnia and Herzegovina establishes a Constitutional Court composed of nine judges: six from the FBH and three non-citizens of BiH appointed by the President of the International Court of Justice.

The Court of Human Rights. The Court is provided for in the Constitution of the FBH and comprises seven members: three judges from BiH and four members appointed by the Council of Europe’s Committee of Ministers in accordance with Resolution (93)6.

The Supreme Court. The Supreme Court comprises nine judges and can be appealed to by the cantonal courts on issues relating to the constitution, laws and regulations of the Federation, and other issues which do not fall within the jurisdiction of the Constitutional Court or the Court of Human Rights of the FBH. It is the highest appeal body of the FBH.

The Ombudsmen of the FBH. The three Ombudsmen established under the Washington agreements, were appointed by the OSCE.

Republika Srpska

The Constitutional Court. It comprises seven members serving non-renewable eight-year terms of office. The President is elected by the National Assembly of the RS. The Constitution of the RS contains no provisions concerning the status of international human rights instruments in the hierarchy of laws. In principle, the instruments listed in the Dayton Agreements, including the European Convention on Human Rights, should also apply in the RS. However, the Constitution of the RS does not authorize the Constitutional Court to rule on whether legislation is in compliance with these international instruments.

The Supreme Court. The Court was established in 1992. It protects the rights and interests of all citizens and reviews the legality of decisions. It protects

---

175 See GFAP Ibid. Annex 3, Art. II (1-4) and for the composition of the Commission Annex 3, Art. III (3).
176 According to the Parliamentary Assembly of the Council of Europe: Resolution (93) 6 constitutes the legal basis for the appointment of the four judges by the Committee of Ministers. The Resolution refers to a state, and not to an entity succeeding a state. The establishment of a court of human rights for one of the two entities, in this case the FBH, would thus be a symbolically dangerous gesture as it could be interpreted as encouraging the separation of the two entities. It would also serve to increase the imbalance between the institutions in the two entities. See Parliamentary Assembly of the Council of Europe (PACE), Doc. ADOC/7833, “Report on the functioning of the institution for the protection of human rights in Bosnia and Herzegovina”, 18 June 1997, § 41.
177 See opinion of the Venice Commission [CDL-INF (96) 9, 3.3.1].
human rights and fundamental freedoms in a practical sense, in the context of civil and criminal cases referred to it. There is no ombudsman in the RS.

Despite this structure, the first criticism came from the Council of Europe. In 1996, at the request of the Committee on Legal Affairs and Human Rights, the Council of Europe Venice Commission gave an opinion on the constitutional situation in Bosnia and Herzegovina.\textsuperscript{178} In the concluding comments to its opinion the Venice Commission noted that “the human rights protection mechanisms foreseen in the legal order of Bosnia and Herzegovina presents an unusual degree of complexity” and that “the coexistence of jurisdictional bodies entrusted with the specific task of protecting human rights and of tribunals expected to deal with allegations of violations of human rights in the context of the case brought before them inevitably creates a certain degree of duplication”. The Venice Commission concluded that the “important disparities in the human rights protection systems of the two entities (the Federation of Bosnia and Herzegovina and the Republika Srpska) may also be detrimental to the effectiveness of protection”. The Commission also made a general recommendation concerning the need for a certain parallelism in the protection afforded by the two entities' legal systems and the possible establishment of equivalent bodies.

2.3. Cooperation in the Field

2.3.1. NATO’s Role and Operation During the Conflict\textsuperscript{179}

In accordance with Annex 1 (A) of GFAP, IFOR was placed under the authority and was subject to the direction and political control of NAC through the NATO chain of command, and operated under NATO Rules of Engagement, including the robust use of force when necessary for the accomplishment of its mission or for self-protection. IFOR was tasked with establishing a durable cessation of hostilities and ensuring compliance with the provisions of GFAP, regulating the military aspects of the peace settlement and assisting the safe withdrawal of UN forces not transferred to the IFOR. It was also authorized to maintain control of the airspace over BiH, to observe, monitor and inspect forces, facilities, or activities believed to have military capability, and to install lasting security and arms control measures. In addition to its main responsibilities, IFOR had to fulfill supporting tasks, related to the implementation of the civilian, humanitarian and economic aspects of GFAP, including the protection of the civilian population.

The IFOR activities and the implementation of the military aspects of GFAP were paralleled by the establishment of arms control and of confidence and security-building measures (CSBMs) under Annex 1-B of GFAP. The negotiations were held under the auspices of the OSCE and concluded with the Agreement on CSBMs in Bosnia and Herzegovina under Article II of Annex 1-B (Vienna, January 1996) and the Agreement on Sub-Regional Arms Control under Article IV (Florence, June 1996).\textsuperscript{180}

On 16 December 1995, NAC approved the Operational Plan (OPLAN) for IFOR. The deployment of the more than 60,000 troops began in the last decade of December 1995 and was completed in mid-February 1996. Parts of UNPROFOR were integrated into IFOR.

\textsuperscript{178} See opinion of the Venice Commission, [CDL-INF (96) 9].
NATO and WEU role in monitoring the compliance with UNSC sanctions

Although NATO was not directly involved in the Sanction Assistance Missions (SAMs) it contributed to the observation of compliance with the UN Security Council Resolutions. In this regard, NATO joined the WEU in monitoring the Adriatic Sea with its two missions, respectively called Operation Maritime Monitor and Operation Maritime Guard.

In this context, NATO was criticized for the absence of a central coordinating body in charge of implementing and managing the operation. Compounding the problem of the lack of a central coordinating body, operational guidelines often caused serious differences among the participating members regarding the funding, deployment and mandates of their navies.  

Operation Maritime Monitor

In the summer of 1992, NATO forces under operation Maritime Monitor and WEU forces, under operation Sharp Vigilance, acting separately but closely, began monitoring compliance in the Adriatic Sea with resolutions of the UN Security Council to impose an embargo against the former Yugoslavia.

On 15 July the North Atlantic Council and NATO’s Defense Planning Committee (DPC) finalized arrangements for implementing the decisions taken by the Alliance Foreign Ministers at Helsinki on 10 July. On this point, welcoming the WEU’s Ministries’ decision to establish a naval monitoring force, Foreign Ministers agreed on a corresponding NATO force to be drawn from NATO’s Standing Naval Force Mediterranean (STANAVFORMED).

By direction of the DPC, the NATO units were ordered to conduct “surveillance, identification and reporting of maritime traffic in areas to be defined in international waters in the Adriatic Sea”. The NATO standing Naval Force Mediterranean started patrolling an area in international waters off the Montenegro coast on 16 July 1992, whilst the WEU forces patrolled the Otranto Straits. Operation Maritime Monitor ended on 22 November 1992 when NATO forces commenced enforcement operations in support of UN Security Council Resolution 787. This new operation was named “Maritime Guard”.

Operation Maritime Guard

This operation was held in coordination with WEU forces (WEU Operation Sharp Fence). STANAVFORMED started patrols in an area of international waters off the Montenegro coast, while the WEU forces patrolled the Otranto Straits in international waters.

On 17 April 1993 the UN Security Council approved Resolution 820; on 28 April 1993 the NAC decided to support the implementation of paragraph 28 and 29

---

181 See Nicholas Gammer, op. cit., 109.
182 See Joel J. Sokolsky J. J., op. cit. This part will be better analysed in the Chapter dedicated to the analysis of co-operation in the FRY.
183 NATO contribution was discussed in the light of the UNSC Resolutions 713 and 757.
184 In 1993, The CSCE endorsed also the Western European Union (WEU) initiative to co-operate with riparian States in implementing the sanctions on the Danube. The decision was taken by the WEU on 20 May 1993. For further info please see: Parliamentary Assembly of the Council of Europe (PACE), Doc. ADOC6863, 1403-9/6/93-3-E, Report on the United Nations embargo against Serbia and Montenegro, 11 June 1993, § 25.
185 NATO Fact sheets, Operation MARITIME MONITOR, AF SOUTH Fact sheets.
186 A total of 12,637 merchant vessels were contacted by NATO and WEU forces patrolling the Adriatic Sea and the Otranto channel until the operation ended on 15 June 1993, with the beginning of the NATO/WEU joint operation SHARP GUARD. Data provided by NATO.
of the Resolution. Paragraph 28 prohibits all commercial traffic from entering the territorial sea of the Federal Republic of Yugoslavia except on a case-by-case basis as established by the Committee in Resolution 724, or in case of force majeure.  

Operation Sharp Guard

In November 1992, NATO and WEU forces in the Adriatic began enforcement operation in support of UN economic sanctions and the arms embargo of the countries of former Yugoslavia. At a joint session of the North Atlantic Council and the Council of WEU on 8 June 1993, the combined NATO/WEU Operation Sharp Guard was approved. The session went so far as to approve of establishment of a single NATO/WEU command structure, operating under the authority of the councils of the two organizations. In the 2-year period between January 1993 and December 1994, Operation Sharp Guard amassed 12,500 ship-days of operations (an average of 17 ships at sea at any given time) and flew 3,800 MPA sorties (averaging 5 per day). The operation challenged 31,400 ships, boarding a total of 2,575 ships (3.5 per day) and diverting 643 ships to Italian ports for additional inspection. Following the Dayton Accord in November 1995, Operation Sharp Guard stopped enforcing the economic sanctions imposed by the UN. The arms embargo was gradually lifted and Operation Sharp Guard ceased operations on 18 June 1996.

Operation Deny Flight

In October 1992, the UN established a no-fly zone over Bosnia-Herzegovina. NATO AWACS aircraft began monitoring operations of this no-fly zone in October 1992. On 31 March 1993, the UN Security Council authorized enforcement of the no-fly zone via UNSCR 816. The resulting NATO enforcement operation, called Operation Deny Flight, began on 12 April 1993.

In June 1993, NATO foreign ministers offered protective airpower for the UNPROFOR, and in January 1994, the Alliance leaders reaffirmed their readiness to carry out air strikes to prevent the strangulation of Sarajevo by the Bosnian Serbs. This commitment was underscored when, on 28 February 1994, the first military engagement ever undertaken by NATO occurred: four Bosnian Serb warplanes, originating out of Banja Luka, violated the no-fly zone and were shot down by NATO aircraft. Subsequently, limited NATO air strikes were conducted in support of UNPROFOR in August, September, and November 1994. In May 1995, additional NATO air strikes were carried out on Bosnian Serb positions, after which hostages were taken by the Serbs but subsequently released on 18 June. On 11 July additional air strikes were conducted to defend the UN Protected Zone in the Srebrenica area.

Following the conclusion of Operation Deliberate Force, NATO conducted two additional air operations under Operation Deny Flight on 4 and 9 October. The Deny Flight mandate was terminated on 20 December, 1995 with the transfer of authority from UNPROFOR to NATO IFOR.

Operation Deliberate Force/Dead Eye

On 30 August 1995, in response to a Bosnian Serb mortar attack on Sarajevo, NATO commenced a series of air attacks on Bosnian Serb military targets in an operation known as Operation Deliberate Force. These attacks continued until 20 September 1995 when the Bosnian Serbs had complied with the conditions set down by the UNPROFOR commander. This NATO air campaign has been given much of the credit for bringing the warring parties to the negotiating table in Dayton, Ohio, in November 1995. In support of Operation Deliberate Force, NATO conducted

---

187 NATO Fact sheets, Operation MARITIME GUARD, AFSOUTH Fact sheets.
suppression of enemy air defense (SEAD) operations against the Bosnian Serb integrated air defense system from 9 to 14 September 1995. This operation was called Dead Eye.

Operation Joint Endeavour

The NATO-led IFOR was the largest military operation ever undertaken by the Alliance. Under the authority of UNSCR 1031 of 15 December 1995, NATO was responsible for the implementation of the military aspects of the Bosnian Peace Agreement, signed by all parties to the conflict. One of the goals of the military mission, however, was to create secure conditions for others to carry out non-military tasks associated with the Peace Agreement. The IFOR had a unified command and was NATO-led, under the political direction and control of the Alliance’s North Atlantic Council, as stipulated by the Peace Agreement (Annex 1A).

The IFOR operated under Chapter VII of the UN Charter. Its rules of engagement provided for the robust use of force, if necessary, to accomplish its mission and to protect itself. In addition, arrangements were in place at NATO Headquarters in Brussels for political consultations with non-NATO IFOR troop-contributing nations. Participation by non-NATO Partnership for Peace nations in IFOR not only contributed to the accomplishment of IFOR’s mission but also provided all the participating forces with the practical experience of operating with each other.

The participation of Russia was a crucial step in the evolving NATO-Russia cooperative relationship. Russian forces joined the IFOR in January 1996. Russia’s participation was subject to special arrangements between NATO and Russia.

An advanced Enabling Force of 2,600 troops began deploying to Bosnia and Croatia on 2 December 1995. Their task was to facilitate the smooth flow deployment by establishing the headquarters, communications, and logistics necessary to receive the main body of 60,000 IFOR troops to be deployed into the area. The deployment of the main body of troops was activated on 16 December, after final approval by the North Atlantic Council of the Operational Plan (OPLAN 10405), and the UNSCR 1031 of 15 December, authorizing the IFOR’s mission. The transfer of authority from the commander of UN Peace Forces to the commander of IFOR took place on 20 December 1995, 96 hours after the NATO Council’s approval of the main deployment.

After the Agreement was initiated, the UN Security Council suspended economic sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro) and began phasing out the arms embargo. The UN terminated the arms embargo on the former Yugoslavia on 18 June 1996, but indicated that sanctions against the Federal Republic of Yugoslavia or the Bosnian Serb authorities could be re-imposed if they failed significantly to meet their obligations under the Peace Agreement.

Full implementation of the civilian aspects of the Peace Agreement was crucial as well, and on 8 to 9 December 1995 the London Peace Implementation Conference set up the framework for these efforts. In view of the importance of the civilian aspects of the Peace Agreement, IFOR provided increased support for civilian tasks within the limits of its existing mandate and available resources. IFOR worked closely with the Office of the High Representative (OHR), IPTF, the International Committee of the Red Cross (ICRC), and the UNHCR. The OSCE, the International Criminal Tribunal for the former Yugoslavia (ICTY), and many others, including more than 400 non-governmental organizations (NGOs), were also worked with closely. IFOR offered a range of support facilities to these organizations, such as emergency accommodation, medical treatment and evacuation, vehicle repair
and recovery, transport assistance, security information and advice, and other logistical support. IFOR units worked with the OSCE on election preparations and human rights monitoring in OSCE field offices. Logistic and other support were provided to the ICTY in the investigation of war crimes, and assistance was provided to the UNHCR in the return of refugees and displaced persons. Help in the maintenance of law and order was provided to the IPTF and air and ground transport assistance was made available to the OHR and others. IFOR units also provided mine awareness training and education to local schools and community groups. Mine awareness training was also provided for election observers upon their arrival. 188

Operation Joint Guard

The mandate for the NATO-led IFOR expired on 20 December 1996. On 10 December 1996, the North Atlantic Council, meeting in Ministerial Session, issued a statement on Bosnia and Herzegovina. The statement announced that NATO was prepared to organize and lead a Stabilization Force (SFOR) to take the place of IFOR, authorized by a UNSCR under Chapter VII of the UN Charter. On 12 December 1996, the UN Security Council adopted Resolution 1088 authorizing the establishment of SFOR as the legal successor to IFOR. SFOR was activated on 20 December 1996. The role of IFOR (Operation Joint Endeavour) was to implement the peace. The role of SFOR (Operation Joint Guard) was to stabilize the peace. Its specific tasks were to deter or prevent a resumption of hostilities or new threats to peace, to consolidate IFOR’s achievements, to promote a climate in which the peace process could continue to move forward, and to provide selective support to civilian organizations within its capabilities. However, SFOR had the same rules of engagement as IFOR for the robust use of force, if it should be necessary to accomplish its mission and to protect itself. In addition, SFOR also stood ready to provide emergency support to UN forces in Eastern Slavonia. SFOR’s size, with around 31,000 troops in Bosnia, was about half that of IFOR.

CIMIC - Civil Military Cooperation

CIMIC was the vital link between military and civilian organizations operating in the theatre. The primary and supporting military objectives outlined in the GFAP that had civil or political implications were translated into a comprehensive CIMIC Campaign Plan, which was to guide civil-military activities during the IFOR deployment. This CIMIC Campaign Plan envisioned: conducting civil military operations in support of the military implementation of the GFAP; promoting cooperation with the civilian populace, various agencies, and national governments; leveraging capabilities of NGOs, International Organizations, and national governments; creating a parallel, unified civilian effort in support of the GFAP implementation; and being prepared to assist governmental, international, and non-governmental humanitarian, public safety, and health contingencies.

Translated into a comprehensive set of tasks, CIMIC operations were instrumental in facilitating a wide variety of activities in support of the OHR and other organizations such as the OSCE, UNHCR, World Bank, European Union (EU), ICRC, and others who were responsible for implementing the majority of civil actions outlined in the GFAP. CIMIC personnel also participated in Joint Civil Commissions (JCCs) set up by the OHR at the regional level to facilitate civil

actions throughout Bosnia Herzegovina. It also set up CIMIC Centres at the cantonal (local) level to implement civil reconstruction and improvement plans. These centres operated in each of the Multinational Divisions MNDs where there was a demonstrated need and available resources.

Together with the OHR and UNMIBH, the OSCE and SFOR participate in the Common Security Policy Working Group, in which military issues are discussed and coordinated.\(^{189}\)

Initially, especially during the first year, several problems occurred during the execution of the Dayton Agreement, mainly as far as cooperation between IFOR/SFOR and civilian organizations was concerned. IFOR/SFOR’s initial refusal to get involved in the execution of the civilian aspects of the Dayton Agreement resulted in rendering the tasks of the OSCE even more difficult than they already were. Also, IFOR/SFOR initially did not arrest any persons indicted by the Yugoslavia Tribunal. This was especially troubling because the IPTF lacked this authority.\(^{190}\)

From IFOR to SFOR\(^ {191}\)

Following the signing of the Bosnian Peace Agreement in Paris on 14 December 1995, NATO was given a mandate by the UN, on the basis of UNSCR 1031, to implement the military aspects of the Peace Agreement. The NATO-led multinational force was called the Implementation Force (IFOR), and the operation, codenamed Joint Endeavour, began on 16 December. Its mission was limited to 12 months. However, the North Atlantic Council issued a statement on 10 December 1996 that announced that NATO was prepared to extend its participation and on 12 December 1996, the UN Security Council adopted Resolution 1088 authorizing continued participation by NATO. On 20 December 1996, IFOR was replaced by a NATO-led Stabilization Force (SFOR), code-named operation Joint Guard, whose mission was to continue to secure the environment for an additional 18 months.

2.3.2. OSCE Mission in Bosnia and Herzegovina

The OSCE Mission to BiH\(^ {192}\) was established on 8 December 1995 at the fifth meeting of the OSCE Ministerial Council with 233 staff members, then being the biggest OSCE field mission. It was tasked with providing:

- assistance in the establishment of a permanent election commission, in accordance with Annex 3 of the Peace Agreement, with respect to the elections scheduled to close the consolidation period;
- assistance in democracy building and active promotion and monitoring of human rights, in particular in support of the Ombudspersons throughout Bosnia and Herzegovina;


\(^{192}\) For further information see also Victor-Yves Ghebali and Daniel Waner, “The Operational Role of the OSCE in South-Eastern Europe. Contributing to regional stability in the Balkans”, Ashgate, 1999.
• continued assistance to the Parties in implementing regional stabilization measures;
• close coordination between the Head of the Mission and the Chairman-in-Office and regular reports to the Permanent Council (at least every two months).

The Head of the OSCE Mission took the chairmanship of the Provisional Election Commission. In addition, since its inception, the Mission has been the only international organization receiving and processing property claims in the field. At a certain point in time its efforts were concentrated on property law implementation, and it contributed greatly to the passage of property legislation in BiH and to judicial reform in 1998.\(^{193}\)

The OSCE Mission was able to rely on the ECMM, which has carried out monitoring tasks in the region, including BiH, since 1991. The ECMM deployed about 80 people in Bosnia under an agreement (MOU) with the OSCE signed in Vienna on 21 December 1995. The agreement calls for ECMM teams, with lengthy experience and excellent knowledge of political and military developments in Bosnia, to assist the OSCE Mission by performing some of its tasks. The ECMM was crucial in enabling the OSCE Mission to field its delegations and to begin systematic monitoring activities on 15 January 1996.

Cooperation in military matters

The OSCE Mission's Joint Operations Centre (JOC) cooperated with SFOR on security matters through full- or part-time assigned liaison officers for coordination and information exchange purposes. The OSCE's emergency action plan is coordinated with the SFOR's plan. Close cooperation had been established between the OSCE Mission, SFOR, NATO Headquarters in Brussels and the OHR in activities aimed at reducing and restructuring the armed forces and in developing a common defense and security policy.\(^{194}\)

In 1999, stemming from the Madrid PIC, the OSCE, OHR, SFOR and other international organizations coordinated efforts to strengthen the Standing Committee on Military Matters (SCMM). As a result of these efforts, the BiH Presidency agreed in July to establish a permanent secretariat of the SCMM. The Department has provided an international observer/liaison officer and a special assistant has been provided by the OHR.

In 2000, the OSCE Mission and SFOR were co-chairs of the Steering Board for the Restructuring of the Entity Armed Forces, and participated in the Standing Committee on Military Matters. The OSCE Mission and SFOR worked together on the DARE program for computer data exchange.\(^{195}\) The OSCE Mission had also collaborated with the Office of the Personal Representative of the OSCE Chairperson, SFOR, the NATO Air Operational Coordination Centre (NAOCC), the Danish Air Force and the Czech Air Force in conducting aerial observation flights in BiH. The OSCE’s emergency action plan (with various alert status levels) is closely coordinated with SFOR’s own plan.\(^{196}\) In addition, the OSCE, the OHR, SFOR and UNMIBH jointly participated in the Common Security Policy Working Group (CSPWG), in which military issues are discussed and coordinated.\(^{197}\)

\(^{193}\) See Gargana Velitchkova, op. cit., 26.

\(^{194}\) Ibid., 28.


\(^{196}\) Ibid., 33.

\(^{197}\) See OSCE Secretary General, Annual report 2001 on Interaction between Organisations and Institutions in the OSCE Area, 30.
In cooperation with NATO Headquarters and the Geneva Centre for the Democratic Control of Armed Forces (DCAF), the OSCE Mission had been strengthening parliamentary defense committees in BiH. The Mission’s Joint Operations Centre (JOC) worked closely with SFOR on security matters. When required, SFOR liaison teams were deployed to the JOC, as well as to all the OSCE regional centres and field offices in order to provide on-the-spot advice and a smooth link with SFOR formations in the field and at headquarters.\textsuperscript{198}

Cooperation in Human Rights

In 1996 an Ombudsmen Liaison Unit has also been set up within the Human Rights Branch of the Mission.\textsuperscript{199} In 1998 the OSCE Mission collaborated with the OHR and the CoE Venice Commission on a draft law to establish a multiethnic ombudsman institution in the Republika Srpska (a priority for 1999), and on draft legislation governing the already established Federation Ombudsmen. In 1999, the OSCE Mission was involved in the process of drafting the election law. Once completed the draft was presented to the Council of Europe and the Peace Implementation Council Steering Board for review.

The Mission Department’s Rule of Law Programmes also organized 24 training sessions for legal professionals on the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR).\textsuperscript{200} On its side, the Council of Europe in 1996 already provided for a translation of the ECHR and of the other three Council of Europe Conventions listed in Annex 6 of the Dayton Agreements in Bosnian, Serbian and Croatian, as well as for the provision of basic human rights documentation (including on Strasbourg case-law) to the governments of BiH and of the two entities, and to the University of Sarajevo.\textsuperscript{201}

Regarding the property legislation, the Mission Human Rights Department spearheaded a public information campaign and worked to implement it with the property working group (OSCE, OHR, UNHCR, Commission for Real Property Claims, International Organization for Migration, and United Nations Mission in Bosnia and Herzegovina). The campaign was directed at people affected by the new property legislation.\textsuperscript{202}

The OSCE, OHR, UNHCR, UNMIBH, UNHCHR and CoE jointly articulated a human rights policy within the Human Rights Co-ordination Centre (HRCC), which is chaired by the OHR. The OSCE, UNHCR and UNMIBH had each seconded a staff member to the HRCC, which is located at the OHR, and is responsible for drafting regular reports on the human rights situation. Furthermore, the OHR also drafted guidelines on various human rights issues for field officers of all the organizations, and supported the Human Rights Steering Board (comprised of the principal human rights members of the UNMIBH, UNHCR, UNHCHR, JSAP, CoE and OSCE).

The Civil Society Coordination Group was established as part of the HRCC. The Coordination Group’s members are the OHR, OSCE, CoE, UNHCR, and USAID. The main objective of the group is to develop a coordinated concept for a long-term, sustainable civil society in BiH in order to avoid duplication of efforts within the international community.\textsuperscript{203}

\textsuperscript{198} Ibid., 34.
\textsuperscript{201} See Parliamentary Assembly of the Council of Europe (PACE) Doc. ADOC7536, “Contribution to the debate on the implementation of the Dayton Agreements for peace in Bosnia and Herzegovina”, 24 April 1996.
\textsuperscript{202} Ibid.
\textsuperscript{203} See OSCE Secretary General, Annual report 2000 on Interaction between Organisations and Institutions in the OSCE Area, 34.
Furthermore, the OHR set up a “Rule of Law Task Force Tracking Coordination.” This can be considered an example of an instance in which a mechanism for cooperation and coordination in relation to the rule of law has been set up within a mission. This Task Force coordinates its members’ work and deals with issues including judicial reform, law enforcement, law reform and human rights.

On the issue of education, the OHR Human Rights Rule of Law Department includes an education team, with whom the OSCE Mission worked closely in relation to the human rights aspects of primary and secondary education. The Mission’s Human Rights Department participates in the Education Working Group chaired by the OHR, with the World Bank, the CoE and the EU.204

In 2000, the OSCE Mission’s Human Rights Department worked mostly with the OHR’s Human Rights/Rule of Law Department and its Reconstruction and Return Task Force (RRTF), which focused on reconstruction, fund-raising and the implementation of property legislation. On some issues, it also worked with the OHR’s political, economic and legal departments. The Human Rights Department has also briefed CoE rapporteurs several times on accession issues. The Mission worked with the CoE/Venice Commission when drafting legislation. The Mission has received advice from the CoE/Venice Commission on the Law on Judicial Service and the Republika Srpska Ombudsman Law. The Venice Commission advised the Human Rights Department on the merger of the Constitutional Court and the Human Rights Chamber and on the ultimate disposition of the Federation Human Rights Court.205

In March 2001, the Mission cooperated with the CoE to organize a round table on Roma and the CoE Framework Convention for the Protection of National Minorities, which was part of the joint Council of Europe-OSCE/ODIHR project, entitled Roma under the Stability Pact.

Cooperation in Democratization
The Mission Democratization Department was a leading force in building the political, governmental, legal, and social values, as well as the practices and structures of democracy through an integrated approach, focused on four main sectors: civil society, political parties, governance and rule of law. Within the Department, training was conducted for 120 legal professionals on Article 5 of the European Convention on Human Rights, and a handbook was produced for the basic legal training of police.206 The Mission’s Democratization department cooperated with the EC on the European Initiative for Democracy and Human Rights (EIDHR) Micro-Projects Programme for 2001, providing support in the selection of local NGOs.

Cooperation on Media implementation
In July 1999, the OSCE mission established an independently operating Media Ombudsman in the Federation. In addition, the same day, the High Representative imposed a “Decision on freedom of information and decriminalization of libel and defamation” which called on the “entities” to adopt legislation “to create civil remedies for defamation, libel and slander in accordance with the European Convention for the Protection of Human Rights and Fundamental Freedoms,” and to repeal relevant provisions of the criminal codes. In addition, the decision called

204 Ibid., 35.
205 Ibid., 35.
for legislation on the freedom of information. Both laws had been drafted under the guidance of the OHR with help from the OSCE.  

In 2001, the Mission’s Media Affairs Department, in cooperation with the OHR, worked on media legislation: the Freedom of Access to Information Law and the Defamation Law, and their implementation. In the first half of 2001, the Department completed the successful conversion of Radio FERN into the BiH Public Broadcasting Service (BH Radio 1). This conversion was made possible through the OSCE’s cooperation with the OHR, and support and funding from the European Commission, the Swiss Government and other FERN donors.

Nevertheless, in regards to the structure set up by OSCE Mission in dealing with the Media issues, the Mission was criticized in 2000 by the OSCE itself. In fact, the OSCE Representative on Freedom of the Media (RFM) stated:

87. As for the OSCE, its mission in Bosnia was tying itself in knots. As part of its remit to provide conditions for free and fair elections, it had to urge the media to abandon their bad habits of bias and manipulation. A Media Experts Commission (MEC) was established, with a network of sub-commissions (MESC), to try and ensure compliance. They seemed to have little appetite for the job. As a consensus-seeking body staffed by officials with, in some cases, a woefully poor grasp of the principles of freedom of expression, and including broad local representation, the MEC was not best configured to impose politically delicate sanctions on media. Without strong backing from the mission leader, the MEC was simply spineless. A seasoned international analyst listed its evasions: “OSCE could, in theory, have fined media organizations out of existence. It could have banned whole political parties, and not just a few of their candidates. It could have taken back all the money it had given them for their campaigns, and not just modest sums. It could have acted more expeditiously in dealing with offences. It could have postponed the all-Bosnian poll, or one of the entity elections, or some of the cantonal votes — as it eventually did the municipal elections. It could have refused at the end of June [1996] to set a date, instead of certifying then, not that conditions for free and fair elections actually existed, but that they might — with a lot of luck — come into existence by 14 September.”

Today, the Mission has 21 field offices and the Team Brcko; the OSCE Mission to BiH covers the entire territory of Bosnia and Herzegovina. OSCE regional centres are located in Banja Luka, Mostar, Sarajevo and Tuzla, and each regional centre is in turn responsible for field offices throughout its area of responsibility.

2.3.3. The Council of Europe and its Local Democracy Agencies (LDAs)

The Dayton Peace Agreements included a limited number of express references to the Council of Europe. It states that the rights recognized in the European Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) and its Protocols apply directly in Bosnia

207 See OSCE Representative on Freedom of the Media, “Slovenia, Croatia, Bosnia and Herzegovina, Macedonia (FYROM) and Kosovo. International Assistance to Media”, written by Mark Thompson Vienna 2000, § 112, 47.

208 Ibid, 37.

209 For further information about the LDAs please see the section dedicated to the co-operation in Croatia.
and Herzegovina. However, in 1996, the Council expressed its readiness to provide all its expertise in implementing the Dayton Agreements:

16. The Council of Europe is well placed to make an extensive contribution to reconstruction in the fields where it has expertise, particularly by assisting with the drafting of legislation relating to the rights of minorities and to citizenship, in the setting up of democratic institutions, in the fields of education, youth and health, in the operation of independent media, the restoration and protection of the natural and cultural heritage, and so on.\textsuperscript{210}

Regarding the training of human rights monitors, a coordination meeting took place in Geneva on 1 March 1996, with the participation of the Council of Europe, the OSCE Office for Democratic Institutions and Human Rights, and the UN Centre for Human Rights to discuss in depth the mandate of the monitors, training courses, and Council of Europe involvement in the training.\textsuperscript{211}

The Council of Europe, through its Local Democracy Embassies, started to work in the field in 1995. The first Embassy was established in Tuzla, but unfortunately closed in 2003. Three other LDAs are nevertheless still active in Bosnia and Herzegovina, with different functions and mandates.

- **LDA Zavidovici.** The LDA of Zavidovici was established in 1997 after many years of cooperation between Italian NGOs and local authorities and the host city and its community. The Zenica-Doboj Canton was severely affected by the war, which is why the most important programmes of the LDA concern economic development, intercultural education, youth participation, refugees and national minorities, and the environment.

- **LDA Prijedor.** The Agency, created in 2000, concentrates on coexistence, inter-ethnic dialogue and reconciliation, youth issues, transparency and participation.

- **LDA Mostar.** LDA Mostar opened on 22 November 2004 with the support of the Congress of Local and Regional Authorities of Europe. The programmes implemented so far are: Local Economic Development in the Balkans, Actions for Capacity Building in SEE, and a democratization project with secondary schools from Mostar. Other activities foreseen concern the exchange of best practices, trainings for civil society and local authorities in the fields of conflict management and participation in the decision-making process, and establishment of an info point for youth.

The most important sectors in which all the Agencies have projects are:

- Inter-ethnic and inter-religious dialogue and reconciliation and trans-border cooperation;

- Democracy and institution-building;

- Strengthening local authorities and civil society participation in the decision-making process;

- Youth and women’s participation in the decision-making process;

\textsuperscript{210} See Parliamentary Assembly of the Council pf Europe (PACE), Recommendation 1287 (1996).

• Local economic development, sustainable development and environment protection (in agriculture, industry and tourism);
• Human rights and minority protection;
• Refugees’ right of return to their countries.

By this time, the Office of the Special Representative of the Secretary General (SRSG) had been established in Sarajevo.

2.3.4. The European Union (EU) and its Monitoring Mission

The EU and the ECMM had been included in the general invitation to regional organizations to monitor human rights and to establish local offices. The ECMM played a significant role in monitoring the human rights provisions of the peace agreement. The ECMM mandate was based on various memoranda of understanding with authorities. Its monitors (60 are authorized) had been involved in a range of issues including humanitarian and human rights issues. The ECMM issued regular public reports on its activities, the findings of its teams and the situation in the areas it which it operated.

In addition to these activities, the EU administered the city of Mostar (EUAM). At invitation of the signatories of the Washington agreement, the European Union took on full responsibility for the management and development of Mostar over a two-year period, including the promotion of coexistence among different ethnic groups. The main aim of the project was to restore trust between the Croat and Muslim populations separated by the river Neretva (in 1991, the population of Mostar was 35% Muslim, 34% Croat and 19% Serb).212 The EC/EU ran the administration of the city of Mostar from July 1994 until July 1996. Subsequently, a Special Envoy performed follow-up tasks until December 1996.213 The WEU contributed to this administration by supplying a Police Force.108 The EC/EU also played a leading role in economic reconstruction in close cooperation with the World Bank. In addition, the EC/EU and its Member States have been one of the main financial contributors.214

In addition, the appointment of two members of the five-member Commission on Public Corporation, and the designation of the chairman, was entrusted to the President of the European Bank for Reconstruction and Development (ERBD).

Nevertheless, all organizations involved realized that they would succeed or fail together and that cooperation was therefore crucial; this is reality resulted, for instance, in an agreement between the EC and the OSCE over ECMM assistance to the OSCE.215

In 2003, the EU launched its first three operations under the so-called “Petersburg Tasks;” one of them was actually the EU Police Mission in Bosnia and Herzegovina (EUPM). The EUPM took over from the UN mission (UNMIBH) in January 212

214 See Jan Wouters and Frederick Naert, op. cit, 14.
2003. The legal basis consisted in an invitation plus an EU Joint Action; according to the UNSCR 1396 of 5 March 2002: “UN welcomes the acceptance by the Steering Board of the PIC on 28 February 2002 of the offer made by the EU to provide an EU Police Mission.”

On 2 December 2004, the European Union started EUFOR or the European Union Force, better known for operation Althea, replacing the NATO-led SFOR in the military implementation of the Dayton Agreement. United Nations Security Council (UNSC) Resolution 1575, adopted unanimously on 22 November 2004, welcomed the EU’s intention to launch an EU military operation in BiH and authorized the Member States, acting through or in cooperation with the EU, to establish a multinational stabilization force (EUFOR) as a legal successor to SFOR under unified command and control. EUFOR would have the main peace stabilization role under the military aspects of the Peace Agreement. Operation ALTHEA was also carried out with recourse to NATO assets and capabilities, on the basis agreed with NATO (“Berlin Plus”).

Operation Althea was launched, under Chapter VII of the UN Charter, on 2 December 2004 (EUFOR - Operation ALTHEA). This followed the decision by NATO to conclude its SFOR mission. The key objectives of ALTHEA are:

- To provide deterrence and continued compliance with the responsibility to fulfill the role specified in Annexes 1A and 2 of the Dayton/Paris Agreement (General Framework Agreement for Peace in BiH);
- To contribute to a safe and secure environment in BiH, in line with its mandate, and to achieve core tasks in the OHR’s Mission Implementation Plan and the Stabilization and Association Process (SAP).

The EU-led force also has supporting tasks such as to provide support to the International Criminal Tribunal for the Former Yugoslavia (ICTY) and relevant authorities, and to provide a security environment in which the police can act against organized criminal networks. The EUFOR also collaborate with the European Police Mission in Bosnia (EUPM) and with the Bosnian police.

EUFOR assists in creating the conditions to deliver the long term political objective of a stable, viable, peaceful and multiethnic BiH, co-operating peacefully with its neighbours and irreversibly on track towards EU membership, in the light of the Stabilization and Association Process (SAP).

Regarding the deployment, Bosnia and Herzegovina is divided into three military operation areas, each containing EUFOR multinational task forces commanded by British (NW), Finnish (N) and Spanish (SE) officers respectively, who report to the EUFOR HQ in Sarajevo, with the Integrated Police Unit covering the entire area of Bosnia and Herzegovina. In addition there are Theatre Troops spread out over the country that provide supporting services to these units.

2.4. Cooperation in Election Observation

1996 - General Elections

The General Framework Agreement for Peace in Bosnia and Herzegovina (GFAP), the so-called Dayton Agreement - Annex 3 gave OSCE the authority to supervise the elections and to establish and chair a Provisional Election Commission (PEC), the Chairman of which would have the decisive vote in case of disputes. The PEC was composed of 6 members (3 experts and 3 representatives of the Bosnian parties), plus the Chairman who had the final decision in case of dispute within the Commission. The meetings of the PEC were valid with the presence of any four of its members (which means that, should the Bosnian parties decide to boycott the
PEC, this would not, at least in theory, prevent it from continuing to work). The PEC was inaugurated on 30 January 1996, and held its first meeting on 1 February 1996.

The PEC organized the first elections to all elected bodies in 1996 after certifying whether certain pre-set conditions were met, so that the elections could be effectively implemented. The agreement outlines the following basic conditions: a politically neutral environment, the right to vote in secret without fear or intimidation, freedom of expression and of the press, freedom of association (including of political parties), and freedom of movement. On 25 June 1996 the necessary certification of conditions was made for all the elections to take place on 14 September 1996. However, on 27 August 1996 the municipal elections were postponed initially for three months, then until spring, 1997, and then again until 13 and 14 September 1997.

In 1996, SFOR had closely supported civilian implementation of the establishment of joint institutions, promotion of media reform and measures to ensure fair elections. Its direct support for the OSCE managed election process covered mine awareness training for election observers, production of maps, assistance in communications and transportation, protection to election supervisors, international observers and core election staff, and logistic support. SFOR liaison teams were deployed to the OSCE HQ JOC and to the OSCE regional centres and field offices to ensure connection with SFOR formations in the field and at headquarters. Everyday meetings in the OSCE HQ JOC were held and contacts through the SFOR HQ Election Cell were maintained.

In addition, on 28 June 1996 the Bureau of the Parliamentary Assembly of the Council of Europe established an ad-hoc committee of observers for the elections in Bosnia and Herzegovina. The members of the Bureau’s ad-hoc committee observed the elections in Srebrenica and Mrkonjic Grad in Republika Srpska and in Tuzla, Bihac, Mostar and Konjic in the Federation. Observation of the elections in Sarajevo was not possible. After the elections, the CoE explained that although the elections clearly did not meet the Council of Europe criteria for free and fair elections, in any case they should be accepted as a general improvement in light of the reconstruction of Bosnia and Herzegovina.216

The OSCE Mission’s goals called for a number of conditions to be fulfilled for the elections to be held. However, on the eve of the elections, the first of these conditions, a politically neutral environment was still lacking in most places. In addition, the 1996 Elections have been strongly criticized by the OSCE Representative for Freedom of the Media. The critics actually had been directed towards the OSCE Mission and its evaluation of the preconditions for holding elections. According to the wording of the RFM:

88. Thus, the OSCE mission tried vainly to persuade the domestic and international media that the agreed conditions for holding elections could be met, although everybody knew the opposite was true. The OSCE head of mission proceeded to certify that the elections could take place. In the judgement of many observers, this was a cynical move that would strengthen the hard line leaders of the three nationalist regimes and hence make the DPA even harder to implement. Senior diplomats at OSCE headquarters in Vienna were rumoured to be so incensed by US-led pressure on the mission that

they leaked grim reports subverting the official message of qualified optimism. The *New York Times* was particularly adroit at embarrassing the organization. On 13 June 1996, it publicized an internal mission document arguing that OSCE was ready to accept a “necessary minimum of media pluralism”. The elections went ahead, according to Holbrooke, “in an atmosphere poisoned by a media controlled by the same people who had started the war. Advocates of reconciliation in all three communities were intimidated by thugs and overwhelmed by media that carried nothing but racist propaganda.”

The situation was worsened by the HRT inflammatory language about the international organizations and bodies such as the SFOR and the International War Crimes Tribunal, aimed at portraying them as enemies of the Croat people.

The International Crisis Group (ICG) also criticized the elections, comparing them to the one held in 1990. The strong words used by the ICG were directed towards the absence of the conditions suitable for holding an election as well as to the problems that occurred during Election Day:

The 1996 general elections did not live up to the lofty expectations of DPA. The parties did not honour their commitment to “ensure that conditions exist for the organization of free and fair elections,” as they actively intimidated voters of their own and other ethnic groups. The limited voter registration process was characterized by intimidation of displaced persons and refugees to register to vote for their current, or future intended, municipalities, rather than their pre-war municipalities. So widespread was the intimidation and registration fraud among Bosnian Serb refugees in Yugoslavia that it led to the postponement of the municipal ballot across BiH. The campaign was dominated by appalling nationalist propaganda on all state-controlled (i.e. Ethnic party-controlled) TV and radio stations. BiH was saturated with SDA, HDZ and SDS posters and leaflets, while the three ruling parties prevented the opposition parties from gaining access to the media. Widespread intimidation and terrorist attacks were directed against opposition parties and figures in all three ethnically controlled territories. And tellingly, refugee return had not yet begun.

The 1996 general elections produced similar results to the first multiparty elections in 1990, in that the HDZ, SDS, and SDA secured their grip on power. This occurred because the elections system - and the DPA Constitution - did not force the SDA, HDZ or SDS to compete for votes among other ethnic groups. As in 1990, Croats voted for Croats, Serbs for Serbs, and Bosnia for Bosniaks. Except this time the vote was charged with ethnic hatreds fuelled by three and a half years of war.

On Election Day, problems with voters' lists abounded, with as many as 100,000 voters turned away from polling stations. Widespread fraud resulted in a voter turnout of 105% of the eligible electorate. So widespread was voter fraud that the Election Appeals Sub-Commission (EASC) issued an Interim Judgement on 25 September 1999 that the voting had “a significant possibility of double voting, other forms of

---

217 See OSCE Representative on Freedom of the Media, *op. cit.*, § 88, 37.
218 Ibid, § 98, 42.
fraud, or counting irregularities." The EASC recommended a complete recount of all votes cast, which the PEC rejected. One week after certifying the election results, the OSCE hastily destroyed all ballots cast, thus rendering any independent investigation impossible.219 

Finally, contrary to the GFAP, indicted war criminals remained on the loose, some of them even continuing to exercise political influence. Perhaps symbolic of the limited and painfully slow progress that had taken place in this, as in other pre-election conditions, was the RS’s Prime Minister Karadzic stepping down from government on 18 July, under the greatest international pressure, and later, from his party positions. But Karadzic, along with such other notorious warlords indicted for war crimes as Ratko Mladic of the Republika Srpska and Dario Kordic of Herzegovina, remained in the country, and their presence continued to undermine the implementation of the Peace Agreement.

1997 - Municipal Elections220

In accordance with Article III, 2 (e) of Annex 3 of the General Framework Agreement for Peace in Bosnia and Herzegovina signed at Dayton, the OSCE’s Office for Democratic Institutions and Human Rights (ODIHR) established an Election Observation Mission in May to assess the election process of the Municipal Elections of 13 and 14 September.

According to the final report of the OSCE/ODIHR:

The participants in the Election Observation Mission included observers seconded by 27 OSCE participating States, parliamentarians and public officials representing the OSCE Parliamentary Assembly, the Council of Europe Parliamentary Assembly, the Council of Europe Congress for Local and Regional Authorities, the European Parliament, as well as the European Community Monitoring Mission (ECMM), locally based embassies, international organizations and non-governmental organizations. In total, 363 observers were deployed throughout the territory of Bosnia and Herzegovina. In addition, 30 observers were deployed in the Federal Republic of Yugoslavia to observe the out-of-country voting, and 44 observers were deployed in the Republic of Croatia.221

[...] The realization of these elections would not have been possible without the excellent co-operation of SFOR, which provided substantial logistical support and secured a stable environment in which the electoral process could be held.

On the role of the PEC in the 1997 municipal elections, it is interesting to see the ICG’s opinion about what the Commission did. The ICG argued that:

For the 1997 municipal elections the OSCE planned a nation-wide registration system. This predictably turned into a giant process of ethnically motivated election engineering. Although Article IV required all citizens of Bosnia and Herzegovina ("as a general rule") to vote in their 1991 municipality, the OSCE’s Provisional Election

Commission (PEC) interpreted this differently. The PEC unilaterally changed the 1991 residency requirement date to 31 July 1996, making a new “general rule” that you vote where you live. Anyone who could prove he lived in his new municipality prior to 31 July 1996, could cast a ballot for elections in that new municipality. As all ethnically motivated population movements and ethnic cleansing occurred significantly prior to this late date, the “proof of residence” process became meaningless.

The message to IDPs and refugees was clear: you could vote either for your pre-war municipality, where you were now in the ethnic minority, or you could vote in your new municipality in order to nullify the voting power of majority groups ethnically-cleansed from your new region. The OSCE openly supported this policy of ethnic engineering and permitted large numbers of displaced persons in the RS and in Croat-controlled areas, to register en masse to vote in their current municipality, thus cementing war time ethnic cleansing.

[...] Power that was won through ethnic cleansing was now legitimized by the OSCE interpretation of Article IV. 222

During the elections, SFOR played an important role in providing a secure environment and logistical support to the Mission. The OSCE Mission Human Rights Branch worked closely with the Monitoring Coordination Groups (MCGs) and the Election Results Implementation Commissions (ERICs) in monitoring and facilitating the elections and the implementation of their results. The OSCE Human Rights Branch also worked closely with the Office of the High Representative (OHR) and other parties (the International Police Task Force, the Stabilization Force, the United Nations High Commissioner for Refugees, etc.), particularly through the Human Rights Coordination Centre (HRCC), on questions of human rights policy and implementation. 223

1997 - National Assembly Election

Following the decision of President Plavsic to dissolve the National Assembly of Republika Srpska on 3 July 1997, and the agreements reached by all involved parties to carry out the new elections for the Assembly, the OSCE Mission to Bosnia and Herzegovina took up the role of organizing the elections under the same arrangements as for the recent Municipal Elections. In accordance with Article III, 2(e) of Annex 3 of the General Framework Agreement for Peace (the Dayton Agreement), the OSCE’s Office for Democratic Institutions and Human Rights (ODIHR) continued its observational role and extended the presence of its already established Election Observation Mission for the Municipal Elections in Bosnia and Herzegovina to include the observation of the Republika Srpska National Assembly Election.

The observation mission, in accord with the Final Report of the OSCE/ODIHR was composed of:

[...] observers seconded by 28 countries, parliamentarians and public officials representing the OSCE Parliamentary Assembly, the Council of Europe Parliamentary Assembly and Congress for Local and Regional Authorities, the European Community Monitoring Mission (ECMM), local Embassies, as well as a number of NGOs. In total, 130 short term

1998 - General Elections

In accordance with Article 8.5 of the 1998 Provisional Election Commission (PEC) Rules and Regulations, the OSCE/ODIHR established an Observation Mission in Bosnia and Herzegovina (BiH) on 23 July 1998. The Final OSCE/ODIHR Report is based upon the findings of the 19-person long-term observation team, which remained in BiH until 17 September, as well as the 4-person team which remained in BiH from 17 September until 18 October. It also incorporated the observations of 250 short-term observers, representing 33 States. Included among the 250 observers, was a 25-person delegation from the OSCE Parliamentary Assembly, including two members of the North Atlantic Assembly, a 20-member delegation from the Council of Europe Parliamentary Assembly and members of the diplomatic and international communities in Bosnia and Herzegovina.

The Provisional Election Commission had four international members, with the Head of the OSCE Mission to BiH as Chairman of the PEC. There are six national members, with two from each ethnic group - three of whom are non-party affiliated.

In April 1998 the OSCE and the Office of High Representative (OHR) worked together to draft the new election law. The OSCE established a secretariat, which worked in conjunction with the election commission secretariat to draft the election law. Nevertheless, the new law, which was completed on 28 July 1999 and presented to the High Representative, was not passed by the BiH authorities.

In spite of these efforts, the reality on the ground, mainly regarding the reaction of the local communities facing the international community, did not change very much. Once again the relationship between Media and Elections seems to be a weak point for the international community. The following criticism by the Representative for Freedom of the Media contributes to clarify the state of affairs at the time:

99. Despite these reasons for action, the international community turned a blind eye until the campaign for the September 1998 elections. In August, the MEC ruled that by favouring the HDZ-BiH party, the HTV campaign coverage had violated the “equitable access” provision of the electoral Rules and Regulations. Faced with unprecedented international pressure coordinated between embassies and OSCE missions in Sarajevo and Zagreb, and including the removal of Bosnian Croat candidates from the electoral lists, HRT eventually complied with its obligations during the last four days of campaigning. Immediately after the elections, HTV broadcast an apology for having under international pressure exposed viewers to “the content of certain [party-political] spots, which in fact reflected the political picture in Bosnia and Herzegovina and not in any way whatsoever the

---

viewpoint of Croatia or HRT.” This statement spoke volumes about HRT’s conception of its role.228

Another problematic issue was the organization and coordination on Election Day. In fact, despite a conspicuous election budget, hundreds of polling stations opened late on polling day in September 1998, due to massive errors in the OSCE-produced voters’ lists. On the first day at least 41 polling stations never opened, while others opened late. In Doboj municipality alone, the OSCE and the Local Election Commission estimated that up to 3,000 people (out of 45,000 resident voters) were disenfranchised by the late opening of 41 of the 43 polling stations in that municipality. Many villagers walked kilometres to polling stations that were closed for unexplained reasons, waited for hours, returned home, and never returned again.229

2000 - Municipal Elections

The Organization for Security and Cooperation in Europe (OSCE), under its mandate given by Annex III of the Dayton Peace Agreement, organized and financed the municipal elections held on 8 April 2000. The integrity of the elections was to be guaranteed by the presence of 6,600 local and international observers.230 The elections were held under the Provisional Election Commission (PEC) Rules and Regulations, which included a number of new provisions from the draft election law which the Bosnian parliament failed to pass earlier in the year.231

SFOR provided protection to persons assigned special status (election supervisors, international observers and core election staff). SFOR personnel participated in training OSCE supervisors through situation-awareness briefings and mine-awareness training. SFOR liaison teams were deployed to the JOC as well as to all OSCE regional centres and field offices in order to provide on-the-spot advice and to ensure a smooth link with SFOR formations in the field and at headquarters. This cooperation would also be in place for the November 2000 general elections.232

EUMM liaison officers attended the OSCE daily staff meetings and worked in the JOC for several hours each day. During the April 2000 municipal elections, the EUMM provided the OSCE with enhanced communications support and additional VHF repeaters. A number of EUMM observers participated in the municipal elections as polling station observers.233

2002 - General Elections

The OSCE/ODIHR Election Observation Mission (EOM) was established in response to an invitation from the Council of Ministers of Bosnia and Herzegovina. The EOM began work on 2 September 2002 and remained in Bosnia and Herzegovina through 20 October.

According to the Final Report of the OSCE/ODIHR, the mission was composed of:

Thirty experts and long-term observers from 15 OSCE participating States [who] were deployed in Sarajevo and eight other cities. On

228 See OSCE Representative on Freedom of the Media, Ibid, § 112, 42.
230 OSCE press release, Sarajevo, 6 April 2000.
232 See OSCE Secretary General, Annual report 2000 on Interaction between Organisations and Institutions in the OSCE Area, 39.
233 Ibid., 38.
Election Day, the EOM was joined by the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE), and the European Parliament (EP) to form the International Election Observation Mission (IEOM). Some 450 observers were deployed from 37 OSCE participating States, including 23 parliamentarians from the OSCE PA, 16 from PACE and 3 from the EP. In addition, a six members Congress of Local and Regional Authorities of Europe (CLRAE) delegation focused on the cantonal and municipal elections.234

2004 - Municipal Elections

The OSCE/ODIHR Election Observation Mission (EOM) was established in response to an invitation from the ECBiH. The EOM began work on 30 August, and remained in BiH through October 15th. The mission was composed of:

Twenty-three experts and long-term observers from 12 OSCE participating States were deployed in Sarajevo and six other cities during the observation. On Election Day, the EOM was joined by a delegation from the Council of Europe’s Congress of Local and Regional Authorities of Europe, led by Mr. Stanislav Bernat (Slovakia).

[...] The OSCE/ODIHR also thanks the OSCE Mission to BiH, the Office of the High Representative, the Council of Europe Office, the EU Monitoring Mission, and other international organizations and embassies in BiH for their assistance.235

2.5. Evaluation of the Cooperation

Political and military objectives

First of all, as is apparent from the text of the GFAP, policy and operations failed to agree on the time period envisioned to reach their objectives. The defined political objectives required a long-term engagement and effort, while military objectives as drafted needed a much shorter term to accomplish. In short, the success of military operations themselves was a prerequisite for the utilization of further political and other means.236

The gap between political and military objectives was related to the lack of coordination in the command structure between the political authorities of the UN and NATO. Furthermore, the High Representative was not a UN Special Representative with UN authority, and his political guidance came from the Steering Board of the Peace Implementation Council, which was not an internationally recognized political organization. Given the UN’s reluctance to play a lead role, there was no internationally recognized political organization providing overall political direction.237

236 See Attila Süle, op. cit. .
On the other side, within the IFOR Command and Control organization on the one hand, the military had no links at all to the UN and played a narrow role that focused on the mandated military tasks. Although this meant separation from broader political goals, thanks to clear mission requirements, military success was more easily achieved. On the other hand, civilian implementation was not subordinated to NATO political authorities, which also contributed to the difficult coordination and synchronization of civilian and military tasks.\(^\text{238}\) In fact, experience in Bosnia and Herzegovina demonstrated that this split between military and civilian authority leads to a confusion of aims and to a duplication of effort.\(^\text{239}\)

Regarding the human rights institutions set up under Dayton; in 1997 the Human Rights Ombudsman Ambassador Haller, criticizing the level of binding human rights standards in Bosnia and Herzegovina, due to a significant difference in the implementation of the human rights instruments between the two entities, argued that the cooperation of international organizations should be improved so as strengthen the human rights institutions at the State level.\(^\text{240}\) Ambassador Haller’s opinion seems to rely on the fact that each of the entities intended to establish its own human rights mechanisms, a possible justification of the state of things in 1997, but at the same time and in an indirect way it is a critique of the lack of a comprehensive approach by the international community in dealing with the implementation of the Dayton Agreements.

Lack of proper training

The lack of knowledge on the part of the personnel of the mandates, of their own and of other organizations, was another obstacle. At the beginning it was a problem of training but afterwards, once on the ground, it affected the efficiency of the intervention. In this case, improvements in the selection and training of international personnel working on the ground could be a solution in avoiding misunderstandings and rivalry. Improved exchange of information and personal contacts on the ground and between headquarters is a key element for this improvement.

Ms. Heike Alefsen, Representative of the Council of Europe Secretariat in Bosnia and Herzegovina, stressed what was stated above, explaining as the problems encountered at the beginning of activities in Bosnia and Herzegovina in inter-institutional cooperation had often resulted from a lack of staff knowledge of their own and other organizations’ mandates, rapid staff turnover and a lack of institutional memory.\(^\text{241}\) The best solution to this lack of knowledge might be a joint planning activity in the case of future operations and a detailed procedure for cooperation, to avoid disunity and a lack of common purpose among international organizations. Joint planning should be combined with pragmatism, allowing for possible adjustments, rapid reaction to changing situations and case-by-case consultations.

Regarding the practical work of the International Organizations and Human Rights Institutions in the field, the Council of Europe strongly criticized the lack of cooperation and information exchange among the organizations and the value of the human rights institutions set up under the Dayton Peace Agreements:

\(^{238}\) See Attila Süle A., \textit{op. cit.}, 60.
\(^{240}\) See OSCE Seminar on Co-operation among International Organisations and Institutions: Experience in Bosnia and Herzegovina, Consolidated Summary, September 1997, 17.
\(^{241}\) See Ibid., 19.
89. International organizations involved in the reconstruction process do not always provide sufficient information on their projects and plans, as well as sources of financing. That sometimes leads to overlapping and it may happen that two different organizations get money from sponsors to reconstruct the same area. UNHCR as a leading agency should be kept informed in order to coordinate all efforts. Also authorities, in particular at the cantonal level, complain of not being kept informed.242

3. One-and-a-half years after the signing of the Dayton Peace Accords, the operating record of these institutions for protecting human rights is mixed. Although certain of them are performing a serious task and obtaining concrete results, all are experiencing financial difficulties which put their very existence at risk. Taken as a whole, the human rights situation, rather than improving, appears to be getting worse.243 Furthermore, the ICG in one of its reports on Bosnia and Herzegovina even decried an absence of overall vision and effective structure concerning Dayton. According to the ICG’ opinion, the international community had neither a sufficiently strategic view of its purpose in Bosnia, nor adequate mechanisms for making strategy.244 In addition, the same organization stressed the lack of leadership and coordination of the international community:

B. LACK OF LEADERSHIP AND COORDINATION
The presence of large numbers of organizations with different reporting lines, funding structures and agendas has highlighted the unmet need for an effective strategy-making mechanism. As UNMIBH has noted, “funding has been disbursed on a disconnected bilateral basis with no unity of vision.”

[…] On the other hand, notable successes have been scored where agencies have shown leadership and cooperation. The Return and Reconstruction Task Force (RRTF) has coordinated international efforts to promote and sustain refugee return.

C. DUPLICATION AND NON-COOPERATION
The problems of duplication and non cooperation stem from the fact that there are “five principal organizations with unclear mandates and a loose coordinating mechanism that has been ineffective”, with functional overlap being most pronounced between OHR and OSCE. In some areas the overlaps are more or less workable. In the human rights area OHR, OSCE, UNMIBH, UNHCR and the Office of the High Commissioner for Human Rights (OHCHR) all have functions which are in the main complementary. For example, the OSCE human rights department deals, among other matters, with the return of refugees and displaced persons, particularly their efforts to reclaim their properties, while the UNMIBH human rights function entails “investigating or assisting with investigations into human rights abuses by law enforcement personnel”.

243 See Parliamentary Assembly of the Council of Europe (PACE), Recommendation 1337 (1997) on the functioning of the institutions for the protection of human rights in Bosnia and Herzegovina.
Communication between some agencies has been so poor that occasionally there has been no awareness that overlaps even exist. On the other hand, where duplication is recognized, time consuming, frustrating and often fruitless coordination meetings are the order of the day. Real cooperation remains elusive.\textsuperscript{245}

Problems in the economic reconstruction

Economic reconstruction under the Dayton Agreements presented problems as well. The commercial legislation in Bosnia and Herzegovina was in many cases lacking or incoherent; and so lack of interests of foreign investors came as a consequence. The imbalance in the allocation of international funds was also a problem. The interests of entities was not sufficiently respected in the implementation process and the imbalance in the allocation of funds was not evaluated concerning possible negative consequences such as the deepening of the antagonism and mistrust between the ethnic communities. In this context, the lack of horizontal and vertical coordination among international organizations involved in the reconstruction of Bosnia and Herzegovina was evidenced.\textsuperscript{246}

In 1999, it is interesting to see what Ambassador Robert Harry, Head of OSCE Mission in Bosnia and Herzegovina stated about the economic reconstruction of Bosnia and Herzegovina:

The international community must reconstruct the economy. This has not yet been done in Bosnia and Herzegovina. Humanitarian aid is only a palliative. Ruling parties have little interest in encouraging private sector development and hope to buy out failing enterprises for pennies on the dollar. We cannot let this happen. A key incentive for States is membership in European institutions. This goal must be kept before successor States. The international community must be very precise about exactly what is needed to make the grade.

Another mistake in Bosnia was that too little attention was paid to the future end-state of military forces. Current limits are too high. We are now working to reduce budgets and develop State defense institutions. Within the context of the Stability Pact we should consider tying defense growth to Gross Domestic Product. In addition, paramilitary units should be covered in arms control regimes. It is important that we prepare for work in the region as a whole.\textsuperscript{247}

On this point, in 2001 many Bosnian institutions were still in deep financial crisis. A majority of the cantons were either bankrupt or would soon face bankruptcy. The crisis was growing with a lack of communication between the different levels of governance of Bosnia. However, the main problem with establishing a sustainable state lay less in the implementation of the DPA, where significant progress has been made, but rather on realizing the conditions to facilitate and enable effectively.\textsuperscript{248}

\textsuperscript{245} See Ibid., 5-6.
\textsuperscript{246} See OSCE Seminar on Co-operation among International Organisations and Institutions: Experience in Bosnia and Herzegovina, Consolidated Summary, September 1997, Session 3, 10.
\textsuperscript{247} See OSCE Seminar on Co-operation among international Organisations: Experience and Prospects in South-Eastern Europe, Consolidated Summary, 5.
Regional dimension

The Balkan region as a whole also suffered from the inadequacies of the Dayton process. The fighting in Bosnia-Herzegovina was successfully contained within the boundaries of the Republic, but the impact of the war upon the region was profound. A major failure of the Dayton Accord was the degree to which it focused almost exclusively upon solutions for Bosnia and ignored the waves of instability that the conflict had stirred up in surrounding areas, for example Kosovo. For instance, efforts to place the Kosovo problem on the Dayton agenda were rejected as an unnecessary source of complications.

Minority rights under the Constitution of BiH

In 2003, the FBiH has four levels of government state, entity, canton and municipality. There are ten different cantons containing all aspects of sovereignty, its own constitution, legislation and judiciary. Each canton is ethnically defined. Five of them have a Bosniac majority, three a Bosnian Croat majority and two of them consist of ethnically mixed population. RS does not have any cantons and is generally considered to be more centralized and homogenous than FBiH. The eleven Annexes of DPA indicate that the International Community did not just engage in peace implementation but also in peace building through a holistic approach, addressing the issues of governance, democratic legitimacy and social inclusion. Hence, the success of DPA cannot only be measured in terms of absence of war, but has to contain the extent to which the society has been rebuilt.

The new Bosnian Constitution, written into the DPA as its Annex 4, establishes a system of consociationalism through legal arrangements and is the primary mechanism to manage the tension between the pull toward unity and the push towards partition. Decision-making is shared between the presidency and the Council of Ministers, and there is an in-built division of power among the three constituent peoples of BiH: Bosniacs, Croats and Serbs. In spite of the structure, the RS was constituted on a negation of BiH’s history, demography and integrity.

The preamble of the constitution determines that Bosniacs, Croats, and Serbs, as constituent peoples (along with “Others”); in a way the constitution is entailing that it is ethnic groups rather that the people of BiH that are the subjects of sovereignty. Furthermore, the ethnic groups are represented as groups in different state institutions, institutionalizing the ethnicity as the primary political objective.

The Constitution of BiH prescribes right to veto when a “vital interest” of one of the constituent people comes into question. This enables each ethnic group to prevent any attempt from the state to violate its autonomy. The problem however, is laid down in the same constitutional text: the right to veto is extendable in part because the national vital interest, that the mutual veto is supposed to protect, is not concretely defined by the Law.

---

249 This section is based on a study conducted by Nela Porobić, “(Re)constructing a Deeply Divided Society. Peacebuilding Lessons from Bosnia and Herzegovina”, Lund University Faculty of Political Science, 2005. See also Steven Wheatley, “Democracy, Minorities and International Law”, Cambridge University Press, 2005


251 See Elizabeth M. Cousens, “Building Peace in Bosnia”, in Elizabeth M. Cousens and Chetan Kumar (eds.), “Peacebuilding as politics”, Lynne Rienner Publisher London 2001, 125.

In this regard, the International Crisis Group (ICG) in a report dated 2001 clarified that the primary objectives of the Serbian Democratic Party (SDS) were to block any further transfer of power from the entity to state level; the Serb members of the House of Peoples have blocked laws such as the Law on Associations and Foundations, the Law on the BiH Foreign Trade Chamber, the Law on Sports and so on, using the excuse that these laws were a threat to vital interest of the Serb people.\footnote{See International Crisis Group (ICG), ibid., § 43f.}

The ethnic national balance created through the Constitution cemented the divisions by making the three groups “constituent peoples”, and robbed them from a possibility of building on a common identity of Bosnian and Herzegovina. This situation constitutes the main obstacle towards the realization of the principle of general citizenship. The governmental devolution of powers to the communities in BiH reduces the influences of those whose primary identification lies with the state and not with the communities.

An additional complicating factor relates to the viability of the Dayton structures in light of Bosnia and Herzegovina’s future accession to the EU. Already the European Union has expressed concerns pertaining to the ability of the state to take on the responsibility of future membership given its extremely decentralized structure.\footnote{See Ann-Sofy Hatay Jakobsson, “Peacebuilding and Reconciliation in Bosnia and Herzegovina, Kosovo and Macedonia 1995-2004”, Department of Peace and Conflict Research, Uppsala University, 2005, 77.}

Despite the international efforts, in 2005 a member of the Party of Independent Social Democrats (SNSD) explained the state of cooperation between the entities:

> In the past there has not been any constructive dialogue between the three segments, on the contrary it was very bad. Some cooperation is although being established now, but my personal opinion is that the cooperation between the major ethnic parties is based on personal gains; the parties back each other up to keep the status quo.\footnote{Interview to Puzigača Drago, delegate of the House of Peoples FBiH, member of the Main Board of SNSD, 29 November 2005; in Nela Porobić N., op. cit., 22.}

The result of segmental autonomy is an historical BiH, internally divided, both when it comes to territory and its people. Slatina, a former research analyst for ICG said that:

> BiH is today a segregated country. Soon we will have entire generations that have not experienced the multiethnic Bosnia. I am afraid that the young people will be the biggest bearers of nationalism. Unfortunately the international community doesn’t want to accept the fact that DPA needs to be changed from the ground. It is a matter of principals, the relationship between the individual and the collective right. Do we want to give primacy to the citizen or to a member of a nation? The current constitution negates the citizen as a category. The new constitution needs to put the citizen in the first place but at the same time give protection to collective rights as well (Slatina, interview, 2005-12-13).\footnote{Interview to Slatina Senad, former analyst at the International Crisis Group in Sarajevo and founder of the Centre for European Integration Studies, 13 December 2005; in Nela Porobić N., op. cit., 23.}

In addition, the Parliamentary Assembly of the Council of Europe (PACE) on the division of the territory in entities, argued that:

---

\footnotesize

\footnote{253 See International Crisis Group (ICG), ibid., § 43f.}
\footnote{254 See Ann-Sofy Hatay Jakobsson, “Peacebuilding and Reconciliation in Bosnia and Herzegovina, Kosovo and Macedonia 1995-2004”, Department of Peace and Conflict Research, Uppsala University, 2005, 77.}
\footnote{255 Interview to Puzigača Drago, delegate of the House of Peoples FBiH, member of the Main Board of SNSD, 29 November 2005; in Nela Porobić N., op. cit., 22.}
\footnote{256 Interview to Slatina Senad, former analyst at the International Crisis Group in Sarajevo and founder of the Centre for European Integration Studies, 13 December 2005; in Nela Porobić N., op. cit., 23.}
7. [...] Such a division is far from being universally accepted and especially as it appears to go against the principle of intercultural co-existence on the basis of which much of the defense of Sarajevo and Bosnia-Herzegovina has been based.

8. It is important to make clear that any settlement based on ethnic subdivision should not be taken to imply any rejection of the principle of intercultural co-existence. Stress must be placed on the continued existence of Bosnia-Herzegovina as a state and intercultural co-existence must be allowed to continue within that state. Otherwise there will be no lasting solution.\footnote{See Parliamentary Assembly of the Council of Europe (PACE) Doc. ADOC7401, Opinion on the situation in some parts of the former Yugoslavia, 26 September 1995.}
At the beginning of the conflict, a Dutch official described the efforts of the EU in Bosnia-Herzegovina as follows: “We are much too divided among ourselves to provide a necessary leadership”. These words characterize well the EU’s dissolution during the war in Bosnia. As well as in the Croatian War, the lack of consensus, leadership, and political will spoilt the EU’s efforts to end the violence. The role that the EC/EU played in this period was in fact quite ineffective. The inability to act and even to agree on a common line during the first stages of the crisis in former Yugoslavia showed the limitations of the newly-created CFSP. As the conflict intensified, the EC was progressively marginalized by the intervention of other international actors, primarily the UN.

Preventive diplomacy was clearly unsuccessful, though various initiatives have been taken. The EC, for example, sent the European Community Monitoring Mission (ECMM). This observer mission initially supervised the observance of the Brioni Declaration. At first it was only deployed in Slovenia, but later also in Croatia, Bosnia (from the end of 1991), Yugoslavia (Serbia and Montenegro), Albania, Hungary, Bulgaria and Macedonia. However, since the observers were unarmed, this mission could only report. No matter how alarming these reports sounded, the EC could not do much more than impose economic sanctions, which it did.

With the creation of the Contact Group (1994), the role of the EU was greatly diminished, if not completely absent, from negotiations, even though some argued that the Contact Group was a way to give a voice to the EU in combination with other international powers. The US and the Contact Group led the international effort in the last period of the conflict, in a moment when a growing consensus was emerging favouring military intervention by NATO.

Another negative aspect was the gap between the operations on the ground (that fall within ESDP) and the lack of cohesion at the political level, and the significant capability shortfalls. The EU was, furthermore, very dependent on NATO. At the end, this weak position was demonstrated by the Dayton Agreement in November 1999, to which the European Union was, in fact, not a party.

---

260 See Ana E. Juncos, “The EU’s post-Conflict Intervention in Bosnia and Herzegovina: (re)Integrating the Balkans and/or (re)Inventing the EU?”, Loughborough University, Southeast European Politics Vol. VI, No. 2 November 2005, 95.
262 See e.g. the suspension of trade concessions by the EC by Art. 1 of Council Dec. 91/586/ECCS, EEC (1991) O.J. L315/47.
263 See Ana E. Juncos, op. cit., 95.
Introduction

Understanding the role of the Federal Republic of Yugoslavia (FRY) from 1992 to 2001 in the region is certainly important. This chapter seeks precisely to provide an overview of what the relationship between the international community and the Federal Republic of Yugoslavia was during those years.

The events concerning Kosovo are evaluated separately and are therefore not included in the present chapter. The exclusion is justified both by the historical events of the Kosovo war and the relevance that the international community’s response has in the context of this report. The 1999 NATO bombing of Serbia is included in the country analysis regarding Kosovo.

The present chapter is not divided, in contrast to the others included in the report, according to the phase of the conflict and respective interventions by members of the international community. Furthermore, the chapter is not concluded by an evaluation of the cooperation; it is included in the later chapter dealing with Kosovo.

Finally, following the evolution of the status of the Federal Republic of Yugoslavia, an overview of the cooperation in election observation missions is provided for both Serbia and Montenegro.

3.1. Historical Background

In April 1992, the Badinter Commission noted that Serbia and Montenegro proclaimed a new entity called the Federal Republic of Yugoslavia and adopted a new constitution. The Commission held that this new entity met the criteria of statehood and clarified in its conclusion that the FRY was not a simple entity on the basis of the SFRY. The Commission concluded that the FRY was a new state which could not be considered the sole successor to the SFRY.

On 14 March 2002, the leaders of Serbia, Montenegro and the Federal Republic of Yugoslavia signed an agreement in Belgrade to replace FRY with a new “state community”: a “union of states” to be called “Serbia and Montenegro”. This agreement was the direct outcome of the European Union’s determination to block Montenegrin separatism and keep the two republics together.

The 14 March agreement, however, falls short of the EU’s original ambition, neither securing a federal state nor closing the debate on Montenegro’s status. It was provisional (either party could review the arrangement after three years), ambivalent, very incomplete, and its terms satisfied very few in either republic. The agreement transformed the state into a union of two semi-independent entities, with common foreign and defense policies and a federal presidency, but separate economic systems, currencies and customs services.\footnote{See “Serbia and Montenegro in deal to reshape Yugoslavia”, Financial Times, 14 March 2002.}

However, federal institutions were fragile, given the retention of sovereign rule by each republic over its own territory. Moreover, neither the Serbian nor the Montenegrin public wanted to have a state union. It came about after heavy pressure by the EU, which strongly opposed independence for Montenegro on the grounds that it could encourage other independence movements in the region (e.g. Kosovo), triggering further violence and forcing the international community to deal with Kosovo’s status prematurely. EU pressure had thus created an essentially
artificial arrangement between two mismatched republics that lacked popular legitimacy and left their relationship unclear.\textsuperscript{266}

The State Union [of] Serbia and Montenegro held for the period of 2003 to 2006. However, on 21 May 2006, Montenegro held a referendum on the status of the union. Final official results on 31 May indicated that 55.5% of voters had elected to become independent. The state union effectively came to an end after Montenegro’s formal declaration of independence on 3 June 2006 and Serbia’s formal declaration of independence on 5 June.

\section*{3.2. Analysis of the Cooperation}

\subsection*{3.2.1. The C/OSCE Missions}

(a) The CSCE Missions in Kosovo, Sandjak and Vojvodina

The Missions started their work on 8 September 1992. The Memorandum of Understanding (MoU) was signed on 28 October 1992 in Belgrade. The Mission to Kosovo was based in Prishtinë/Priština (with a permanent presence in Pec and Prizren), the Mission to Sandjak in Novi Pazar (with a permanent presence in Priepolje), and the Mission to Vojvodina in Subotica. The Missions had a common office in Belgrade.

The mandate, as contained in the Committee of Senior Officials’ (CSO) decision of 14 August 1992, and reiterated in the MoU, consisted of four parts:

- Promoting dialogue between concerned authorities and representatives of the populations and communities in the three regions (Kosovo, Sandjak and Vojvodina);
- Collecting information on all aspects relevant to violations of human rights and fundamental freedoms and promote solutions to such problems;
- Establishing contact points for solving problems that might be identified;
- Assisting in providing information on relevant legislation on human rights, protection of minorities, free media and democratic elections.

Regarding the mandate, former members of the Missions noted that certain political conflicts encountered in the field could only be resolved by authorities in Belgrade. “It became clear...that the...mission’s limited focus...[did] not meet the larger issue of democratic development and respect for human rights throughout the country...”, due to the limited jurisdiction provided by the Mission’s mandate.\textsuperscript{267}

The Federal Republic of Yugoslavia’s participation was suspended in 1992 and as a consequence after 28 June 1993, the FRY did not extend the Memorandum of Understanding necessary for the Missions. Therefore the Missions had to be withdrawn by the end of July. In fact, the Government of the Federal Republic of Yugoslavia (FRY) made the Mission’s readmission conditional upon the Federal


\textsuperscript{267} See CSCE 15\textsuperscript{th} Committee of Senior Officials, 14 August 1992, Journal No. 2, Annex 1, and, CSCE 17\textsuperscript{th} committee of Senior Officials, 6 November 1992, journal No. 3, Annex 3.
Republic of Yugoslavia’s status as a full participating State of the OSCE. This situation lasted until 1999.

In 1997, an ad hoc working group assessed the analyses submitted by the OSCE participating States. The information conveyed to the ad hoc working group was transmitted on a weekly basis to the PC.

Finally, in its decision No. 401 of 11 January 2001 the Permanent Council, taking into account United Nations Security Council Resolution 1244 and welcoming the invitation of the Government of the Federal Republic of Yugoslavia for an OSCE Mission, decided to establish an OSCE Mission to the Federal Republic of Yugoslavia. With this decision, the OSCE Missions of Long Duration in Kosovo, Sandjak and Vojvodina were formally closed.

(b) The OSCE Mission to the Federal Republic of Yugoslavia

The OSCE Permanent Council decided, by its Decision No. 401 of 11 January 2001, to establish the Mission to the Federal Republic of Yugoslavia (FRY) with a broad mandate designed to provide assistance and expertise to the Yugoslav authorities at all levels, as well as to interested individuals, groups and organizations, in the fields of democratization and the protection of human rights, including the rights of persons belonging to national minorities. In particular, the Mission assisted in the restructuring and training of law enforcement agencies and the judiciary.

Other areas specifically referred to in the mandate included: the provision of advice and support, in close cooperation with the United Nations High Commissioner for Refugees (UNHCR); facilitating the return of refugees to and from Yugoslavia, as well as the return of internally displaced persons to their homes within Yugoslavia; assistance in the fields of confidence- and security-building measures and other politico-military issues; and assistance on environmental issues.

In fulfilling the terms of its mandate, the OSCE Mission to the Federal Republic of Yugoslavia (FRY) cooperated primarily with the Council of Europe (CoE), the United Nations, the United Nations Interim Administration Mission in Kosovo (UNMIK), the UN High Commissioner for Refugees, the Office of the UN High Commissioner for Human Rights (UNHCHR), and the UN Development Programme (UNDP).

The Mission was active developing a programme for penal reform with the Serbian authorities. The programme was presented to international donors based on recommendations of a needs assessment visit to Serbian prisons made by Council of Europe and OSCE/ODIHR experts in May/June 2001.

The Mission established a Media Department in charge of dealing with media issues. The Department was involved in drafting new broadcasting, public information and licensing laws and regulations, with support from the Council of Europe.

In southern Serbia, the Mission worked in support of inter-ethnic cooperation. This initiative followed the negotiations held before its creation, under the auspices of NATO and the European Union to bring an end to the conflict in the southern Serbian municipalities of Presevo, Bujanovac and Medvedja between ethnic Albanian fighters and Federal Republic of Yugoslav/Serbian security forces.

268 Even if not present in the territory, the Missions formally remained active till 1999.

269 In 1996 the Mission’s reporting had been partly replaced by analyses from OSCE participating States.

270 The Mission was structured into four core programme departments dealing with the rule of law and human rights, democratization, law enforcement and the media.
With valuable support from the Kosovo Police School, the Mission’s Law Enforcement Department launched two pilot phases of police training for a small number of ethnic Albanian recruits and local Serb officers in Bujanovac. In 2002, 400 new police officers had been trained for the region, 60% of them of Albanian ethnicity.

In launching the initiative special emphasis was placed on close interaction with NATO (KFOR) and the European Union Monitoring Mission (EUMM). In fact the EUMM assisted OSCE’s police training by providing personnel to monitor the safe transportation of Albanian students to and from training sites in southern Serbia. The OSCE Mission also conducted an information exchange with the EUMM regarding the situation of human rights and minority rights in southern Serbia. On the other side, NATO-led KFOR provided security and organized transportation of Albanian representatives to meetings and negotiations with the OSCE Mission. Furthermore, connected with this initiative, the Mission cooperated with representatives of KFOR in southern Serbia on security- and confidence-building measures.\(^{271}\)

Although the mandate of the OSCE Mission to the Federal Republic of Yugoslavia applied, in principle, to the territory of both of the Federation’s constituent republics, the authorities in Montenegro no longer recognized the jurisdiction of the FRY on their territory, and were not a party to the agreements setting up the Mission to the Federal Republic of Yugoslavia. In this case the presence of the OSCE in Montenegro was assured by the OSCE/ODIHR Podgorica Office, which was established there on an \textit{ad hoc} basis in 1999.

In addition, the Mission established cooperation with the European Presidency and the European Commission in view of the need to coordinate activities concerning the FRY Stabilization and Association Process with the EU. Furthermore, the Mission developed relations with the Commission on matters relating to the combating of corruption.

Finally, the Mission had working relations with the Belgrade office of the European Agency for Reconstruction (EAR). The Agency agreed to fully finance the international independent audit of Radio-Television Serbia (RTS), which was a fundamental component of the OSCE/RTS plan to restructure the system and transform it into a professional public service broadcaster. The terms of reference for the agreement between EAR and RTS were drafted by the OSCE News Adviser assigned to RTS. In this agreement, the OSCE Mission to FRY is mentioned as monitor of the implementation of the agreement and of the audit’s completion.\(^{272}\)

(c) The OSCE Mission to Serbia and Montenegro (formerly the OSCE Mission to the Federal Republic of Yugoslavia)\(^{273}\)

In its Decision No. 533 of 13 February 2003 the Permanent Council decided to rename the “OSCE Mission to the Federal Republic of Yugoslavia” the “OSCE Mission to Serbia and Montenegro” following the adoption and promulgation of the Constitutional Charter of the State Union of Serbia and Montenegro by the Assembly of the Federal Republic of Yugoslavia on 4 February 2003. The Mission established its headquarters in Belgrade.

Following the Decision No. 444 of 15 November 2001, the Permanent Council decided to establish an Office in Podgorica as of 1 January 2002, in conformity with Decision No. 401 of 11 January 2001 concerning the establishment of the OSCE

\(^{271}\) See OSCE Annual Report 2001 on Interaction Between Organisations and Institutions in the OSCE Area, 39.

\(^{272}\) Ibid.

\(^{273}\) For further information please see Updated Survey of OSCE Long-Term Missions and other OSCE Field Activities, 26 August 2005, 28-30.
Mission to the Federal Republic of Yugoslavia. This office effectively assumed the responsibilities of ODIHR’s former office in Montenegro and augmented them.

The OSCE Mission to Serbia

Finally, on 29 June 2006 the OSCE Permanent Council (PC) with its Decision No. 733 decided to rename the mission. Following the Declaration of Independence adopted by the National Assembly of Montenegro on 3 June 2006, the PC decided to rename the “OSCE Mission to Serbia and Montenegro” the “OSCE Mission to Serbia”.275 The mandate of the Mission, as set out in Permanent Council Decision No. 401 of 11 January 2001, continues to apply.

The OSCE Mission to Montenegro276

Following a referendum on its statehood held on 21 May 2006 and a Declaration of Independence adopted by its Parliament on 3 June 2006, the Republic of Montenegro became independent and, on 22 June 2006, was formally admitted to the OSCE as its 56th participating State. The OSCE Mission to Montenegro was opened on 29 June 2006 in accordance with OSCE Permanent Council Decision No 732 of 29 June 2006.

3.2.2. The Position of the Council of Europe

(a) Local Democracy Agencies (LDAs) in Serbia and Montenegro277

LDA Subotica

In 1993, the Council of Europe created the first Local Democracy Embassy in Subotica, in the Vojvodina region. The most important activities concerned local/regional democracy development and capacity building through education and training.

The Embassy focused its activity on:

- Training seminars for young political leaders;
- Multiethnic Vojvodina: a new region in Euro-regional cooperation;
- Round Table: Communication Strategy on the EU;
- Actions for Capacity Building of Local Authorities and Civil Society in SEE;
- Cooperation with the Standing Conference of Cities and Municipalities of Serbia (supported by EU/CARDS Programme);
- Osijek and Subotica in cross-border cooperation initiatives;
- Inter-ethnic relations and minority rights protection;

---

• Releasing Indigenous Multiculturalism through Education (RIME) Programme (supported by the EU/CARDS Programme).

LDA Central and Southern Serbia (Nis, Kragujevac and Kraljevo)

Founded in 2001, the main activities of these Agencies concern the capacity building for civil society and local authorities, trans-border cooperation and European issue. In addition, the Agencies work on the following themes:

• Sustainable development and protection of Environment. Cooperation with local authorities;
• Actions of capacity building for Local Authorities and Civil Society/Strengthening Local Authorities;
• Regional Meeting of Youth Centres connected to LDAs (Central and southern Serbia, Kosovo, Zavidovici, and Prijedor);
• Establishment of a Youth Info Point and support to a Youth Centre;
• Internship for young graduate experts within local governments and the LDA;
• Disabilities;
• Need assessment on the conditions of Refugees, IDPs and minorities in Kraljevo and Southern Serbia.

LDA Nikšić (Montenegro)

This LDA, created in 2001, is particularly involved in activities for capacity building for local authorities and NGOs, trans-border cooperation and the inclusion of youth into the decision making-process at the local level:

• Strengthening of Local Authorities;
• Minority Rights and Confidence Building Measures among Different Ethnic Groups;
• Trans-border Cooperation Issues between Montenegro, Croatia and Bosnia and Herzegovina;
• Participation of citizens in decision-making at the local level;
• Local Economic Development in the Balkans;
• Capacity Building for Local Authorities and NGOs in SEE;
• Sustainable Development and Environmental Protection.

(b) Cooperation with the OSCE Mission to FRY

The Council of Europe (CoE) cooperated with the OSCE Mission to FRY. Both Missions shared the OSCE’s office space from March to July 2001, until the CoE moved into its own premises in Belgrade on 20 July.278

On 15 February 2001, the Secretary General of the OSCE and the Secretary General of the Council of Europe exchanged letters endorsing mutual cooperation.

278 In Belgrade, the Council of Europe established the Office of Special Representative of the Secretary General (SRSG). A CoE Secretariat Office has also been established in Podgorica.
of the two organizations with regard to the FRY. The agreement identifies areas of close cooperation and coordination between the heads of the respective operations in Belgrade, including their work programmes. The pattern of close engagement of the two Missions is maintained through regular participation of the CoE representatives in the Mission’s senior staff meetings, through regular exchanges of relevant information and briefings, joint assessment visits and participation in seminars and conferences.

In strengthening human rights and the rule of law, with a view to accession to the Council of Europe, the CoE and the OSCE Mission to FRY have developed cooperation in specific areas such as: ensuring the promotion of and respect for human rights, strengthening the independence and functioning of the judiciary and reforming the judicial system.

The Mission and the CoE held a joint coordination meeting for international agencies involved in public administration training in order to share information and avoid duplication and programming gaps.

The Mission regularly shares information with the CoE on issues related to civil society in the FRY. The Mission has regular exchanges of views with the CoE regarding the reviewing of legislation affecting minorities in the FRY. In addition, there were periodic consultations and regular exchanges of documents on the process of drafting media legislation in the FRY, covering the Law on Broadcasting, the Law on Telecommunications and the Law on Freedom of Information.

The reform of police forces once again saw the cooperation of the Council of Europe and OSCE both organizations provided considerable assistance to the FRY, with particular emphasis on the question of ethnicity. In addition, a meeting of national and international experts of the United Nations, the Council of Europe and the OSCE in December resulted in the Minister of Justice of Serbia presenting a bill creating the Office of Ombudsman.

3.2.3. The European Union in the FRY

On 29 April 1997, the EU Council of Ministers adopted a strategy for relations with countries in south-eastern Europe without Association Agreements (Albania, Bosnia and Herzegovina, Croatia, FRY and the Former Yugoslav Republic of Macedonia), setting general conditions (democracy, rule of law, human rights and rights of minorities, market economy) for concluding bilateral agreements in the field of trade, of financial assistance and economic cooperation as well as of contractual relations with these countries. It also applies specific conditions to Croatia, BiH, and the FRY - mainly related to the implementation of the Dayton Agreement.

On 15 September 1997, the EU Council of Ministers decided that the examination of relations between the European Union and the FRY would focus in particular on:

- cooperation by the FRY in the implementation of the peace agreements;
- implementation of the recommendation of the OSCE Special Representative, Mr. Gonzales, and the democratization process;

---

280 Ibid., § 40.
• situation in Kosovo and definition of specific procedures governing a European Union presence in Prishtinë/Priština;

• existence of real dialogue with the Albanians of Kosovo on the status of Kosovo within the borders of the FRY;

• application of the agreement on education concluded by Mr. Milosevic and Mr. Rugova, and the possibility of EU financial support;

• the question of the return of the long-term OSCE mission to FRY minority regions;

• continued EU cooperation with the Peace Implementation Council Working Party on ethnic and national communities and minorities;

• relations between the FRY and the neighbouring States;

• FRY participation in international institutions.

The EU collaborated with the CoE in the field of freedom of expression and media. In 2002, Serbia adopted a Bill regarding the Broadcasting Law. In regard to the Law, a study was jointly commissioned by the EU and the CoE and an independent expert who analyzed the text was appointed.\textsuperscript{282} In the report, the expert voiced a number of reservations as to its compatibility with European standards and in particular with Recommendation Nos. R(1996) 10 and Rec. (2000) 23 of the Committee of Ministers of the Council of Europe.\textsuperscript{283}

The European Union Monitor Mission (EUMM)\textsuperscript{284}

The EU Monitoring Mission (EUMM) is the current form of a predecessor established by the EC (ECMM) in 1991 to report on political, economic and humanitarian developments in the former Yugoslavia and Albania.

In March 2001, the High Representative ordered the strengthening of the EUMM in South-Eastern Serbia (in the Presevo Valley). Furthermore, on 25 April 2001, the EU agreed with the Yugoslav government on the opening of mission offices in Belgrade and elsewhere for the deployment of a team of monitors from EUMM.\textsuperscript{285} The monitors were unarmed, as they are elsewhere, and were given full diplomatic status. The Head of Mission reports directly to the Council through the Secretary-General. The EUMM offices in Yugoslavia will have a confidence-building role as well as a reporting role. In Kosovo in 1999, the then ECMM worked with the OSCE’s Kosovo Verification Mission.

According to the Agreement the EUMM’s activities are focused on:

• monitoring political and security developments in the area of responsibility;

• giving particular attention to border monitoring, inter-ethnic issues and refugee return;


• providing analytical reports on the basis of tasks received;
• contributing to confidence building, in the contest of the policy of stabilization conducted by the European Union in the region.

3.2.4. Sanctions Assistance Missions (SAMs)\textsuperscript{286}

SAMs were launched to advise the authorities of the host countries on the implementation of sanctions carried out in accordance with the UN Security Council Resolutions 713 (arms embargo against all former Yugoslav Republics), 757 (sanctions against Serbia and Montenegro), 787 (transshipment interdiction for sensitive goods) and 820 (further tightening of sanctions, inclusion of the services sector) and to provide practical assistance to help these authorities to enforce sanctions rigorously. As the CSCE declared, on this issue, there was a close CSCE/EC cooperation in the field.\textsuperscript{287}

On 4 February 1993, the CSCE Committee of Senior Officials (CSO) appointed a Sanctions Coordinator who was tasked with ensuring the oversight of sanctions, assessing the implementation and advising on measures to implement sanctions more effectively, and with providing countries in the region advice and assistance as requested.

At the time of the conflict there were seven SAMs, operating in Albania (established 5 April 1993), Bulgaria (established 10 October 1992), Croatia (established 27 January 1993), Hungary (established 4 October 1992) FYROM (established 8 November 1992), Romania (established 29 October 1992) and Ukraine (established 17 February 1993). More than 160 experts currently work for the missions and the central structure in Brussels (Sanctions Coordinator's Office and SAM Communications Centre, the latter being financed and partly staffed by the EC).

In its annual report of 1994, the OSCE clarified that:

“In 1994, more than 240 customs officers and other experts are currently working for the seven SAMs and for the central structure in Brussels, the Sanctions Coordinator's Office and SAMCOMM. The latter is financed and partly staffed by the EU and has the functions of facilitating the communications and co-ordination between the SAMs and the authorities of host countries, ensuring the follow-up of cases of suspected breaches of sanctions and bringing evaluation reports to the attention of the European Union, the CSCE Liaison Group and the UN Sanctions Committee.

The SAMs [...] are a particularly visible form of close co-operation between the CSCE, the EU and the UN.\textsuperscript{288}

In 1996 the adoption of Resolutions 1021 and 1022 on 22 November 1995 by the United Nations Security Council has considerably reduced the operational responsibilities of the SAMs and as a consequence, the number of customs officers and other experts serving the SAMs.

On 1 October 1996, the UN Security Council adopted Resolution 1074 which terminated, with immediate effect, the sanctions against the FRY and Republika Srpska. As a result the EU/OSCE SAMs began to wind up their activities. The

\textsuperscript{286} For further information about the SAMs, see Greco E., “L'Europa senza muri: le sfide della pace fredda”, Milano 1995, pp. 31-40, 113-115, 119-126.
\textsuperscript{287} CSCE the Secretary General Annual report 1993 on CSCE Activities, § 2.7.
\textsuperscript{288} CSCE Annual Report 1994 on CSCE Activities, 14 November 1994, 11.
Sanctions Assistance Mission Committee (SAMCOMM) continued to operate coordinating some 8000 ongoing investigations of suspected violations of sanctions and managing the Customs and Fiscal Assistance Office and the International Customs Observer Mission in BiH.\textsuperscript{289}

NATO and WEU also took part in monitoring compliance with the UNSC resolutions providing for naval forces in the Adriatic Sea. The operations are presented in the country analysis regarding Bosnia and Herzegovina.

### 3.3. Cooperation in Election Observation

#### 3.3.1. In Montenegro

1997 - Presidential elections

The Mission was composed of a total of 61 observers. These included 7 long-term observers, who were joined by 49 short-term observers prior to Election Day. In addition 5 representatives from the European Community Monitoring Mission (ECMM) took part as short-term observers. A strong presence was maintained for the Second Round with the core staff coordinating and supporting the activities of 7 long-term observers together with 25 short-term observers. ECMM also participated during the Second Round.\textsuperscript{290}

1998 - Parliamentary elections

Upon invitation from the President of the Assembly of the Republic of Montenegro of 11 March 1998, the Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established an Election Observation Mission in Montenegro for the 31 May Parliamentary elections. The Mission was composed of 117 short-term observers and 21 long-term observers and core staff members were deployed throughout the Republic of Montenegro. As part of the ODIHR Observation Mission, the Osservatorio di Pavia conducted a detailed analysis of the two state TV channels, upon being seconded by the Italian government.\textsuperscript{291}

2001 - Parliamentary elections

The Office for Democratic Institutions and Human Rights (OSCE/ODIHR) opened an Election Observation Mission (EOM) on 28 March 2001. The IEOM was a joint effort of the OSCE/ODIHR, the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe, and its Congress of Local and Regional Authorities in Europe. The observation of polling and vote counting processes involved the deployment of 58 Parliamentarians and 174 short-term observers.\textsuperscript{292}

2002 - Municipal elections

On 22 April 2002, the Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established the Election Observation Mission (EOM). On the Election

\textsuperscript{289} OSCE Annual Report 1996 on OSCE Activities, 15 December 1997, § 2.3.4 p.12.

\textsuperscript{290} See OSCE/ODIHR Election Observation Mission, Final report of the Presidential Elections in the Republic of Montenegro (FRY), 5 and 19 October 1997, 4.


Day, the International Election Observation Mission (IEOM) consisted of the OSCE/ODIHR and the Congress of Local and Regional Authorities in Europe (CLRAE) of the Council of Europe. Observation of the polling and vote counting processes involved the deployment of 114 short-term observers, including 9 from CLRAE.\textsuperscript{293}

2002 - Parliamentary elections
On 17 September 2002, the National Assembly of the Republic of Montenegro (FRY) invited the Organization for Security and Cooperation in Europe Office for Democratic Institutions and Human Rights (OSCE/ODIHR) to observe the early parliamentary elections scheduled for October 20th, 2002 and the concurrent municipal elections being held in Podgorica and Tivat. The OSCE/ODIHR established an Election Observation Mission (EOM) on 18 September and opened offices in Podgorica on 23 September.

For the Election Day, an International Election Observation Mission (IEOM) was established. The IEOM was a joint effort of the OSCE/ODIHR and a delegation from the Parliamentary Assembly of the Council of Europe (PACE). The observation involved the deployment of 116 short-term observers from 30 OSCE participating States, including five representatives from the PACE.\textsuperscript{294}

2002 - Presidential elections
The International Election Observation Mission (IEOM) for the presidential election in the Republic of Montenegro (FRY) was a joint undertaking of the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) and the Parliamentary Assembly of the Council of Europe (PACE).\textsuperscript{295} The Mission was composed of 103 short-term observers of which included 99 observers from 29 OSCE participating States and 4 observers from the Parliamentary Assembly of the Council of Europe.

2003 - Repeat presidential elections
Following an invitation from the President of the National Assembly, on 28 November 2002, the OSCE/ODIHR established an Election Observation Mission (EOM) in the Republic of Montenegro to monitor the 22 December 2002 presidential election. After the December election, a small team of election experts remained in Podgorica to follow developments and to prepare for the return of other EOM staff on 18 January 2003. The 9 February 2003 repeat election was monitored by 65 election observers from 22 OSCE participating States who reported from some 310 polling stations.\textsuperscript{296}

2003 - Presidential elections
Following an invitation from the President of the National Assembly, on 28 November 2002, the OSCE/ODIHR established an Election Observation Mission (EOM) in the Republic of Montenegro to monitor the 22 December 2002 presidential election. The election failed to fulfill the 50 percent voter turnout requirement.

and a repeat election was held on 9 February. This election also failed to meet the turnout requirement.

On 10 April 2003, the OSCE/ODIHR established a new EOM. The EOM was based in Podgorica and five regional centres. In addition, the EOM deployed 57 short-term observers to follow proceedings on Election Day. The EOM was supported by the OSCE Mission to Serbia and Montenegro, the EUMM.297

2006 - Referendum

Following invitations to observe the 21 May 2006 referendum on state-status, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed a Referendum Observation Mission (ROM) in the Republic of Montenegro on 28 March 2006. The OSCE/ODIHR ROM consisted of 29 experts and long-term observers based in Podgorica and six other regional centres covering all 21 municipalities in Montenegro.

For observation of referendum day, the OSCE/ODIHR ROM joined efforts with the observer delegations of the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE), the Congress of Local and Regional Authorities of the Council of Europe (CLRAE) and the European Parliament (EP) to form an International Referendum Observation Mission (IROM). On referendum day, 365 short-term observers from 35 OSCE participating States, including 54 from the OSCE PA, 18 from the PACE, 12 from the European Parliament and 14 from the CLRAE, were deployed within the IROM.298

3.3.2. In Serbia

1997 - Presidential/Parliamentary elections

Upon receipt of an official invitation on 14 August 14th 1997 the OSCE sent a Needs Assessment Mission to Belgrade on 21 to 26 August 1997. The OSCE established an Election Observation Mission immediately following the initial assessment, in order to observe the pre-election period. During the parliamentary election and the first round of the presidential election on 21 September, 156 short-term observers from 22 OSCE participating States were deployed. The OSCE Parliamentary Assembly participated in the observation mission with 39 parliamentarians from 19 OSCE participating States.

During the second round of the presidential election, 25 short-term observers were deployed. Following the disputed 1996 municipal elections, the Chairman-in-Office appointed the former Spanish Prime Minister, Mr. Felipe Gonzalez, as his Personal Representative. Mr. Gonzalez’s report has served as a point of reference during the Election Observation Mission. The Gonzalez Report of 27 December 1996 emphasized:

a crisis characterized by mistrust and a lack of proper communication between the authorities and parties in power, on the one hand, and the political forces of the opposition represented in parliament on the other”. As Mr. Gonzalez concluded in his Report to the OSCE Chairman-in-Office, there are “…in particular, deficiencies (of a structural nature) in the electoral system that make it possible to falsify or circumvent the sovereign will of the citizens, problems in the administration of justice that are calling into doubt, in the eyes of

the citizenry, the independent operation of the justice system, and finally the obstacles confronting the independent information media and the serious difficulties standing in the way to free and fair access to the public media.  

2000 parliamentary elections


The Mission was composed of 12 international experts based in Belgrade, 24 long-term observers and more than 320 short-term observers from 31 OSCE participating States, including 26 parliamentarians from the OSCE PA, seven parliamentarians from the Council of Europe Parliamentary Assembly (PACE), and four representatives from the Congress of Local and Regional Authorities of Europe (CLRAE).  

2002 - Municipal by-elections

The OSCE/ODIHR established an Election Observation Mission in the Republic of Serbia/Federal Republic of Yugoslavia on 8 July 2002 to observe the early municipal election scheduled for 28 July in three municipalities in south Serbia, namely Bujanovac, Medvedja and Presevo.

The Mission was composed of four international experts based in Bujanovac and more than 110 short-term observers including four representatives from the Congress of Local and Regional Authorities of Europe (CLRAE).  

2002 - Presidential elections

The presidential elections were monitored by two International Election Observation Missions formed by OSCE/ODIHR and Parliamentary Assembly of the Council of Europe (PACE). The OSCE/ODIHR long-term Election Observation Mission (EOM) for the September/October election was established for the period of 2 September to 18 October, and consisted of 28 experts based in Belgrade and nine regional centres. The EOM for the December election ran from 11 November to 13 December and consisted of 21 experts based in Belgrade and five regional centres.

The 29 September election day was monitored by 230 observers. On 13 October, 114 international observers took part. The repeated election on 8 December involved 121 short-term observers from 31 OSCE participating States.  

2003 - Presidential elections

The 2003 presidential elections were observed by an International Election Observation Mission formed by the OSCE/ODIHR and the Congress of Local and Regional Authorities of Europe (CLRAE) of the Council of Europe. The OSCE/ODIHR long-term Election Observation Mission (EOM) was established for the period of 20

October to 22 November 2003 and consisted of 19 experts based in Belgrade and three regional centres. On Election Day, the EOM was augmented by 159 international short-term observers.  

2003 - Parliamentary elections

The 2003 parliamentary elections were monitored by an International Election Observation Mission formed by the OSCE/ODIHR, the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE) and the Congress of Local and Regional Authorities of Europe (CLRAE) of the Council of Europe.

The OSCE/ODIHR long-term Election Observation Mission (EOM) was established for the period of 27 November 2003 to 3 January 2004 and consisted of 24 election experts based in Belgrade and five regional centres, including in Kosovo. On Election Day, the IEOM comprised 178 parliamentary elections international observers from 33 OSCE participating States, including 14 from the OSCE PA, seven from PACE and six from CLRAE.

2004 - Presidential elections

The 2004 presidential elections in Serbia were observed by the International Election Observation Mission formed by the OSCE/ODIHR and the Congress of Local and Regional Authorities of Europe (CLRAE) of the Council of Europe.

The OSCE/ODIHR long-term Election Observation Mission (EOM) was established in Belgrade for the period of 18 May to 2 July and consisted of 18 international experts based in Belgrade and five regional centres, one in Kosovo. Delegations from the CLRAE were present for each of the electoral rounds. For the first round, the delegation included eight observers who monitored polling and counting procedures on 13 June and another delegation of four observers for the presidential elections.


4. Part Four - Analysis of the Interplay in Kosovo/a
Introduction

In accord with the aim of this report, to provide for an analysis of the interplay between the main European organizations in a conflict-related scenario, Kosovo is without doubt one of the most important case studies. The ongoing presence in the field, and the numerous perplexities about a sustainable exit strategy, impose higher attention concerning the future consequences the Mission will have for the province. The approach followed so far by international organizations in a conflict-related scenario will, of course, be influenced involving as well the same credibility of the international community.

Regarding this specific chapter of the report, the “Historical Background” is divided into main “points” in order to enable a better understanding of events and at the same time to contribute to the following analysis in the part dedicated to cooperation at headquarters level and in the field.

Another particular aspect is included in the part focused on “Cooperation in Election Observation”; here the study of the Council of Europe Mission has a prominent position compared to the general construction I followed for the same topic in the other chapters. Following the structure already used before, the chapter ends with an “Evaluation of the Cooperation”; here once again the analysis is presented “per points”. However, in this particular case, the division itself is subordinated to the final evaluation of the lessons learned from Bosnia and Herzegovina.

4.1. Historical Background

The inability of the Dayton negotiators to place the peace process in Bosnia within a strategic framework for the region as a whole proved to be a major failing. Few crises have been more consistently predicted than the one that erupted in Kosovo during the winter of 1997-98.

The Democratic League of Kosovo (LDK)

From 1989 resistance to Serb domination was led by Ibrahim Rugova and his Democratic League of Kosovo (LDK). On 2 July 1990, the Kosovo Assembly formally declared the province to be “an independent and equal entity within the framework of the Yugoslav federation,” and was immediately dissolved and condemned as illegal by the Federal Presidency. Several days later, on 5 July, the group reconvened underground as the “Assembly of Kosovo.”

In September 1991, a self-organized referendum on independence took place. It is said that 87% of voters took part, including some minorities, and the vote was 99% in favour. In May 1992 Kosovo-wide elections were held, using private homes as polling stations, for a new republican government and assembly.

In the elections of 1992, once again conducted underground in defiance of a Serbian ban, Rugova was chosen president and his LDK, with 74.4% of the vote, won a clear majority in a self-proclaimed national parliament. Furthermore, Rugova was re-elected as shadow president in 1998.

As the dominant force within the shadow government, the LDK promoted a strategy of non-violent resistance that acknowledged Kosovo’s weakness and exposure by refusing direct confrontations with the authorities, but simultaneously strove to signal the Kosovar Albanians’ refusal to bend to the hegemony of Belgrade, denying the legitimacy of federal institutions, refusing participation in Yugoslav elections, and seeking to build up alternative national institutions run by the Kosovar Albanian majority.

The LDK, under the leadership of Rugova, set about developing a historically unique parallel state apparatus. A government was established on October 19th, 1991; initially it was based in Ljubljana, but it moved to Bonn in 1992.

In 1993, the parallel education system employed 20,000 teachers, lecturers, professors and administrative staff; it included 5291 pre-school pupils, 312,000 elementary school pupils, 65 secondary schools with 56,920 pupils, two special schools for disabled children, 20 faculties and colleges with about 12,000 students, and several other educational establishments such as the Institute for Publishing Textbooks.

The Kosovo Liberation Army (KLA)

The suppression of Kosovo autonomy, the imposition of Rugova’s non-violent approach, and the preoccupation of the international community with the conflicts in Croatia and Bosnia-Herzegovina created a political vacuum that militants were quick to fill. In 1993 a so-called Kosovo Liberation Army (KLA) emerged from the radical wing of the Kosovo national movement as a focus for active resistance.

In February 1996, with a core of about 150 militants, the organization launched a campaign of violence with a series of shootings and bomb attacks, in Pristina/Priština, Vucitrn, Mitrovica/Kosovska Mitrovica, Peje/Peć, Suva Reka and Podujevo. On 28 November 1997, the shadowy organization revealed itself publicly when three masked and uniformed fighters appeared in Llauša and spoke briefly, before the cameras of Tirana television, at the funeral of KLA activist Halit Gecaj, a victim of the Serbian police.

As reaction, in January 1998, the Yugoslav authorities launched a campaign to suppress armed resistance; a police action on 22 January 1998, failed in the attempt to arrest Adem Jashari, the head of a powerful clan in the Drenica region. After KLA attacks on police, an armed assault against the Jashari clan’s redoubt in Donji Prekaz followed on 5 March, leaving 58 dead in its wake including 18 women and 10 children. The bloodbath had the predictable effect of galvanizing resentment, and in its wake the KLA mushroomed.

On 23 February 1998, U.S. special representative Robert Gelbard publicly called KLA “without any questions a terrorist group.” In his public remarks, the U.S. emissary went out of his way to reiterate the point, stating that “having worked for years on counterterrorist activity, I know very well that to look at a terrorist group, to define it, you rip away the rhetoric and just look at actions. And the actions of this group speak for themselves.” It was a comment which some observers say Milosevic interpreted as a green light to continue repression. In fact, within a week of Gelbard’s remarks, another Serbian blitz against the KLA was launched; in addition the escalation of violence from February 1998 onward presented Western policymakers with a different kind of dilemma. The severity of Serbian reactions, which included the destruction of villages, execution of prisoners, and terrorization of the local population, was judged to be disproportionate.
International community and the Kosovo war

Late in 1992, against the background of war in Croatia, President George Bush stated that “in the event of conflict in Kosovo caused by Serbian actions, the United States will be prepared to employ military force against Serbians in Kosovo and in Serbia proper.”

During the early stages of the fighting Washington sought to distance itself from both belligerents, to encourage dialogue between the Yugoslav government and Rugova’s LDK, and to contain the fighting within the territory of the Federal Republic of Yugoslavia. U.S. policy in the first phase of the crisis was built upon the assumptions that the KLA agenda for national independence was unacceptable and Serbian repression disproportionate.

Later on, the United States weighed in diplomatically through its ambassador to Macedonia Christopher Hill, who took the lead in coordinating diplomatic communication inside Kosovo with representatives of the KLA and LDK. Special envoy Holbrooke was also brought back into the limelight as a channel to the leadership in Belgrade. At a 15 May meeting between Milosevic and Rugova organized under Holbrooke’s auspices, Belgrade formally committed itself to discussions with representatives of the Kosovar Albanian community.

On 24 April 1998, Milosevic called for a national referendum on whether or not to accept international mediation in the Kosovo crisis. His increasingly chauvinistic policies toward the Albanian majority population in Kosovo received support at the polls, gathering 95% of votes cast.

On 16 June 1998, following talks with Russian President Boris Yeltsin, and on the basis of a commitment “on the necessity of preservation of the territorial integrity and respect of sovereignty of the Federal Republic of Yugoslavia,” Milosevic agreed to grant access to the province to 150 international observers organized as the Kosovo Diplomatic Observer Mission (KDOM).  

The position of Russia

From the onset of the Kosovo crisis, Moscow had used its limited leverage in an attempt to keep Western responses within a diplomatic framework. On 31 March 1998, it approved UN Security Council Resolution No. 1160, but conditioned support by insisting upon the elimination of any reference to a “threat to international peace and stability” that could justify international military action under Chapter VII of the UN Charter. In June, after considerable debate, Moscow agreed to the ten-point program drawn up by the Contact Group calling for a ceasefire, international monitoring, and a negotiated settlement, as a means to encourage moderation. At a 16 June summit in Moscow, Yeltsin told Milosevic “unequivocally” that Yugoslavia could not rely on Russian support if it did not heed Russian council, and pressure from Moscow was useful in convincing Serbia to grant access to the Kosovo Diplomatic Observer Mission. But any talk of military pressure as a means to coerce compliance remained anathema. Russia’s approval for UN Security Council Resolution No. 1199 on 23 September 1998 was conditioned by the assertion that the resolution did not condone a resort to force. However, in early October, the Kremlin clarified that it would use the veto to block any resolution authorizing use of force by the United Nations in Kosovo.

Russia rejected the military option point blank, refused to sanction air strikes against Yugoslavia in UN or OSCE forums, and warned of “serious international consequences” in case NATO’s acting without a formal international mandate. NATO asserted a right to intervene regardless, on the basis of existing UN resolutions and in a case of urgent humanitarian necessity, but it was not internally

307 For further information about the KDOM please see page 114 of the report.
united. Behind the scenes numerous allies, including Denmark, France, Germany, Greece, Italy, and Spain, expressed reluctance to engage the Alliance without approval from a mandating authority.

Coercive Diplomacy

The orchestrated campaign of coercive diplomacy reached its culmination in the autumn. On 23 September 1998 the UN Security Council (with China abstaining) passed Resolution 1199 describing the situation in the province as a “threat to peace and security in the region” that demanded “immediate action” on behalf of peace, and calling for a ceasefire, withdrawal of Yugoslav forces from Kosovo, free access for the international community, and the return of refugees and internally displaced persons.

On the following day, NATO defense ministers meeting in Villamoura, Portugal, issued Activation Warnings for two different kinds of military responses, described as Limited Air Response (short term, punishing retaliation aimed at fixed targets such as headquarters, communication relays, and ammunition drops) and Phased Air Campaign (a five-phase air operation moving from the suppression of Yugoslav air defenses through attacks against major force components). In this context, NATO began the process of decision on the issuance of Activation Orders (ACTORDs). Several days later a long-awaited report from UN Secretary General Kofi Annan was sharply critical of the “wanton killing and destruction” in Kosovo and in its wake Holbrooke presented Milosevic with an ultimatum demanding an immediate pullback. Furthermore, in an address to the Cleveland Council on World Affairs on October 9th, Deputy Secretary of State Strobe Talbott provided a rationale for the use of force by defining the situation in Kosovo as “a clear and present danger to our vital national interests.”

On October 13th, 1998, confronting what appeared to be an imminent threat of attack, Serbian President Milan Milutinović announced acceptance in principle of a compromise, including a pullback of heavy weapons and major force contingents, return to normal peacetime police monitoring, and a pledge of proportionate response to provocation. The NAC, pushed forward by Secretary General Solana, nonetheless went ahead with its ACTORD decision, accompanied by a 96-hour “pause” to allow Belgrade to demonstrate good intentions. An agreement signed by Yugoslav Foreign Minister Vladislav Jovanović and OSCE representative Bronislav Geremek on October 16th permitted the creation of a 2000-member OSCE Kosovo Verification Mission (KVM), which was endorsed by the UN Security Council one week later, and the launching of a NATO air surveillance mission to monitor compliance.

On October 24th, 1998, the UN Security Council passed Resolution 1203, which affirmed the agreement between Contact Group negotiators and the Yugoslav government, providing for OSCE-KVM deployment and Yugoslav troop withdrawals. Also on October 24th, the Security Council passed Resolution 1207, which called upon Yugoslav authorities to comply with the requests of the ICTY, including the arrest of certain individuals. At the beginning of October, the Yugoslav Foreign Ministry had refused to acknowledge the ICTY’s jurisdiction in Kosovo, claiming it to be an infringement of national sovereignty. Pursuant to this position, Yugoslav authorities had denied visas to ICTY investigators and threatened to cease cooperation with the ICTY Liaison Office in Belgrade. With Resolution 1207, the Security Council rejected the Yugoslav sovereignty argument and firmly established ICTY’s investigative authority.

On October 27th, the NAC finally suspended its programmed air strikes. The relevant ACTORDs were not cancelled, however, with NATO reserving the right to execute them at a later date if necessary. Several weeks later a Kosovo
Verification Coordination Centre was established in order to reinforce “liaison, planning, coordination and information exchange” with NATO.

Yugoslav authorities agreed to pull their special military units out of the province, but the withdrawal came after the KLA infrastructure had been reduced to tatters and at the onset of the winter season when serious campaigning would be much more difficult. The Serbs were permitted to maintain police and military levels equivalent to those in place under what had been a virtual martial law regime prior to February 1998. Compliance was to be monitored by almost 2,000 unarmed members of the KVM, assisted by an air verification mission coordinated by NATO and designated as Operation EAGLE EYE. The modest contingent of observers threatened no one, and had itself to be protected by a 1,500 member extraction force, dubbed Operation DETERMINED GUARANTOR, led by the French and based in Macedonia.

However, the first problem regarding this agreement was the fact that the KLA was itself in no way a party to the October accord, and so it committed to continue its campaign of armed resistance despite setbacks. Predictably, as Serbian forces pulled back as agreed, KLA fighters moved forward to occupy the vacated terrain. Soon sporadic fighting had resumed.

In December, Serbian “training exercises” near Podujevo, undertaken without prior notification to the OSCE, developed into larger scale offensive operations against KLA units in clear violation of the October understanding. The new escalation of violence culminated in the events which occurred on 15 January 1999, in the village of Račak in the Drenica region.

Within days, the U.S. Department of State would condemn the event as a “massacre of civilians by Serb security forces,” while NATO Secretary General Solana spoke of “a flagrant violation of international humanitarian law.” However, on 15 January, with the fighting at Račak underway, the U.S. National Security Council defined its goals in the crisis as to “promote regional stability and protect our investment in Bosnia; prevent the resumption of hostilities in Kosovo and renewed humanitarian crisis; [and] preserve U.S. and NATO credibility.”

The deteriorating situation on the ground also determined the withdrawal of the OSCE KVM on 19 and 20 March; security reasons determined the withdrawal of the mission. Only one day later, Serbian forces launched a major offensive in Kosovo and began driving thousands of ethnic Albanians out of their homes and villages. They summarily executed some Kosovars while displacing many others and setting fire to many houses. This Serbian offensive was named “Operation Horseshoe” and the scale of the resulting ethnic-cleansing campaign made it clear that it had to have been planned months in advance.

Rambouillet

Meeting in London on 29 January 1998, ministers representing the Contact Group demanded that representatives of Yugoslavia and the Kosovar Albanians come together under international auspices for proximity talks at the French châteaux of Rambouillet. On 30 January the NAC issued a statement lending its support to the Contact Group initiative and threatening a forceful response in the event of non-

---

308 Western sources, citing classified intelligence reports, have argued that the massive ethnic cleansing was carefully planned and had already been set in motion, under the designation Operation HORSHEOE, in the days prior to March 24. Indeed, some commentators have questioned whether an operational plan dubbed “Horseshoe” ever existed except as a product of Western disinformation.

compliance. It also granted NATO Secretary General Solana full authority to approve air strikes against targets within the Federal Republic of Yugoslavia if events so merited; an important derogation of responsibility that in effect negated the possibility for a single-member veto to block action.

The plan itself, drawn up by the Contact Group and closely modelled on the Dayton Accord, consisted of a framework agreement establishing guidelines for a peace process, accompanied by a number of annexes treating specific aspects of implementation. But the differences between the allies over the substance of the agreement did not bode well. In its final form the Rambouillet accord called for an immediate cessation of hostilities; the partial withdrawal and demilitarization of all armed forces inside Kosovo; guarantees of civil rights; and a peace settlement that would grant Kosovo expanded autonomy within Yugoslavia in the short term, and allow a binding referendum on the province’s final status after 5 years. The security annex B provided for the occupation of the province by a NATO-led international force, based upon a status of forces contract that would also provide for a right of access to the entire territory of the Federal Republic of Yugoslavia. To the surprise and chagrin of the mediators present, these terms were not accepted by either of the parties to the negotiations.

Faced with a potential failure that would compromise the entire mediation effort, the original 23 February deadline for an accord was extended and a new round of talks scheduled for 15 March in the Kleber Centre in Paris. At the second round of talks at the Kleber Centre from 15 to 19 March, the Kosovar Albanian delegation delivered its promised signature, while the Serbs demurred and called for continued dialogue. Later on, upon departure from Paris after the conclusion of the sessions of March, the Serbian delegation denounced the terms of the accord as a Western ultimatum in violation of international law. Simultaneously, Serbian forces began to mass in and around Kosovo in what appeared to be preparations for a confrontation.

The Rambouillet proximity talks had failed to produce a negotiated accord, but they were successful in creating a pretext for military action. Immediately upon the departure of the Yugoslav delegation, the machine of war was set into motion.

On 19 March the KVM was withdrawn from Kosovo, and on 21 March Holbrooke arrived in Belgrade to deliver a final admonition to Milosevic, who dutifully refused to receive him. On 23 March Solana directed the SACEUR, U.S. General Wesley Clark, to begin air operations against Yugoslavia. One day later, Operation ALLIED FORCE was launched.

NATO bombing – Operation ALLIED FORCE

The NATO air campaign against Yugoslavia was conducted between 24 March and 10 June 1999. However, after four weeks of bombing, the Yugoslav leadership still would not respond to negotiation proposals. At a NATO summit in Washington on 23 April 1999, Alliance leaders decided to further intensify the air campaign by expanding the target set to include military-industrial infrastructure, media, and other targets in Serbia itself, bridges (seven on the Danube), nine major highways (including Belgrade–Nis or Belgrade–Zagreb), and seven airports were destroyed. Most of the main telecommunications transmitters were damaged and two thirds of the main industrial plants were nearly destroyed. According to NATO, 70% of the electricity production capacity and 80% of the oil refinery capacity was knocked out.

NATO pilots were ordered to fly at altitudes above 15,000 feet to avoid the threat of Yugoslav air defense systems. This decision has been criticized by opponents of the NATO campaign as limiting pilots’ ability to positively establish the military nature of targets. These precautions made it possible to limit losses,
and during the campaign only two NATO aircraft were downed by hostile fire, but the price was decreased operational efficiency and at least one well publicized incident where the difficulties of visual discrimination from high altitude led to a tragic targeting error, namely the “Korisa Incident” of 13 May 1999. However, on the point, Amnesty International (AI) argued that, “the requirement that NATO aircraft fly above 15,000 feet, made full adherence to international humanitarian law virtually impossible.”

Always regarding the “collateral effects” of NATO’s operation on 3 April, NATO missiles destroyed the Yugoslav and Serbian Interior Ministries in downtown Belgrade. Thereafter, the Serbian capital would remain under intermittent attack. Attacks on bridges, refineries, industrial complexes, and the national energy grid followed. On 23 April, NATO attacked the Serbian state television building in Belgrade, killing 11 civilian employees. The attack was justified on the grounds that the facility was used to disseminate war propaganda, but it was an unusual step that has become the most criticized of all NATO initiatives during the war. Targeting the capital was not without risks. On 7 May, NATO strike aircraft, misled by a breakdown in the process of identifying and validating targets, attacked the embassy of the People’s Republic of China in downtown Belgrade, killing three and wounding twenty. The Alliance immediately apologized for what it called a “terrible mistake,” and on 9 May President Clinton wrote to Chinese President Jiang Zemin to offer regrets. Protestations of good intent were to no avail. In the days following the bombing, the Chinese denounced the action as “a gross violation of China’s sovereignty,” while mobs in Beijing and other Chinese cities raided and ransacked U.S. government offices with the implicit support of their government.

The option of a ground deployment of troops was never seriously considered. According to a study prepared by the RAND Corporation on behalf of the U.S. Army, ground options were never seriously considered during the planning process. The report states unequivocally that: “from mid-1998 onward, not only was this option [ground operations] shelved, no serious contingency planning for air-land operations was undertaken. The exclusive planning focus was on air and missile strikes.” Furthermore, already in his 24 March address Clinton announced peremptorily that “I do not intend to put our troops in Kosovo to fight a war.” On that foundation, limited air strikes were initiated on the basis of what would soon prove to be the unfounded assumption that several days of bombing would suffice to convince Milosevic that capitulation was his best option. On the evening of 24 March, speaking to a national television audience, Secretary of State Madeleine Albright was forthright in declaring to the U.S. public, but also to its adversaries in a theatre of war, that “I don’t see this as a long-term operation.” Considerable energy was in any case drawn into humanitarian assistance operations in the face of the refugee crisis (Operation ALLIED HARBOR), a commitment that would last for the duration of the conflict and beyond.

In an official statement on May 15, NATO said: This was a legitimate military target. The Serb claims of an attack involving cluster bombs against a non-military target are both false. NATO identified Korisa as a military camp and command post. Military equipment including an armoured personnel carrier and more than ten pieces of artillery were observed at this location. The aircraft observed dug-in military positions at the target before executing the attack. NATO cannot confirm the casualty figures given by the Serbian authorities, nor the reasons why civilians were at this location at the time of the attack. NATO deeply regrets accidental civilian casualties that were caused by this attack (NATO Press Release (99) 079, Statement by the NATO Spokesman on the Korisa Incident, May 15, 1999). For further information please see Human Right Watch, “Civilian Deaths in the NATO Air Campaign”, HRW Report, February 7, 2000.
The operation gap between political and military objectives was somewhat narrowed, but it still existed. Political objectives were direct and clear. By contrast, military strategy was indirect and uncertain both in scale and result. The set of targets and the phases of the campaign did not directly support either of the stated political goals. NATO officials and White House spokesmen were about the only ones who seemed to believe that air power alone could achieve the desired objectives. According to Admiral James Ellis, then Commander of Allied Forces Southern Europe and Commander in Chief of U.S. Naval Forces Europe, “NATO lacked not only a coherent campaign plan and target set but also the staff to generate a detailed plan when it was clear that one was needed.”

While Milosevic was prepared for war, the NATO military machine was not intended to reach war capacity at all. As General Clark stated, it was undoubted before the beginning of operations that NATO could not actually do much to save civilians in Kosovo:

Despite our best efforts the civilians are going to be targeted by the Serbs. It will just be a race, our air strikes and the damage we cause them against what they can do on the ground. But in the short term, they can win the race.

Working for Peace

A turning point arrived on 14 April, when Yeltsin appointed former Prime Minister Viktor Chernomyrdin as special Russian peace envoy in the region, undercutting Primakov’s initiatives and leading in short order to his dismissal from office and political marginalization. Chernomyrdin immediately abandoned Primakov’s anti-Western rhetoric, made clear to Belgrade that it could not count upon open-ended Russian support, and assiduously worked toward a compromise arrangement that would increase Russia’s diplomatic leverage, offer Belgrade face-saving concessions, and if possible bring the bombing to an end.

In the first week of May Chernomyrdin arrived in Washington, where, in discussions with American officials, it was determined that he join with Talbott in representing NATO and Finnish President Martti Ahtisaari on behalf of the EU as a negotiating team. On 6 May the foreign ministers of the G-8 outlined a direction for these initiatives in a political declaration calling for a negotiated solution balancing “a substantial autonomy for Kosovo in respect of the Rambouillet accord and the principle of the sovereignty and territorial integrity of the Federal Republic of Yugoslavia.” Between mid-May and early June, a series of meetings between Ahtisaari, Talbott, and Chernomyrdin became the forum within which a coordinated Western peace initiative was forged.

With Milosevic’s accord, on 9 June a Military Technical Agreement defining the terms of a ceasefire was initiated, and on 10 June the agreement was incorporated into UN Security Council Resolution No. 1244, which brought a formal end to the war. Simultaneously, NATO air strikes were suspended.

---

314 The reasons why Ahtisaari was chosen as the mediator of the conflict probably were linked to the fact that Finland was to have the coming EU presidency, he had experience of the war in Bosnia-Herzegovina, and in addition Finland was a neutral country.
The Chernomyrdin-Ahtisaari agenda was significantly different from that which had inspired the original Rambouillet accord, and provided the Serbian party with some prerogative to defend its interests even in the wake of military defeat. First, the entire process of conflict management had been brought back under the aegis of the UN. The plan eliminated Rambouillet’s call for a binding referendum on independence after five years. Any determination of Kosovo’s final status would now have to be approved by the UN Security Council, where Russia exercised the right of veto. Annex B of the Rambouillet accord granted NATO forces the right to operate throughout the entire territory of the Federal Republic of Yugoslavia. That right was reduced by the Chernomyrdin-Ahtisaari project to Kosovo alone. The Kosovo Peacekeeping Force (KFOR) sanctioned by the project was now to be placed under joint NATO-UN auspices, and the OSCE was granted significant authority as the civil component of the international presence in the province. Supervision of refugee return would also be conducted under the auspices of the UN, rather than NATO. In the interim, the text reiterated that Kosovo was considered to be an integral part of the Federal Republic of Yugoslavia.

However, the international community was reluctant to recognize a new state in the region, which it is feared would encourage secessionist claims in Macedonia, Montenegro and Bosnia and Herzegovina. There are also concerns that a commitment to Kosovo independence could destabilize the new Serbian government by triggering a nationalist backlash, threatening to set back the fragile path towards democratization in Serbia. For these reasons, the international community was unlikely to take steps towards the recognition of Kosovo in the short term.315

In March 2001, KFOR agreed to let Serbian militia re-occupy part of the buffer zone between Kosovo and southern Serbia. By May this agreement was extended to cover the rest of the Ground Safety Zone. KFOR readiness to allow FRY redeployment reflected its recognition of Serb concerns about the activities of the Liberation Army of Presevo, Medveja and Bujanovac.

4.2. Cooperation at Headquarters Level

The internalization of the issues of Kosovo, originally strongly opposed by President Milosevic, led to the close involvement of a series of international organizations, such as NATO, the OSCE, the UN, the Contact group and the EU, cooperating in an unprecedented close policy-coordination. This happened within the contours of an ad-hoc division of labour, with the Contact Group providing, generally speaking, the political guidance, the OSCE providing the “verifiers” on the ground to verify compliance with international demands within the limits of the mission’s peace-keeping mandate, the UN SC providing the framework for compliance with the international demands and the authorization for enforcement actions, and NATO performing different military tasks for different purposes.316

4.2.1. Cooperation Before the Conflict

The role of the International Community

Kosovo was not included in the Dayton negotiations because Tudjman and Izetbegovic were not interested in Kosovo and Milosevic would have refused to consider it. Milosevic was viewed as a key player, and the international community did not want to jeopardize the chances of reaching agreement. The result of this caution, however, was indirectly to legitimate Milosevic’s role in Kosovo, and to send a clear signal to both Milosevic and the Kosovar Albanians that Kosovo was definitely off the current international agenda. This message had three serious conflict-escalating effects: it gave the FRY a free hand in Kosovo; it demoralized and weakened the non-violent movement in Kosovo, which felt betrayed by the international community and began to doubt the effectiveness of its own tactics; and it led directly to a decisive surge of support among Kosovars for the path of violent resistance as the only politically realistic path to independence.

In December 1991 Rugova appealed to the EU for recognition of independence of Kosovo, this when the EU was discussing the issue of recognition of Slovenia and Croatia. However, the Badinter Commission did not offer the same solution for the Autonomous provinces as Kosovo, as compared with the republics of Yugoslavia, namely the independence under determined pre-conditions. Furthermore, after Dayton, the EU formally recognized the Federal Republic of Yugoslavia (FRY) as including Kosovo, and Germany even repatriated 130,000 Kosovar Albanians. According to Bukoshi, “It was a shock. We weren’t expecting it and it was a fatal mistake.”

Before the conflict erupted, the little attention that was directed toward Kosovo by intergovernmental organizations seems to have been concentrated in the 1992-3 period when governments feared that war in Bosnia-Herzegovina would spill over into Kosovo. The EC Conference on Yugoslavia went so far as to define Kosovo as an “internal” problem for Yugoslavia, thus discouraging international interest and involvement. In the second meeting in London in August 1992, with the presence of Rugova, the question of Kosovo was discussed again. The Kosovar Albanians were invited as observers and not as participants. According to what Lord Carrington wrote to Rugova:

If you are planning to be in London at the time of the conference...but for practical and other reasons... [it would not] be possible to grant your delegation access to the conference. [...] We are making strenuous efforts to ensure that the views of Kosovar Albanians are heard. If you are interested in participating on this basis, I should be grateful if you would contact the secretariat.

In August 1992, under the auspices of International Conference on Former Yugoslavia, a Working Group on Ethnic and National Communities and Minorities was established. The Working Group in turn established a Special Group on Kosovo, and this concluded that it was important to normalize the situation in Kosovo and that the Group should focus on negotiations about education. The Group tried to mediate, and a Common Statement by the Kosovar Albanians and the federal government was agreed in October 1992. However the dialogue collapsed after the rector of the parallel university, Ejup Statovici, was arrested in late 1992. The

---

318 Ibid., 59
Working Group continued in existence and was later transferred to the Dayton Peace Implementation Council and subsequently to the Contact Group.

In November 1993 the European Union endorsed a proposal for the re-establishment of autonomy for Kosovo in its European Action Program on Yugoslavia. But leading politicians, including David Owen continued to insist on the integrity of Yugoslavia. The fear was, of course, a never-ending process of political fragmentation.

The Helsinki Summit of the newly established OSCE in July 1992 adopted a Declaration on the Yugoslav Crisis, calling for “immediate preventative action” and urging “the authorities in Belgrade to refrain from further repression and to engage in serious dialogue with representatives from Kosovo in the presence of a third party.”

The Contact Group began calling for dialogue between the Kosovo resistance and Belgrade as early as September 1997, stressing in each communication that “we support neither independence nor the status quo.”

Regarding the position of NATO, at their December meeting in Brussels in 1997 NATO Ministers expressed concern over the ethnic tension in Kosovo and called for “mutually acceptable solutions through responsible dialogue”. In March 1998 the North Atlantic Council (hereafter - NAC) supported the statements of the Contact Group, calling for a beginning of a serious dialogue without preconditions between the Belgrade authorities and the leaders of the Kosovar Albanian community in order to develop a mutually acceptable political solution for Kosovo within the FRY on the basis of the principles outlined by the international community.

In 1995-1997 the situation in Kosovo kept a relatively low profile on the agenda of competent institutions such as the OSCE, the UN, the EU and the Contact Group. Exertion of greater pressure on the Belgrade government to address seriously the Kosovo problem was inhibited by considerations like “constructive involvement of the FRY in Bosnia” and “the internal character of the question”. Still, the international community was able to agree on the broad principles to be followed in a negotiated solution for the Kosovo issue: a) dialogue between Belgrade and the Albanian representatives in Kosovo b) respect for the territorial integrity of the FRY and inviolability of its borders c) substantial degree of autonomy for Kosovo within the FRY d) conditionality of development of political and economic ties with Belgrade on the progress of settlement in Kosovo.

On 28 January 1998, the Parliamentary Assembly of the Council of Europe (CoE) approved a resolution calling for an end to the repression of ethnic Albanians and immediate dialogue between the parties, and highlighting the fact that the province was on the brink of civil war. On 28 February 1998, the Contact Group stated, “Our commitment to human rights values means that we cannot ignore such disproportionate methods of control. Government authorities have a special responsibility to protect the human and civil rights of all citizens and to ensure that public security forces act judiciously and with restraint.”

On 9 March, 1998, the Contact Group met to review these developments and unanimously decided to impose an arms embargo and a ban on transfers of equipment that could be used for repression. However, France, Italy, and Russia refused to agree to the full panoply of sanctions. In April 1998, again without

---

322 See Ibid., 17.
Russian support, the Contact Group put into effect a freeze on FRY funds held abroad, and threatened to block all new investment in Serbia.\textsuperscript{324}

In the light of the escalation of armed violence in 1998–9 the action of the international community can be classified as a failure of early warning lessons. The situation of course had been influenced by the facts which happened in Bosnia and Herzegovina but still, the failure had enormous impact over the province and the region in general.

4.2.2. Cooperation During the Conflict

Regarding security issues, France and Britain and to a lesser extent Germany and Italy played a central role in negotiations before the bombing, as members of the Contact Group (along with the US and Russia) and of NATO. France and Britain also played a highly visible leadership role during the NATO bombing campaign, while Italy was more constrained by public opposition, and the German government also faced a heated domestic debate about its first involvement in an aerial bombardment campaign since 1945. Not surprisingly, there were a number of divergences between EU states on the NATO campaign, with Germany and Greece not supporting the later phases of the operation when the raids were expanded to civilian targets. There was also some tension when an Italian proposal to halt the bombing during negotiations in mid-May was rejected by NATO. Some commentators have argued that these differences of opinion within the Alliance impeded the effectiveness of the action, forcing NATO to adopt an “incremental” rather than a high impact campaign that would have struck key Belgrade targets from the outset.

The West’s response to the Kosovo question is seen by many as reflecting a growing willingness on the part of the US and Europe to intervene in other states on human rights or humanitarian grounds. There are also clear indications that the EU and the US were reluctant to support a secession that could have repercussions for claims in Bosnia and Herzegovina and Montenegro.

Diplomatic alternatives were pursued through both bilateral and multilateral channels. At the first signs of trouble, the six-member International Contact Group was brought back to centre stage as a vehicle for coordinating Balkan policy. In a statement of 9 March 1998, the Contact Group condemned “the use of excessive force by Serbian police against civilians” as well as “terrorist actions by the Kosovo Liberation Army” and outlined a series of measures intended to encourage dialogue.

Similar language appeared in UN Security Council Resolution 1160, promulgated on 31 March, which condemned excessive use of force against civilians, imposed an arms embargo against the Federal Republic of Yugoslavia, and concluded with the vague threat of “additional measures” in the absence of progress toward a settlement.\textsuperscript{325}

The North Atlantic Council (NAC) issued its first statement on the problem on 5 March, 1998, expressing “profound concern” and pledging engagement to prevent escalation and “promote security and stability.” At the end of May, the NATO ministerial in Luxembourg defined the situation in Kosovo as “unacceptable,” and in June the EU foreign ministers agreed, together with the United States, to impose a ban on investments and to freeze Serbian foreign assets.

Perhaps most significant in the long term, a joint Anglo-French declaration on European defense signed in Saint Malo, France, on 4 December 1998, reflected

\textsuperscript{324} Statement on Kosovo, London Contact Group meeting, 9 March 1998.

disgruntlement with Washington’s forcing inside the Alliance by urging the EU to create “the capacity for autonomous action backed up by credible military forces, the means to use them and readiness to do so in order to respond to international crises.”

This was a first step in the direction of an autonomous European Security and Defense Policy separate and distinct from that defined by the Atlantic Alliance.

In a speech in May 1998 in Oxford NATO’s Secretary General J. Solana stressed that “NATO and the international community are not prepared to stand by and watch another part of the former Yugoslavia burn.” Once again diplomacy, in order to succeed, would have to be supported by a credible threat or use of force.

In the Ministerial Meeting of the NAC in Luxembourg on 28 May 1998, NATO reiterated that the status quo was unsustainable, urged for a peaceful solution and identified its objectives in the following way:

- to help achieve a peaceful resolution to the crisis by contributing to the response of the international community;
- to promote stability and security in neighbouring countries with particular emphasis on Albania and the former Yugoslav Republic of Macedonia.

The Luxembourg and Brussels NATO Ministerial Meetings in May and June 1998 supported further the diplomatic efforts of the Contact Group by demonstrating the resolve of the Alliance to act promptly including through different use of force options. In addition, it was decided to enhance and supplement Partnership for Peace (PfP) activities in both Albania and the FYR of Macedonia to promote security and stability in these Partner countries and to signal NATO interests in containing the crisis and in reaching a peaceful solution. NATO’s military authorities were tasked to conduct as quickly as possible an appropriate air exercise in Albania and the FYR of Macedonia with the aim of demonstrating NATO’s capability to project power rapidly in the region.

In a follow-up Statement on the situation in Kosovo adopted in Istanbul on 9 June 1998, the Ministers of Foreign Affairs of Albania, Bulgaria, Greece, the Republic of Macedonia and Romania regretted the interruption of dialogue among the parties and expressed concern over the rapid deterioration of the situation. They urged for a more pro-active approach by the international community stressing that “in view of the experiences of the recent past, timely action on the part of the international community is crucial in cases of such escalating crises.”

At the EAPC Ministerial meeting in December 1998 in Brussels the Ministers of NATO member states and Partner nations underlined the importance of the consultations that had taken place with Partners on Kosovo to inform them of the status of NATO’s contingency planning and welcomed the expanded opportunities that the EAPC provides for such detailed consultations.

In February 1999 NATO started consultations with Partner nations on preparations and their participation in a NATO-led peacekeeping ground force in Kosovo (Operation Joint Guardian), in order to get ready for immediate deployment after the signature of a peace agreement. Preparations started for a preliminary

---

328 Ibid.
331 Chairman’s summary of the meeting of the EAPC - Brussels, 8 December 1998.
deployment of the future Joint Guardian units on the territory of the Republic of Macedonia. The Yugoslav leadership, however, refused to accept the deployment of a NATO-led force on its national territory as part of the peace plan.

During the war in Kosovo, the EU started to strengthen its own crisis management. The Cologne European Council meeting in June 1999 placed crisis management tasks at the core of the process of strengthening the European Common Security and Defense Policy, known as the Petersburg tasks. They include humanitarian and rescue tasks, peacekeeping tasks, and combat-force tasks in crisis management, including peacemaking. However, probably due to the fact that twelve member states out of fifteen were also NATO members, when NATO bombing started the EU gave its approval to NATO’s actions.332

These increases in military activity and violence against civilians led to the first public consideration by NATO of military intervention in June 1998. One senior NATO official is quoted as saying: “There is a new sense of urgency, and the focus of the debate is on air strikes.” On 10 June 1998, British Prime Minister Tony Blair articulated the need for military action if diplomacy was unable to end the crisis. According to the ICTY Deputy Prosecutor, Graham Blewitt, “There is an armed conflict taking place here.”333

The application of sanctions on FRY can be seen as a form of cooperation. A UN arms embargo and the economic sanctions by the Contact Group and the EU had been applied on FRY. However the effect on the ground of these kinds of “soft measures” remains a matter of discussion. Once again, as for the case of BiH, the Yugoslav/Serb forces continued their repressive operations in different parts of Kosovo using heavy artillery and forcing the Albanian population out of their homes. According to reliable estimates, between 200,000 and 300,000 Kosovo Albanians were driven from their homes from April to September 1998.

In addition, the neighbouring countries firmly joined with NATO and the EU in applying an oil embargo on the FRY during the military operation, despite the economic losses they systematically endured as a result of the sanctions regime on the FRY. NATO’s air campaign concluded when, after intensive negotiations and mediation efforts, the FRY leadership finally accepted the peace plan proposed by the President of Finland and the Special Envoy of the Russian Federation on 3 June 1999.

In the light of the EU-UN cooperation at headquarters level, the EU in its Annual Report on Human rights explains that:

The EU actively participated in the 55th session of the Commission on Human Rights in Geneva (March-April 1999), which is considered the most important forum on human rights in the framework of the United Nations. Highlights of the 55th session were the broad support for the resolution on human rights in Kosovo presented by the Organization of the Islamic Conference, the African initiative on the World Conference on Racism and the EU initiative on the death penalty. The EU has been a key actor in the OSCE Review meetings and Human Dimension implementation meetings. This was the case again in the 1998 Human Dimension Implementation Meeting (Warsaw, 26 October - 6 November). The EU made interventions on all major issues. It also expressed its grave concern about the problems relating to refugee return and treatment of minorities in the Federal Republic of

332 From Tapio Raunio and Meri Sarikiri, op. cit., 19.
Yugoslavia (Kosovo), Croatia and Bosnia and Herzegovina and about the human rights situation, notably in Belarus.  

4.2.3. Cooperation After the End of the Conflict

Already in 1999, The High Commissioner on National Minorities (HCNM) of the OSCE, Mr. Max van der Stoel, traced the roots of the Kosovo conflict back to 1989. He remarked that in the following years the international community made three errors: (a) it tried for too long to find a partial solution of the problem; (b) various international organizations, including the OSCE, did not develop an alternative approach to face the crisis before it led to violence, and (c) priority attention was given only when the conflict broke out.  

On 25 February 2000, the tripartite high-level meeting in Geneva, between UN, OSCE and CoE facilitated an exchange of information about the activities of participating organizations in South-Eastern Europe, including Kosovo. On 12 April 2000 in Vienna, the so called 2+2 high-level meeting, between OSCE and CoE, relations focused on the co-ordination of policies and explored potential areas of cooperation. Particular emphasis was placed on developments and the involvement of the two organizations in Kosovo, as in other countries. The “2+2” expert-level meeting also dealt with developments in South-Eastern Europe.  

In this context, a human rights training needs assessment mission to Kosovo, consisting of representatives from the OSCE, the Council of Europe, the UNHCHR and the EU, took place from 29 May to 2 June. In addition, in 1999, on a specific aspect of training, that of human rights training for mission members, the CoE was contributing through the joint-approach programme run by CoE, OSCE, UNHCR and the EC to ensuring a proper level of human rights knowledge in the various UNMIK components. An ad hoc course on human rights training was held in Kosovo for a selection mission member of UNMIK.  

In 2001, the EU Annual report clearly explained EU intention in the post-conflict phase:

The EU continues to attach the highest importance to the implementation of UN Security Council Resolution 1244 on Kosovo and reiterates its full support for the actions taken by UNMIK and KFOR. The EU calls upon all parties to fully cooperate with them in this objective. We welcome the peaceful and democratic local elections held in October last year. The entire population of Kosovo has been severely affected by the conflict and its aftermath. The EU is concerned by the pursuit of acts of violence against ethnic minorities in Kosovo, in particular Kosovo Serbs. The EU reaffirms its commitment to a democratic and multi-ethnic Kosovo. The EU therefore urges the people of Kosovo and their leaders to comply fully with the efforts to end all acts of ethnic and political violence in order

---

335 See OSCE Seminar on Co-operation among International Organisations and Institutions: Experience and Prospects in South-Eastern Europe, Working Session 3 “Crisis Management through the OSCE - The Case of Kosovo”, 12.
337 Ibid., 16
to develop the groundwork for a democratic society where the whole population can benefit from their full and equal rights, without discrimination. The European Union will continue to encourage dialogue between the FRY and the Kosovo-Albanian leaders in Kosovo to furnish information concerning the fate of missing Serbs in Kosovo.  

In 2000, the European Commission (EC) signed a grant agreement with the OSCE to support the general election for the Kosovo Assembly in November 2001. Activities included civic awareness and media capacity-building initiatives. The grant agreement also included support for the local municipal elections scheduled for October 2002.

4.3. Cooperation in the Field

4.3.1. Cooperation During the Conflict

The Kosovo Diplomatic Observer Mission (KDOM)

In another important monitoring development, the Yeltsin-Milosevic meeting in June opened the way for the installation in July 1998 of the Kosovo Diplomatic Observer Mission (KDOM), under the Contact Group, the OSCE and the EU, which attempted to unite the disparate fragments of the KLA while monitoring human rights in the province. The mission comprised several people representing EU states, the U.S., the Russian Federation and Canada; the respective embassies began a series of regular monitoring meetings in Belgrade.

Once operational, the OSCE force absorbed the fifty-strong Kosovo Diplomatic Observer Mission; however, KDOM members returned to Kosovo in mid-October to monitor the situation as the first OSCE verifiers began to arrive.

OSCE-NATO cooperation during the conflict

In the preparatory stage of the respective mission, there had been a much larger degree of harmonization of the political action, resulting in cohesion of effort. In November 1998 several meetings were held in Brussels and Vienna between the KVM Support Group of the OSCE Secretariat and representatives of NATO HQ and SHAPE to discuss the issues of KVM security, the extraction plan, the verification levels, the logistics and the communications. Letters between the Secretaries General of NATO and the OSCE were exchanged on the future areas of coordination, which formalized and marked unprecedented parameters of the cooperation between the two organizations. As underlined by the NATO Council, “the establishment of the KVM has opened a new stage in the cooperation between NATO and OSCE”.

OSCE Kosovo Verification Mission

On 23 September 1998, after more than six months of fighting between Yugoslav and Serbian forces and the Kosovo Liberation Army, the UN Security Council passed

---

343 See OSCE Annual Report 1998 on OSCE Activities, 2 December 1998, § 2.2.4
Resolution 1199, demanding an immediate cease-fire and calling on the parties to “enter immediately into a meaningful dialogue without preconditions and with international involvement”. On the basis of this resolution, US negotiator Richard Holbrooke brokered an agreement with Milosevic on October 13th, 1998. The agreement foresaw the deployment of an OSCE Mission in Kosovo, the Kosovo Verification Mission (KVM), composed of up to 2,000 unarmed verifiers, and the creation of an air surveillance system to be operated by NATO, stationed in Macedonia.

On October 15th, 1998, in Decision No. 259, the Permanent Council declared “the preparedness of the OSCE to embark upon verification activities related to compliance of all parties in Kosovo with the requirements set forth by the international community with regard to the solution of the crisis in Kosovo” and expressed support for the Chairman-in-Office’s efforts “to arrange with the FRY authorities for the OSCE to make such contribution” to the peaceful solution of that crisis. On October 16th, in Belgrade, an agreement was signed between the OSCE and the Federal Republic of Yugoslavia on the creation of an OSCE Kosovo Verification Mission (KVM).

Meanwhile, the Permanent Council of the OSCE authorized the establishment of border monitoring stations along the Kosovo-Albania border.344 These stations became fully operational at the end of June 1998. Immediately upon their establishment, OSCE border monitors began reporting a substantial level of military activity and fighting along the border.

On October 24th, in resolution 1203, the United Nations Security Council, endorsing the creation of the KVM, demanded that the Federal Republic of Yugoslavia abide by its agreements and commitments concerning the KVM and reminded it of its “primary responsibility for the safety and security of all diplomatic personnel accredited to the Federal Republic of Yugoslavia”. It said that all parties should comply “fully and swiftly” with Security Council resolutions 1160 and 1199 and “cooperate fully” with the KVM.

On October 25th, 1998 the OSCE Permanent Council (PC) formally established the KVM (PC.DEC/263), to be led by Ambassador William Walker of the United States. Under the agreement between the OSCE and FRY, the main tasks of the verifiers were to report cease-fire violations, conduct border monitoring, and to facilitate the return of refugees along with ICRC and UNHCR.

The Mission established its headquarters and a training centre in Prishtinë/Priština in October 1998, with five regional centres (in Pejë/Peć, Prizren, Mitrovicë/Kosovska Mitrovica, Prishtinë/Pristina and Gjilan/Gnjilane) and 10 field offices. OSCE originally envisaged deploying an international staff of around 2,000, although this target was never reached: almost 700 International Mission Members were in place in January, with around 1,400 by March 1999 when the Mission was withdrawn.345

Following the break-down of the Rambouillet peace process, the KVM was withdrawn from Kosovo on 20 March 1999 on grounds of security. After its withdrawal from Kosovo, about 250 staff were retained in Skopje. This group was later subdivided into two task forces, established in Albania and in Skopje, to assist UNHCR with the Kosovo Albanian refugee crisis.346

The October 1998 Agreement on the OSCE Kosovo Verification Mission outlined a challenging mandate for the organization to begin preparations for future elections and send civilian monitors to verify a cease-fire in a war-zone.

344 OSCE, 156th Permanent Council, PC. DEC/228 (1998).
345 See OSCE Press release, 30 January 1999: the KVM personnel was composed of representatives from U.S. (164 members); Germany (111); UK (110); Italy (96); France (88) and Russia (85).
Curiously, human rights were not even mentioned in the Agreement despite an ongoing pattern of gross violations of international humanitarian law in the province. As a result, both human rights training for monitors and the mission’s human rights on investigative capabilities remained limited.\textsuperscript{347}

Furthermore, the slowness in the deployment of the mission had had a negative impact on the effectiveness of the mission. On this point the Head of the 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 improvisation.\textsuperscript{348} In addition, the established of the mission in itself was criticized since it appeared that not all requirements for the OSCE peacekeeping set out in the 1992 Helsinki Document were fulfilled.\textsuperscript{349}

NATO Extraction Force

Preventive deployments in Albania and Macedonia were considered as well. NATO aircraft began verification flights over Kosovo immediately after the agreement of October 15th. In line with the general understanding for NATO support for KVM, in December 1998 the NATO Extraction Force was deployed in Macedonia (operation Joint Guarantor) to ensure immediate extraction of the KVM verifiers in case of emergency. For the few months of activities, the cooperation between KVM and the NATO Air Verification Mission took various forms: data exchange, based on the same data collection formats to allow further computer processing; verification of FRY compliance with the UNSC Resolutions 1199, including mutual advice between KVM and NATO on the priorities for the ground and air verification; building safe communication lines between KVM and NATO in Kosovo and in Skopje.\textsuperscript{350}

An agreement between NATO and FRY was signed the same day for the establishment of an air surveillance system under the name of NATO Air Verification Mission over Kosovo, code-named Operation Eagle Eye, which should complement the OSCE KVM. Through this coordinated action and exchange of information a good example was set of partnership among the two organizations.\textsuperscript{351} However, when the force became operational, on 12 December 1998, president Milosevic denied that the deployment of the “Extraction Force” was part of his October 13th agreement with Holbrooke, and warned that action by force on the territory of Kosovo would be considered “an act of aggression”, provoking action by his forces.\textsuperscript{352}

Cooperation with other actors

Exchange and sharing of information had been the main activity of the OSCE KVM cooperation with the European Union Monitor Mission already present in the territory.\textsuperscript{353} Meanwhile, the Council of Europe offered to provide secondments to OSCE Missions. It contributed seconded staff to the Kosovo Verification Mission and after its withdrawal provided experts to the OSCE Mission in Kosovo, on both short-term and long-term basis, in the fields of media affairs, police training,

---

\textsuperscript{347} From Alexander Lupis, “Assessing the mandate of the OSCE Kosovo Verification Mission proposed at Rambouillet: An insider’s perspective from the OSCE Mission to Bosnia and Herzegovina”, in Helsinki Monitor No. 3 1999, 23.


\textsuperscript{350} See Guergana Velitchkova G., \textit{op. cit.}, 31.

\textsuperscript{351} See Emil S. Yalnavoz, \textit{op. cit.}, 25.


\textsuperscript{353} See EUMM in the chapter dedicated to the FRY.
democratization, human rights and the rule of law. The decision taken upon an OSCE initiative to co-locate the staff of the Council of Europe with the Office of the OSCE in Prishtinë/Priština significantly enhanced interaction and coordination of activities in Kosovo.\(^{354}\)

4.3.2. Cooperation After the End of the Conflict

(a) The United Nations Interim Administration Mission in Kosovo - UNMIK

On 10 June 1999, following the withdrawal of FRY security forces and the suspension of the NATO air operation, the UN Security Council adopted resolution 1244 which paved the way for the United Nations Interim Administration Mission in Kosovo (UNMIK). UNMIK has authority over the territory and people of Kosovo, including legislative and executive powers and administration of the judiciary. Its key tasks are:

- to establish substantial autonomy and self-government in Kosovo;
- to perform basic civilian administrative functions;
- to facilitate a political process to determine Kosovo's future status;
- to support the reconstruction of key infrastructure, and humanitarian and disaster relief;
- to maintain civil law and order, promote human rights, and assure the safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo.

UNMIK’s Headquarters have been established in Prishtinë/Priština, with five District Centres in Prishtinë/Priština (Centre), Mitrovicë/Kosovska Mitrovica (North), Pejë/Peæ (West), Gjilan/Gnjilane (East) and Prizren (South). Once a more concrete operational concept for the UN Mission in Kosovo had been finalized, Bernard Kouchner of France was appointed Special Representative of the Secretary General (SRSG) and Head of UNMIK, assuming office on 15 July 1999.

Regarding the tasks, these are currently being carried out by the United Nations, the OSCE and the EU under the establishment of so called Pillars. Responsibilities are divided into the following sectors/pillars:

- Police and Justice, under the United Nations (Pillar I, established in May 2001. Police and Justice previously fell under Pillar II (Civil Administration). The former Pillar I involved providing humanitarian assistance under the leadership of UNHCR, which assisted the repatriation of 700,000 refugees in the first months of UNMIK’s activities and was phased out in June 2000.

- Civil administration, under the United Nations (Pillar II).

- Democratization and Institution Building, led by the Organization for Security and Cooperation in Europe (OSCE) (Pillar III).

- Reconstruction and Economic Development, managed by the European Union (EU) (Pillar IV)

Regarding the Structure of the Mission, the Executive Committee, comprising the SRSG and the Deputy Special Representatives (Heads of Pillars I, II, III and IV), meets on a daily basis to coordinate Pillar activities. The Executive Committee’s

Joint Planning Group establishes working groups and task forces to address issues of concern, such as the Joint Working Group on Returns, the Joint Working Group on the Legal Framework and the Joint Interim Administration Task Force. The Joint Planning Group is serviced by a Secretariat. Coordination with KFOR and other international agencies on security issues is maintained by the Military Liaison Office. The Office of Gender Affairs is responsible for mainstreaming gender issues throughout UNMIK.

It was foreseen that the work of UNMIK would be carried out in five integrated phases:

- **Phase I**: Establishment of administrative structures; deployment of international civilian police; emergency assistance for returning refugees and displaced persons; restoring of public services; training local police and judiciary; enhancing economic recovery with the goal of developing a self-sustaining economy.

- **Phase II**: Administration of social services and utilities; consolidation of the rule of law; transfer of health and education to local authorities; preparation for elections.

- **Phase III**: Elections for a Kosovo Transitional Authority.

- **Phase IV**: Assistance to Kosovo’s elected representatives in organizing and establishing provisional institutions for democratic and autonomous self-government; transferal of the remaining administrative responsibilities.

- **Phase V**: After a final settlement on the status of Kosovo, oversight of the transfer of authority from Kosovo’s provisional institutions to institutions established under the political settlement.

On 15 December 1999 UNMIK established a formal structure for administering Kosovo. The Joint Interim Administrative Structures (JIAS) provided a framework for sharing the responsibility for provisional administration with representatives of Kosovar society. JIAS was established as a provisional set of institutions, and is currently replaced by more permanent structures following assembly elections in the province in November 2001. From this body evolved the Joint Interim Administrative Council (JIAC), which functions as an executive board. JIAS’s core structure includes three distinct elements:

- **Office of the Special Representative of the Secretary-General (SRSG).**

- **Kosovo-wide oversight and advisory organs representing Kosovo’s institutions and political groupings, including the Interim Administrative Council (IAC), the Kosovo Transitional Council (KTC).**

- **20 Pristinë/Priština-based administrative departments responsible for administration, service delivery and revenue collection.**

A departmental structure was also established with 20 departments covering the full range of internal governmental functions. Initially, the UN was responsible for 15 of the departments, the EU for four departments and the OSCE for one department. In 2001, the departments were restructured into nine departments, which in 2002 became ministries after the formation of government.

The main legislative body is the Assembly; it elects the President of Kosovo, and can endorse or reject the Prime Minister and the list of Ministers proposed by him or her. It can initiate a vote of no-confidence in the Government, instruct the Government to prepare draft laws, and request the calling of new elections on the basis of a two-thirds majority. Assembly decisions are adopted by a simple majority of those present and voting, and the quorum for voting is a majority of all
members. The Assembly is elected by proportional representation (100 seats) with 20 reserved seats for minorities.

The Constitutional Framework contains a number of additional provisions and safeguards on minority rights and interests. The Framework established the office of Ombudsperson to investigate complaints on human rights violations and discrimination against minority groups, and to monitor and make recommendations on these matters.

Following the October 2000 municipal elections, municipal assemblies of between 17 and 51 members were established in 27 of the 30 municipalities. In the three Serb dominated municipalities that boycotted the elections, the SRSG appointed members to the assemblies.

Law enforcement in Kosovo is currently carried out by three main actors: KFOR, UNMIK Police (CIVPOL) and the Kosovo Police Service (KPS). It was envisaged that responsibility gradually shift from KFOR to UN CIVPOL and ultimately to KPS. UNMIK Police is not part of the departmental structure but is under the direct control of UNMIK. In addition, UNSCR 1244 has tasked it to oversee temporary law enforcement; and establish and develop a professional, impartial and independent local police, the KPS. In May 2001 UNMIK moved police activities from Pillar II into a new Pillar I (Police and Justice), with the aim of enhancing and better coordinating activities in this area.

Once the demilitarization of the KLA was completed by 20 September 1999, on the same day, the Kosovo Protection Corps was established by Regulation 1999/8 and charged with providing emergency responses and reconstruction services to Kosovo. Ten percent of its members were required to be members of minority communities. Modelled on the French Sécurité Civile, the main tasks of the KPC are to:

- provide disaster response capability, including for major fires and industrial accidents;
- conduct search and rescue activities;
- provide humanitarian assistance in isolated areas;
- assist in de-mining;
- contribute to reconstruction.

The KPC operates under the authority of the SRSG and is supervised by KFOR. The decision to establish the KPC as part of UNMIK’s strategy to demilitarize the KLA has been criticized, and has generated fears that the KLA will continue to exist under a new name. However, some KPC members have been arrested because they have been suspected of organized crime, violent acts against minorities, illegal policing and breaches of political neutrality.

Cooperation with other actors

UNMIK has established a close information-sharing relationship with the OSCE Mission to Albania. The OSCE Presence’s Field Station in Kukës regularly participates in the monthly meetings of the Joint Border Commission, which brings together Albanian police and customs officials with UNMIK CIVPOL (Civil Police) and KFOR officers. Furthermore, UNMIK cooperates with the OSCE in developing the local Kosovo Police Service (KPS), with OSCE running the Kosovo Police Service School (KPSS) near Prishtinë/Priština.

Learning from the previous experience in Bosnia and Herzegovina, where the difficulties of being unarmed and having no executive authority with regard to law enforcement constituted an obstacle for the mission, the UNMIK CIVPOL was given law enforcement authority and authorization to legislate, reform and control appointment and removal of officials in UNSCR 1244.

A Joint Committee on the Return of Kosovo Serbs (JCR) was set up, chaired by UNHCR and consisting of UNMIK, the OSCE, KFOR and Serb leaders. The title itself shows it was designed as a political coordinating body, only focusing on one ethnic group. However, it did develop a general set of principles and, in 2001, changing its focus to the return of all the displaced, it became a Task Force on Return and Reintegration, focusing on all communities.

Concerning the issues of the returns, a Regional and Municipal Working Groups on Return were set up, to involve local authorities. In 2002, UNMIK, in the form of its Office on Returns and Communities, took over responsibility for this work. The SRSG also appointed a Kosovo Serb as an Adviser on Returns in 2001. In January 2005 the PISG appointed a Kosovo Serb as Minister for Returns and Communities. (MRG)

Regarding cooperation with the KFOR, UNMIK deployed military liaison officers to the headquarters of KFOR and to the five KFOR multinational brigades. KFOR representatives were able to take part, as necessary, in the work of UNMIK, while UNMIK, in turn, could participate in KFOR’s Joint Implementation Commission (JIC), which liaises with the FRY’s armed forces and the KLA.  

(b) The Organization for Security and Cooperation in Europe (OSCE) in Kosovo

OSCE Task force for Kosovo

Following the capitulation of Milosevic and KFOR’s entry into Kosovo on 12 June 1999, the KVM was dissolved by PC.DEC/296 of 8 June 1999. On the same date, the OSCE established the transitional Task Force for Kosovo to prepare for the deployment of a future OSCE Mission as part of an international presence in Kosovo. The Task Force re-established themselves in the former KVM headquarters in Prishtinë/Priština; its tasks were as follows:

- prepare for the deployment to Kosovo of available and relevant OSCE assets as soon as this may be required;
- assist in planning and preparation for new tasks which the OSCE may take on as part of a new international presence in Kosovo;
- carry out preparatory visits and activities in Kosovo in order to facilitate the entry of a future OSCE Mission to Kosovo as soon as conditions allow;
- cooperate, as required, with the United Nations and other international organizations in on-going activities relevant to possible future OSCE tasks in Kosovo, in particular registration and documentation of refugees;
- continue assessing the human rights situation in Kosovo.”

357 See Ibid, § 1.1.5.
The OSCE Mission in Kosovo (OMIK)

The OSCE Mission in Kosovo (OMIK) is the third OSCE mission in the province. The previous two missions were geared towards monitoring minority rights in Kosovo and promoting a political solution to the conflict. The first mission was deployed in August 1992, when the OSCE (then CSCE) decided to station Missions of Long Duration in Kosovo, Sandjak and Vojvodina, the largest minority areas of FRY. The Mission in Kosovo was based in Prishtinë/Priština with a permanent presence in Pejë/Peć and Prizren. The Missions were tasked with collecting information on human rights violations and assisting in providing information on legislation on human rights, protection of minorities, free media and democratic elections. However, the FRY authorities refused to prolong the missions beyond June 1993. This was partly prompted by OSCE’s decision to suspend FRY from the organization because of its role in the Bosnia conflict. After the withdrawal of the Missions in July 1993, the mandate of the Missions of Long Duration remained formally valid until January 2001, when the OSCE Mission to the Federal Republic of Yugoslavia (FRY) was established.

The OSCE Mission in Kosovo (OMIK) was established by the OSCE Permanent Council on 1 July 1999 (PC.DEC/305). Since then it has taken the lead role in matters relating to institution and democracy building, the rule of law, and human rights.

In the context of the UN Security Council Resolution 1244, the OSCE Permanent Council decided that the OSCE Mission in Kosovo should constitute a distinct component of the United Nations Interim Administration Mission in Kosovo (UNMIK) and take a lead role in matters relating to institution- and democracy-building and human rights. The division of labour between the United Nations and the OSCE within UNMIK was further clarified in an exchange of letters, dated 19 July 1999, between Ambassador Kim Traavik, head of the Chairmanship’s OSCE Co-ordination Unit and Bernard Miyet, the United Nation’s Under-Secretary-General for Peace-Keeping Operations. The exchange additionally allocated responsibility for Media Affairs to the OSCE pillar, thus creating a further department within the OSCE Mission in Kosovo.

Under the UNMIK, the OSCE was responsible for the area of institution building, Pillar three. Permanent Council Decision 305 calls upon the OSCE Mission in Kosovo to concentrate its work in the following interrelated areas:

- Human resources capacity-building, including the training of a new Kosovo police service within a Kosovo Police School established and operated by OSCE; the training of judicial personnel and civil administrators at various levels, in cooperation with, inter alia, the Council of Europe.
- Democratization and governance, including the development of a civil society, non-governmental organizations, political parties and local media.
- Organization and supervision of elections.
- Monitoring, protection and promotion of human rights, including the establishment of an Ombudsman Institution, in cooperation with, inter alia, the UNHCHR.

Once again, the Mission forms a distinct component of the United Nations Interim Administration Mission in Kosovo (UNMIK).

OMIK is primarily tasked with:

---

358 A description of these Missions is included in the chapter dedicated to the analysis cooperation in the Federal Republic of Yugoslavia (FRY).
Human Resources Capacity-Building. This includes police training within the Kosovo Police Service School, and training of judicial and civil administrative personnel.

Democratization and Governance. This focuses on the development of civil society, non-governmental organizations and political parties.

Election Organization and Supervision. Under this area OMIK organizes voter registration, political party services, training and education and elections operations.

Media Affairs. OMIK aims to promote independent media through the monitoring, support and development of standards and legislation.

Rule of Law. This includes developing a training institute for Kosovo judges and prosecutors, and promoting Kosovo research on development of the rule of law.

Human Rights Monitoring. This area involves the promotion and protection of human rights, including the establishment of an Ombudsperson’s institution, in cooperation with other international partners.

OSCE MIK headquarters has been established in Prishtinë/Priština. Five Regional Centres have been set up in Gjilan/Gnjilane, Mitrovićë/Kosovska Mitrovica, Pejë/Pec, Prishtinë/Priština and Prizren. OMIK’s headquarters are split into four main departments: a Department of Media Affairs; the Democratization Department; the Department of Elections; and the Rule of Law and Human Rights Department. The latter is subdivided into a Rule of Law Division and Human Rights Division. In order to prioritize areas of activity, in 1999 OMIK carried out a survey of the province to establish civil administration needs, in conjunction with the Council of Europe.

Internal structure of the Mission

The work of the Civil Administration Support (CAS) Division focused on strengthening local government structures. In February 2000 it established the Institute for Civil Administration (ICA) to provide training for members of Kosovo’s civil service in personnel management, principles of local democracy, human rights awareness, budget management and control, and citizens’ participation. The ICA’s mandate also includes strengthening Kosovo’s central administrative structures.

The Political Party Development (PPD) Division assists political parties in developing their programmes through seminars on public and media relations, political party organization and platform development, and election campaign training.

The Department of Election Operations is tasked with organizing elections in Kosovo. Its main activity up to date has been the organization of the municipal elections of October 2000 and provisional assembly elections in November 2001. In this case, a Central Election Commission (CEC) was established on 18 April by UNMIK Regulation 2000/21, with responsibility for the conduct of elections, including the selection of the electoral system. The CEC set up municipal election commissions and made provision for domestic observers.

The Media Affairs Department organizes training programmes for Kosovar journalists in both Albanian and Serbian, to promote the development of professional and independent media. The Department also carries out a number of projects to help minorities develop their own media and distributes newspapers from Serbia to the Serb community in Kosovo. OMIK also has prepared a number of
media regulations, covering subjects such as the issuing of licenses and allocation of broadcasting frequencies. OMIK has established a new independent public service broadcast corporation in Kosovo. On 26 February, the new studios of Radio-Television Kosovo (RTK) were opened. Contracted by OM IK, the European Broadcasting Union (EBU) runs RTK.

One particular area of concern remains the human rights situation of Kosovo’s minority communities. Together with UNHCR OSCE produced regular “Assessments of the Situation of Minorities”, and set up a Minorities Task Force. In the meetings of the Task Force the OSCE regularly interacted with KFOR: OSCE human rights officers were briefed on security matters, while in turn briefing KFOR on human rights issues and problems of minority communities. In addition, the OSCE regional centres and field offices regularly interact with KFOR at brigade and battalion levels by exchanging information and recommendations.

The Division monitors the legal system in Kosovo through its Legal Systems Monitoring Section (LSMS). Specially trained legal systems monitors cover court proceedings from the point of arrest, through pre-trial hearings, to indictment and trial. The Rule of Law Division supports the work of the UN Civil Administration (Pillar Two) in its efforts to establish the rule of law in Kosovo. One of the tasks of the Division is to provide logistical and material support to the courts. OM IK has also contributed to the revision of the Kosovo draft criminal code and the Kosovo draft criminal procedure code, contributing model draft laws to the Joint Advisory Council on Legislative Matters (JAC).

Another task of the Division was to create a number of independent judicial institutions:

• The Kosovo Judicial Institute (KJI), developed by the OSCE together with the Council of Europe and other partners, is responsible for the training and education of judges, prosecutors and defense counsels.

• The Kosovo Law Centre (KLC) established in June 2000 as an independent NGO to support the legal community. The KLC has provided materials and technical assistance to the law faculty of Prishtinë/Priština University on subjects including the modernization of the curriculum and development of student exchange programmes with other European universities. The Centre also publishes its own journal titled “Kosovo Legal Studies”.

OMIK has also established a Criminal Defense Resource Centre (CDRC), which aims to assist national defense counsel in cases concerning alleged violations of international humanitarian law, and ethnically and politically motivated crimes. It provides access to information and research on international legal instruments, and can assist in the preparation of cases. OSCE is mandated to develop and provide democratically oriented basic police training, which it does through the specially established Kosovo Police Service School (KPSS). Education on international standards of human rights is integrated into all core subjects.

Cooperation with Other Actors

Minority issues were recognized as a major priority for UNMIK very early on, and the first SRSG made this point in a speech in July 1999. An immediate outcome was the establishment by the UNHCR and OSCE of an inter-agency Ad Hoc Task Force on Minorities. This body, first chaired by the UNHCR, and subsequently by the OSCE, tried to identify the key problems facing minorities in Kosovo and come

---

359 For example Regulation 2000/36 -37.
360 See OSCE/UNHCR, Preliminary Assessment of the Situation of Ethnic Minorities (First Assessment), Pristina, OSCE/UNHCR, 1999.
up with policy solutions and recommendations. It was largely driven by the two organizations, but would involve UNMIK and KFOR staff - and only rarely minority participation. However, the Task Force disappeared in 2001, arguing that what was needed was an UNMIK-led body that would be able to develop and implement UNMIK policies.\footnote{361}{See OSCE/UNHCR, Ninth Assessment of the Situation of Ethnic Minorities, Pristina, OSCE/UNHCR.}

As part of the UNMIK structure, OMIK participates in the inter-Pillar Joint Planning Committee which coordinates Pillar activities. OMIK cooperates closely with the Council of Europe (CoE) on legislative matters in Kosovo, especially with its Venice Commission and the Congress of Local and Regional Authorities of Europe (CLRAE). The CoE also assisted OMIK in the Judicial Training Section and in the further development of the Kosovo Law Centre. Furthermore, OMIK closely cooperated with UNHCR on minorities and human rights, reflected in the joint publication of reports on the situation of minorities in Kosovo. With KFOR, the OMIK maintained Liaison Officers.

OMIK has been closely cooperating with the Council of Europe and other international and local organizations to develop an Ombudsperson’s Institution for Kosovo (OIK)\footnote{362}{According to the UNMIK Department of Judicial Affairs (DJA), the concept paper on the Ombudsman institution in Kosovo was prepared by the CoE Venice Commission and discussed with the Senior Adviser of Human Rights to the SRSG, EU, KFOR and OSCE (DJA Report of the Conference on the Judiciary in Kosovo of 11 November 1999, § 10.}; in fact, the establishment and setting up of the OIK was mainly an effort by the Council of Europe and the OSCE.\footnote{363}{See for instance: Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo, UN Doc. S/1999/1250, 23 December 1999, § 83; Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo, UN Doc. S/2000/177, 3 March 2000, § 115.}

OMIK’s Ombudsperson Support Section established the legal basis for the establishment of the Ombudsperson Institution. OMIK nominated an Ombudsperson, who was formally appointed by the Special Representative of the United Nations Secretary-General (SRSG) in August. The institution became fully functional in September 2000. In addition, OMIK conducted a public awareness campaign, in cooperation with the Council of Europe, and training sessions on issues related to the Ombudsperson institution.

Speaking about cooperation with the Council of Europe, in 1999 the Council started seconding experts to the OSCE. In 2000, the Council of Europe overall seconded nine experts to the OSCE Mission in Kosovo.\footnote{364}{See OSCE Annual Report 2000 on Interaction between Organisations and Institution in the OSCE Area, 43-44.}

Within the Department for Human Rights/Rule of Law OMIK in conjunction with UNHCR provided for a preliminary assessment of the situation of minority groups in Kosovo. In this context, a combined study dealing with the situation of the Roma and Sinti was carried out by the Council of Europe and the Office for Democratic Institutions and Human Rights (ODIHR).

Finally, the OSCE in coordination with KFOR and UNCIVPOL, created a committee wherein UNMIK Department of Judicial Affairs (DJA) is responsible in assisting investigating judges, prosecutors and the police on matters regarding evidence/statements admissible before the investigating judge in the course of preliminary examinations procedure and at trials.\footnote{365}{See Department of Judicial Affairs (DJA), Report for the Conference on the Judiciary in Kosovo of 11 November 1999, § 3.}
On 10 June 1999, following the adoption of Resolution 1244, the North Atlantic Council authorized the deployment of KFOR troops, designating the action “Operation Joint Guardian.” Actual deployment of troops was initiated on 12 June. The international security presence, in accordance with Annex 2 of the Resolution, had to rely on a substantial NATO participation and had to be deployed under unified command and control. International military presence provided the security environment for carrying out the civilian aspects of the operation.

KFOR’s main tasks, as described in the UNSC Resolution 1244 (1999), included in broad terms the following:

- deterring renewed hostilities, maintaining and where necessary enforcing a cease-fire, and ensuring the withdrawal and preventing new threats against Kosovo by Yugoslav/Serb forces; 366
- demilitarizing the KLA and other armed Kosovo Albanian groups;
- establishing a secure environment in which refugees and displaced persons can return home in safety, the international civil presence can operate, a transitional administration can be established and humanitarian aid can be delivered;
- ensuring public safety and order;
- supervising de-mining, border monitoring, protection for freedom of movement;
- support to and coordination with the international civil presence (the UNMIK) and with other international organizations.

The NATO-led Kosovo Force (KFOR)

KFOR entered Kosovo on 12 June 1999 under UN mandate, two days after the adoption of resolution 1244. KFOR deployed almost 40,000 troops in Kosovo from over 30 countries, with another 7,500 based in Former Yugoslav Republic of Macedonia (FYROM) 367, Albania and Greece. KFOR contingents were grouped into five multinational brigades (MNB) under one chain of command under the authority of the Commander of KFOR.

In the Republic of Macedonia NATO troops built refugee camps and a refugee reception centre, performed airlifts for refugees and humanitarian aid and helped with ground transportation. The Euro-Atlantic Disaster Response Coordination Centre in Brussels was also activated by Allies and Partners to assist in the coordination of the humanitarian effort. NATO, the OSCE and other organizations involved thus helped to provide food and shelter for thousands of refugees and to alleviate the enormous pressure on the fragile economies and political structures of two Partner nations. 368 Furthermore, the Tirana’s Rinas airport was hosting humanitarian aid NATO’s Operation ALLIED HARBOR.

---

366 The modalities of the phased withdrawal of the Yugoslav troops from Kosovo and the synchronised deployment of the NATO-led international force (KFOR) were drawn up in a Military Technical Agreement (MTA) between Yugoslav and Serb military commanders and the NATO-designated commander of KFOR Gen. Mike Jackson, signed on 9 June 1999.

367 KFOR troops had assembled and prepared to act under NATO command since March 1999 on the territory of the Republic of Macedonia. In accordance with the MTA, on 12 June 1999 20,000 multinational KFOR troops moved into Kosovo.

By 20 June the Yugoslav withdrawal was completed in accordance with the agreed timetable, and KFOR had already taken control of the province. Kosovo was divided into 5 KFOR sectors, led respectively by Germany, France, Italy, UK and the United States. By the end of June 1999 Russian troops were also integrated within the KFOR’s structure.

Regarding the KLA, following its pledge in June 1999 to disband and demilitarize in a period of 3 months, the KLA handed in its weapons and officially ceased to exist on 21 September 1999. Its members were supposed to either return to civil life, as part of a resettlement programme, or join the civil police or the newly established multiethnic civilian formation for emergency relief and reconstruction - the Kosovo Protection Corps (KPC), established under the authority of the UNMIK.

Cooperation with other actors

Support has been given to UNMIK at all levels of the civil administration. KFOR personnel served as liaisons with the staff of UNMIK. With the OSCE, civil-military cooperation has again become the common denominator of the OSCE (OMIK) - NATO (KFOR) interaction. OMIK and KFOR participate in the inter-pillar Joint Planning Committee in Kosovo, which plans and coordinates the four pillar activities. Furthermore, KFOR established a Liaison Office at OMIK Headquarters and there is regular interaction with KFOR at the brigade and the battalion levels through exchanges of information and recommendations for action. In fact, every day working cooperation and exchange of information go through the KFOR liaison office within OMIK, which consists of two officers tasked with providing a close link between the headquarters of the two missions. The OMIK regional centres and field offices regularly interact with KFOR at brigade and battalion levels by exchanging information and recommendations.

At the headquarters level the KFOR Commander and the Head of OMIK meet and interact on a regular basis through participation in the meetings of the operation’s main policy and decision making bodies in the field: the inter-pillar Executive Committee, the Interim Administrative Council (IAC) and the Kosovo Transitional Council (KTC). KFOR Commander has an observer status there, since formally KFOR is not incorporated in the UNMIK structure and does not form a separate pillar.

OMIK and KFOR have been involved in managing the frequency spectrum in Kosovo, in rebuilding the transmission network and in establishing the frequency plan and its implementation. After the frequency change in November 2000, a Memorandum of Understanding was signed between OMIK, KFOR and UNMIK for handing over the management of the broadcast band to OMIK. KFOR and OMIK cooperated in the establishment of a broadcast frequency plan and the re-establishment of the Kosovo Terrestrial Transmission Network.

At the end, NATO-led KFOR also cooperated with the OSCE Mission to FRY in southern Serbia on security- and confidence-building measures, connected with the

---

369 Russian forces stationed in Bosnia dramatically challenged this assumption, moving in quickly to take possession of the Prishtina/Pristina airport before KFOR's arrival. This potential confrontation was resolved, however, with an accord signed in Helsinki on June 18, which set out agreed principles for Russian participation in KFOR operations. The accord limited the Russian contingent to 2850 troops plus an additional 750 troops for airfield and logistic base operation; these units were assigned to the German, American, and French sectors.


launch on 4 June 2001 of the OSCE’s Multi-Ethnic Police Force for southern Serbia. Additionally, KFOR provided security and organized transportation of Albanian representatives to meetings and negotiations with the OSCE Mission. Until February 2001, OMIK interacted with KFOR on a regular basis in the weekly meetings of the OSCE-UNHCR Task Force on Minorities and in the Joint Committee for Returns (JCR).  

Problems in achieving cooperation

However, for the first two months there was not much civilian support from either the United Nations or the OSCE. Thus, the task of maintaining law and order, repairing local infrastructure and administering the region fell to the KFOR soldiers. They acted as policemen, repaired roads, bridges, and houses, ran prisons and hospitals, and performed de-mining operations along major roads. At the same time, they began the task of demilitarizing the KLA and disbanding its military structures. Elsewhere, KFOR found itself providing escorts and physical protection for the Serb, Roma, and other minorities who face unrelenting ethnic animosity.

As Reinhardt K., a former Commander KFOR stated, cooperation with other organizations was not an easy thing to achieve:

That said, however, I learned, from the very beginning of my tour of duty, that almost all the 39 nations had established different restrictions and limitations for their soldiers during the mission. [...] Second, there was the much more difficult, although also solvable, task for which I had received neither special training nor preparation: cooperation with the various political organizations and personalities in Kosovo, most of whom were from very different backgrounds and often pursued contrary objectives.

[...] In other words, prior training of the HQ personnel is indispensable. Once deployed, soldiers have no time to gradually adapt to the new situation. This requirement is even more essential for troops in the field, who must understand the type of task they will be facing beyond the war-fighting they have been equipped and trained for.
shaping and voicing EU opinion and for being a forum to pursue diplomatic solutions to crisis, appeared to have had little effect. For example, the threat or implementation of sanctions was ineffective and the arms found their way to the combatants despite the embargo carried out by the Union. Nevertheless, the reconstruction of Kosovo is the EU's responsibility.377

The EU has been present since the outset of international involvement in Kosovo, and is by far the largest donor (its budget for assistance and reconstruction in Kosovo in 2001 was around € 330 million). The European Union’s presence in Kosovo takes three major forms.

The EU pillar is responsible for four departments within the UNMIK structure, each co-headed by an international and a Kosovar representative.

- The Central Fiscal Authority. Management and development of Kosovo’s budget and public finances, customs service and tax authority;
- Public Utilities. Repair and modernization of electricity, water, heating and waste management;
- Trade and Industry. Creation of a legislative framework for the private sector; encouragement of investment in industry; and support for the development of enterprises;
- Reconstruction. Development of reconstruction programme; coordination of international aid.

The EU pillar is also responsible for Kosovo’s Banking and Payment Authority (BPK), which coordinates efforts to develop an effective, well-regulated financial sector, including banking and insurance.

In this context, the European Community Humanitarian Office (ECHO) provides emergency assistance and is currently working closely with the European Agency for Reconstruction and UNMIK to try to ensure a smooth transition from humanitarian aid to reconstruction and recovery assistance. Thus its programmes for 2001 have been substantially reduced, and its Prishtinë/Priština office was shut down in summer 2001. Main activities include:

- emergency rehabilitation of accommodation and accommodation for returnees/IDPs;
- emergency rehabilitation and equipment of schools;
- water, sanitation, emergency health care and provision of medical supplies;
- small-scale agricultural assistance and income generation projects;
- identification of individual witnesses to be interviewed by ICTY;
- support for a Rehabilitation Centre for Torture Victims;
- assistance to the UNHCR, WFP, UNICEF and the Red Cross Societies.

The European Agency for Reconstruction (EAfR) took over from the EC’s Task Force for the Reconstruction of Kosovo (TAFKO) in February 2000. The main focus is on reconstruction and institution building in cooperation with UNMIK (in particular its EU led Pillar), other international agencies and KFOR. Its main activities include:

- establishment of electricity supplies, rehabilitation of houses, roads and bridges;
- water and environment programme and support for the health sector;

• rehabilitation of University of Prishtinë/Priština;
• Economic development, including village employment and rehabilitation programmes;
• De-mining, training and equipment for the Kosovo Protection Corps (KPC);
• Support for the postal services, technical support for civil registration, and expert support to the UN Central and Municipal Administration;

However, all the system and procedure established by the EU for the financing has been strongly criticized by the Independent International Commission on Kosovo. In its report on Kosovo the Commission stated:

However, the lengthy approval processes of the EU apparatus have severely inhibited the speedy allocation of urgently needed sums. Millions of euros were committed but not disbursed. Delays were caused partly by the fact that EU finance ministers objected to making budgetary contributions to an entity that could not in the ordinary sense be understood as a country. This refusal directly contributed to UNMIK’s inability to meet its financial obligations at the end of 1999. EU procedures have now been streamlined and the approval process made more efficient, but obstacles remain. For one thing, the EU Commission has assessed the Kosovo alimentation requirement until 2006 at €6 billion; this figure is at odds with that put forward by EU finance ministers. For another, the European Agency for Reconstruction is controlled by two administrative committees, one in Prishtina/Pristina and the other one in Brussels. This creates unnecessary duplication in every single decision. They have to base their deliberations on 80 different EU regulations. The various committees do not meet more than once a month, which causes additional delay. New guidelines which limit the administrative committees to strategic orientation rather than to micro management are desperately needed. The European Agency for Reconstruction in Prishtina/Pristina is controlled by an Administrative Committee that consists of representatives from all of the 15 member states. Thus, Brussels red tape impedes not only the reconstruction of Kosovo, but the recovery of the wider Balkan region. The Stability Pact has made some progress, but is far from meeting the expectations of the Balkan peoples.  

Furthermore, the European Agency for Reconstruction (EAR) insisted that all its projects be determined by the municipal authorities, despite overwhelming evidence that many of these municipalities were biased against Serbs and other minorities. The result was that in 2000 an estimated 2 per cent of EAR assistance went to minorities and in 2001 only 3.7%. Agencies funding and carrying out reconstruction projects failed to understand and apply the concept of indirect discrimination. Their policies, which they said treated everyone equally, ended up discriminating against minorities.

(e) The Council of Europe (CoE)

Although not officially a part of the UNMIK structure, the CoE has had an office in Prishtinë/Priština since July 1999, and plays an important role in Kosovo. It works

---

378 See the Independent International Commission on Kosovo, op. cit., 124.
in close cooperation with UNMIK, OMIK and EU to contribute to the reconstruction of the judiciary and local administration, as well as the protection and promotion of human rights and institution building. Activities undertaken by the CoE so far include:

- observing the October 2000 municipal and the November 2001 assembly elections;
- close involvement in the work of the Joint Advisory Council on Legislative Matters;
- cooperation with OMIK in a human rights awareness raising campaign;
- training of judges, prosecutors and lawyers in human rights standards;
- cooperation with, inter alia, the Kosovo Judicial Institute (KJI), the Human Rights Centre of the University of Prishtinë/Priština, the Kosovo Law Centre (KLC) and the Ombudsperson Institution.

CoE Local democracy Agencies (LDAs)\(^{380}\) in Kosovo

Situated in Gijlan/Gnjilane, the LDA was created in 2003. The most important activities concern capacity building for Local Authorities, cooperation for multiethnic dialogue between Serbs and Albanians, and inclusion of youth into the decision-making process as long as this region has a very high rate of births and unemployment. Among the other activities:

- supporting different local initiatives which are aimed at raising people’s awareness regarding environment protection;
- inter-ethnic dialogue initiatives in Mitrovicë/Kosovska Mitrovica;
- organization of a multi-ethnic conference with municipalities from all Kosovo;
- creation of a working group on local economic development and on media and Internet;
- project on a school programme reform;
- trainings on conflict management.

Cooperation with other Actors

The CoE and the OSCE Mission in Kosovo cooperate closely in the fields of rule of law, democratization, human rights, media affairs and elections. The OSCE has also provided office space to the Council of Europe in the OSCE headquarters building in Prishtinë/Priština. In addition, the CoE together with the OSCE provided for an assessment mission on the situation of the Roma in the whole of the FRY, including Kosovo.\(^{381}\)

In the year 2000, the Council of Europe had at various points in time seconded nine experts to OMIK. In addition, the CoE, through its Venice Commission and the CLRAE network, and the OSCE have cooperated on legislative matters in Kosovo. The CoE was also instrumental in providing norms on data

\(^{380}\) For further information about the LDAs please see the section dedicated to the co-operation in Croatia.

protection with regard to registration, and provided valuable expert opinion on further draft legislation, such as the ombudsman regulation, the municipal law and the draft criminal code. The Municipal Law was also reviewed by the CLRAE. The draft broadcast code was prepared with input and recommendations by the Council of Europe.

The Council of Europe Prishtinë/Priština office cooperated closely with the OMIK Human Rights Training Section in the provision of training materials and in the coordination of visits of experts for “train-the-trainers” sessions for human rights officers in the field. Furthermore, the CoE continued its close work with the Judicial Training Section to design and implement training programmes for judges and prosecutors. The CoE was also included in the discussions on support for the Law Faculty and the further development of the Kosovo Law Centre where the CoE is represented on the Board of Directors of the Centre.

Through a Steering Committee, the CoE played an advisory role in the management of the OMIK-led Institute of Civil Administration (ICA). This included the CoE seconding an expert for the position of Director of the ICA. Additionally, in the context of the Kosovo Police Service School (KPSS), the CoE seconded a police officer for a project on multimedia training.

The UNMIK also accepted monitoring by the Council of Europe on compliance with the Framework Convention for the Protection of National Minorities (FCNM). Furthermore, at the request of the SRSG and reply of the Deputy Director of Legal Affairs, a group of Council of Europe experts prepared an analysis of the FRY Penal Code, the Republic of Serbia Penal Code, the FRY Criminal Procedure Code, the Serbian Law on Internal Affairs and the Law on Public Peace and Order.  

4.4. Cooperation in Election Observation

The OSCE Mission in Kosovo (OMIK), as UNMIK Pillar III, was mandated to organize the municipal elections that elected the members of the 30 municipal assemblies in Kosovo. On October 28th, 2000 municipal elections were held throughout Kosovo. The elections and registration process were boycotted by the Kosovo Serb minority so that effectively elections were only held in 27 of the 30 municipalities of Kosovo. In this context, however, cooperation between OMIK and the CoE has been extensive. In accordance with the terms of reference, the Council of Europe Election Observation Mission (CEEOM) conducted a three-stage mission to observe the municipal elections in October 2000.  

Like in BiH, KFOR supported OMIK in meeting the security requirements for the municipal and the Kosovo-wide elections in 2000 and 2001. KFOR and the UNMIK Police were represented in the Joint Elections Operation Cell (JEOC) and its regional and central-level structures, which were chaired by OMIK. They provided daily security force escorts for ethnic community registration during the elections preparation period. Together with the Municipal Election Commissions, OMIK, KFOR and UNMIK Police reviewed the polling sites and identified alternative sites to avoid long queues and facilitate the smooth conduct of the elections. Protection of election supervisors and election staff, assistance in communications

383 See OSCE Annual Report 2001 on Interaction between Organisations and Institutions in the OSCE Area, 42.
384 See OSCE Annual Report 2001 on Interaction between Organisations and Institutions in the OSCE Area, 46.
and transportation, and logistic support was provided by KFOR. In the post-election period UNMIK, OMIK and KFOR set up help desks at the local level to provide assistance and advise municipalities on transitional issues regarding the implementation of the electoral results.\(^{385}\)

**Council of Europe - Election Observation Mission (CEEOM I)\(^{386}\)**

Following the invitations of the Special Representative of the Secretary General of the United Nations and Head of the OSCE Mission to Kosovo to oversee the international observation of the municipal elections in Kosovo, the Council of Europe Election Observation Mission (CEEOM) was set up in Prishtinë/Priština on 1 July 2000 with the aim to observe the registration phase, the electoral campaign as well as the municipal elections in Kosovo on October 28th, 2000. The CEEOM had 7 staff members and deployed around 150 observers in the province.

On 7 September 2000, the Bureau of the Parliamentary Assembly of the CoE decided to observe the elections in Kosovo in the framework of the CEEOM. At the suggestion of the political groups, the Bureau subsequently set up an ad hoc committee. The members of the ad hoc committee visited around 50 polling stations in the following areas: Prishtinë/Priština centre, Fushë Kosovo/Kosovo Polje, Obiliç, Mitrovicë/Kosovoska Mitrovica and Prizren.

A Central Election Commission (CEC) was set up for a term of office of 2 years by UNMIK Regulation 2000/21. It is composed of 9 Kosovar members and 3 international members. Chaired by the Deputy Special Representative of the Secretary-General for Institution Building, the chairperson, members, and alternates had been appointed by the Special Representative of the Secretary-General. The CEC was responsible for overseeing the conduct and the supervision of the election. In each municipality a Municipal election Commission (MEC) was set up in order to assist, under the supervision and the direction of the OSCE and the Central Election Commission, in the administration of the elections, ensuring the efficiency and legitimacy of the conduct of elections within their jurisdiction.

**CEEOM II\(^{387}\)**

The Ministers’ Deputies of the Council of Europe agreed to this mission at their 759\(^{th}\) meeting on 4 July 2001 and set up a Council of Europe Election Observation Mission II (CEEOM II) placed under the authority of the Secretary General of the Council of Europe. In its observer role, the Council of Europe carries out its tasks completely independent of any other parties, and in particular the United Nations, OSCE and IOM. In the framework of the CEEOM II the elections were observed by around 200 short term international observers\(^{388}\) in addition to 21 long term observers who started to work in the field in July 2001.

The CEEOM II was entrusted with the following task:

- make an assessment of the registration;

\(^{385}\) See Guergana Velithkova, *op. cit.*, 38.

\(^{386}\) See Parliamentary Assembly of the Council of Europe, (PACE), Bureau of the Assembly, Doc. 8891, Ad hoc Committee to observe the municipal elections in Kosovo (28 October 2000), 15 November 2000.

\(^{387}\) See Parliamentary Assembly of the Council of Europe, (PACE), Bureau of the Assembly, Doc. 8891, Ad hoc Committee to observe the municipal elections in Kosovo Assembly - 17 November 2001, 12 December 2001.

\(^{388}\) The International Observation Mission was composed of a 12 member delegation from the CoE Parliamentary Assembly (PACE), 9 members of the European Parliament and 50 delegation of the OSCE Parliamentary Assembly. The three parliamentary delegations were also joined by the CoE Congress of Local and Regional Authorities of Europe (CLRAE) and by international observers from Europe, North America and Japan.
• conduct a full observation of the electoral campaign;
• support the international short term elections observation jointly carried out by the Parliamentary Assembly and the Congress of Local and Regional Authorities of the Council of Europe, the European Parliament and the Parliamentary Assembly of the OSCE;
• prepare for the accreditation of short term observers of all countries, international organizations and other institutions wishing to observe the elections.

For the purposes of its mission, the CEEOM II was able to call in consultants in specific fields (and particularly experts from the European Commission for Democracy through Law), through the Secretariat of the Council of Europe. Furthermore, in carrying out its task the CEEOM II counted upon the assistance of the international civilian police (CIVPOL) and KFOR. Furthermore, joint monitoring of elections by the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe (CoE), and the European Parliament (EP) has contributed to the international observation efforts.

**CEEOM III**

The Council of Europe Election Observation Mission (CEEOM III) was responsible for the international long term observation of the electoral process leading up to the October 26th, 2002 municipal elections in Kosovo. The mission also deployed more than 120 short term observers on Election Day in Kosovo, as well as in Serbia and in Montenegro. On April 2002, following the invitation of the UN Special Representative of the Secretary General (SRSG), the Committee of Ministers of the Council of Europe accepted to organize the international observation of the electoral process in Kosovo, Serbia and Montenegro. According to the Terms of Reference of CEEOM III, the observation comprised four phases:

• Registration and updating of the Voters’ List
• Electoral campaign
• Election Day on October 26th, 2002
• Count and Results Centre

The Mission deployed 11 long-term observers (LTOs) seconded by the Council of Europe member States at the end of July 2002; all thirty municipalities of Kosovo were covered by five teams, based in Prishtinë/Priština, Gjilan/Gnjilane, Prizren, Pec/Peja and Mitrovicë/Kosovska Mitrovica. Only one team was deployed in Serbia, covering the whole territory from its Kragujevac base. No LTOs were deployed in Montenegro, which was covered by the team in Pec/Peja.

The Mission deployed more than 120 short-term observers on Election Day in Kosovo, as well as in Serbia and in Montenegro. A delegation of the Council of Europe’s Parliamentary Assembly and of the Congress of Local and Regional Authorities of Europe took part in the observation. Additionally, some 200 independent international observers were accredited by CEEOM III.

---

390 In Kosovo there were approximately 550 polling centres comprised of over 1,700 polling stations. In Montenegro and Serbia proper there were 100 polling centres comprising approximately 250 polling stations. In Kosovo approximately 750 voters were assigned to each polling station, in Serbia and Montenegro 500 voters.
The Council of Europe Election Observation Mission in Kosovo observed the electoral process leading up to the October 23rd, 2004 Assembly Elections. The Mission deployed 120 observers on Election Day in Kosovo, as well as in Serbia and Montenegro. Representatives of the European Parliament and the Council of Europe’s congress of Local and Regional Authorities took part in the observation. After Election Day, the Mission remained in place to observe the operations in the Count and Results Centre, which included a recount of the votes cast in the polling centres throughout Kosovo, as decided by the Central Election Commission on October 29th, 2004.

4.5. Evaluation of the Cooperation

KFOR deployment and problems of cooperation

KFOR in theory had a united command structure, headed by a Commander (COMKFOR), however in practice, national units within KFOR often acted according to their own priorities. In particular, the initial five different brigades in Kosovo (now four), each running a region and led by a different country (France, Germany, Italy, the UK and the USA), had very different policies towards security and minorities.

This lack of cooperation among the brigades also affected displaced minorities. In fact, before the creation of the JCR in mid 2000 there was no coordination and policies were implemented haphazardly. For example, the British army had its own policy on the return of Serbs to Prishtinë/Priština, and the American office (Embassy) tried to set up its own return scheme of Serbs to a village in the north of the province. The JCR began to coordinate this, but for quite some time was focusing its attention on small scale return to particular villages rather than addressing the major Kosovo-wide problems of security, property and discrimination.

Another example of this lack of cooperation concerns the military intervention in Mitrovicë/Kosovska Mitrovica. The International Crisis Group (ICG) criticized the military action as follows:

Mitrovicë is probably the most glaring example of the failure of KFOR and the international community generally to deal with harsh ethnic realities of Kosovo and the consequences of this failure for the future of Kosovo and of the entire region beyond it. Within days of their arrival, KFOR troops in Mitrovicë, primarily French, established barriers on the bridges over the Ibar River that divides the northern and southern parts of Mitrovicë. The reason for this action remains obscure since some observers have asserted that by the time NATO arrived in Mitrovicë the level of violence was relatively low and that, in any case, it was more or less equally concentrated on both sides of the river.

---

392 See Minority Rights Group (MRG), op. cit., p. 11.
393 See ibid, 15.
Developments in Mitrovica have also highlighted the command and cooperation problems caused by the different doctrines and styles of operating among the various national components of KFOR, which in fact is more of a loose coalition of national components than a tightly organized military structure and whose members sometimes refer to themselves ironically as “the confederation of KFOR”.  

Ethnic cleansing and international response

The arrival of UNMIK and KFOR saw a new mass exodus from and displacement within Kosovo, that of Kosovo’s minorities - particularly of Serbs, Roma and, in certain areas, Albanians. By October 1999 the Yugoslav Red Cross stated that there were 234,000 Serb and Roma internally displaced persons (IDPs) from Kosovo in Serbia and Montenegro. The minorities that remained lived in a situation of extreme fear and violence. They felt unable to move freely, due to fear of attack, and often relied on KFOR armed escorts to make the smallest journey.

What is striking about 1999, and has determined events in Kosovo ever since, is that neither UNMIK nor KFOR was willing or able to take effective action. UNMIK was severely understaffed, particularly in terms of policing. KFOR, an international army, was geared towards defending Kosovo from Yugoslav forces, not dealing with systematic ethnic cleansing. KFOR’s only response in 1999 seems to have been to try to protect the few remaining minorities through static checkpoints and escorts - and this was when KFOR was at its maximum strength. In addition, another problem came from the KFOR mandate: actually it did not expressly mention the protection of minorities and relative security tasks. Anyhow, as we know for the ground, KFOR was charged of these issues and actually offered protection to minorities. Counting the late deployment of the UN and the historical aspect of the conflict at that time it is quite clear that this was a serious mistake, at worst an underestimation in planning the operation and a sort of “lesson unlearned” from the experience in Bosnia and Herzegovina. Finally, the inability to stop a new wave of ethnic cleansing in Kosovo, in spite of the presence of 40,000 armed soldiers, was a major failure for the international community.

After the first wave of attacks in 1999, the authorities hailed a reduction towards the end of 1999. This was followed by a new outbreak of violence in February 2000, following an attack on a UNHCR-run bus for minorities. Once more this was followed by a new wave of attacks on minorities, notably the bombing of the ‘Nis Express’ bus carrying Serbs in February 2001, in which 10 were killed. A further reduction in violence in 2003 ended with the attacks in March 2004 outlined above. It seems that, throughout the period, attacks had been organized. Actually at no time can one speak of a situation of normality, with minorities feeling adequately safe and secure.

---


In addition to what was above stated, the situation is worsened by the military measures that have been taken that so far have been to reinforce segregation. Unless the aim is for Kosovo to be a permanently divided armed camp, measures that separate communities cannot be much more than a temporary solution. The underlying problems need to be addressed and they have not been. On segregation and discrimination, UNMIK and KFOR have done very little to take measures towards an integrated society. After the March 2004 ethnic cleansing, the then existing SRSG said ‘The concept of a multiethnic Kosovo that the international community has been persistently attempting to implement in recent years is no longer tenable.’

The International Crisis Group (ICG) contributes to the criticism with an opinion about the planning of the operation:

Some of the reasons why the international mission in Kosovo was poorly equipped to handle the violence against the Serbs go back to the negotiations that ended the war. In fact the high level negotiations left little time for advanced planning on handing the challenges of post-war Kosovo. A senior humanitarian official, who entered Kosovo together with KFOR forces, says he never attended any planning sessions with UN or KFOR officials. “There was no grand strategy”, this official concluded.397

Furthermore, regarding the return and resettlement of refugees, international organizations underestimated the powerful desire for revenge that some of the returning Kosovar Albanians brought with them. Human Rights Watch reported in August 1999 that Serbs and Roma remaining in Kosovo faced harassment, intimidation, beatings, looting, and even some disturbing instances of abduction and murder.398 Protection efforts by humanitarian groups were insufficient and under-prioritized, while NATO forces either could not or would not fill the void in civil policing. Some NATO forces began guarding some of the remaining Serbs, but practices varied enormously depending upon which national military force was responsible in a given area, until the situation stabilized. Humanitarian groups joined human rights groups in documenting abuses and calling for peace and order.399

Most notoriously, although the KLA was officially disbanded in September 1999, a Kosovo Protection Corps (KPC) was created. Although the Regulation (1999/8) setting up the KPC stated that 10 percent of its members would be from minorities, it was linked for a considerable period with attacks on minorities and other Albanians, and opposition to the use of the Serbian language.400 In addition, an American Association for the Advancement of Science (AAAS) study correlating refugee departure information with NATO bombing reports clearly demonstrates that refugee flow patterns do not correlate positively with either NATO bombings or mass killing patterns; the AAAS study concludes that the data does not support the analysis that the refugees “fled,” but is more consistent with an organized expulsion.401

399 See the Independent International Commission on Kosovo, op. cit., 206.
400 See Minority Rights Group (MRG), op. cit., 15.
Finally, international officials were also surprised by the speed with which the Albanian refugees returned from camps in neighbouring countries. By 24 June 1999, less than ten days later when NATO began entering Kosovo, 50,000 people per day were crossing the border back into Kosovo. Within three weeks, half a million had returned to Kosovo. This massive return, together with the destruction of war, the vacuum left by the collapse of Serb institutions, and the slow establishment of international institutions to replace them, created a climate of chaos, confusion and disorder which made violence against Serbs all the harder to control.

Looking at the situation in Bosnia and Herzegovina

The Bosnian system is rigidly divided by ethnicity, with a two-tier system where three “constituent peoples” have superior rights and all other groups are referred to as “Others” and are clearly second class. While the Kosovo system does not repeat all of these mistakes it bears some very similar hallmarks. Although the Constitutional Framework does not use an official term “Other”, it implies the term, with Albanians and Serbs being treated differently.

Another major mistake, at an early stage, was the failure of the French KFOR to insist on an undivided city. Based on past peacekeeping experience, especially in Bosnia, the strategy adopted was to separate Serbs and Albanians in the belief that this was the best way to maintain security. Now it is much more difficult to reverse that strategy. For example the future of Mitrovicë/Kosovska Mitrovica depends on the future of Kosovo and of Resolution 1244. Until the Serbs of Northern Mitrovicë/Kosovska Mitrovica accept that they are part of Kosovo, and not Serbia, it will be very difficult to resolve the problem.

Furthermore, about UNMIK, the former CoE’s Commissioner for Human Rights Mr. Alvaro Gil Robles clearly stated: “UNMIK is not structured according to democratic principles, does not function in accordance with the rule of law, and does not respect important international human rights norms.”

International involvement and parallel societies

Nevertheless it should be noted that international assistance always carries a risk of creating new dependencies, as these projects and programmes can also have a significant impact on the local economy in war-torn societies with a high rate of unemployment. In this context, another unwelcome effect was the tendency of the English-speaking intelligentsia of Kosovo to opt to work as drivers or interpreters for the numerous international organizations in order to gain a higher salary, rather than receiving the lower salary granted to teachers, civil servants, and so on.

While it provided many Kosovo Albanians with experience in organizing and participating in civil societal initiatives, the services were nonetheless operating outside of official structures, lacked accountability, and were exclusively provided for ethnic Albanians. In addition, the still undecided question of Kosovo’s future status is increasingly impeding progress in the development of a civil society, and even poses a threat to the overall security situation on the ground.

---

405 See the Independent International Commission on Kosovo, op. cit.
Another set of problems which pose a real challenge is the question of inter-institutional cooperation and coordination. International actors constantly stress the need for coordination to avoid duplicating efforts and unnecessary competition. However, in reality the situation tends to be quite different. An efficient division of labour is often beyond the capacity of the integrated UNMIK structure, despite its attempts to learn lessons from mistakes made in Bosnia and Herzegovina. It is even more difficult to achieve in the case of other international agencies competing for funds and influence.

The Ombudsperson Institution

The only official body that gave minorities, and others, some way of holding UNMIK accountable has been the Ombudsperson, an institution set up in 2000. KFOR has refused to allow the Ombudsperson to monitor its actions. In fact, the jurisdiction of the Ombudsperson with regard to KFOR is limited, as the Ombudsperson can only deal with cases involving the international security presence with the consent of KFOR’s Commander.

The Ombudsperson did have, however, the power to investigate UNMIK, and many of his general and specific investigations have been on minority issues. Yet the first Ombudsperson reported a general unwillingness of UNMIK even to reply to, let alone comply with his findings. However, the situation was worsened by the fact that the Ombudsperson’s power to investigate UNMIK was actually removed in 2006.

Lack of cooperation within the same organizations

Kosovo is one of the biggest ever UN missions and has seen the UN assuming a major governmental role. Minorities have been at the heart of the long-term future. Yet it appears that UNMIK did not even begin communicating with the UN’s own minority experts in Geneva until very recently. The UN’s Working Group on Minorities has not been invited to visit and contribute to the policies on minorities. Even the new UN Independent Expert on Minority Issues has not been asked to play any role. Again, policy on minorities has been drawn up in Prishtinë/Priština, ignoring the institutional knowledge of the UN.

The point is well underlined by the Minority Rights Group in its report about Kosovo of July 2006. The organization, criticizing the UNMIK administration, stated:

To understand this one must understand the structure of the UN. UNMIK was set up by and is accountable to the Security Council; it is actually run by the Department of Peacekeeping Operations, which, like the Security Council, is based in New York. Human rights work in the UN is largely governed by its OHCHR, based in Geneva. As stated above, human rights generally have been minimized within UNMIK - it appears that the OHCHR was not consulted on the creation of UNMIK. Even within the OHCHR itself minority issues are minimized; until the creation of the Independent Expert on Minority Issues in 2005 there was only one minority expert in the Office (there are now three). Understanding of minority rights in the UN in New York is virtually non-existent - MRG has never met any minority rights expert working

---

408 See UNMIK Regulation 2000/38 of 30 June 2000, Section 3.4.
409 See Minority Rights Group (MRG), op. cit., 21.
there. This lack of minority rights knowledge is difficult to understand
given the importance of minority issues in conflict prevention. The lack of institutional expertise in the UN has been painfully shown by
the repeated mistakes in Kosovo.

[...] What has happened, then, is that those working on minority issues in Kosovo have not been able to benefit from the decades of experience that the organizations themselves have on understanding and implementing minority rights. It is not surprising then, that the most obvious model - that of segregation - has been used, rather than that of minority rights.410

The same mistake occurred to the OSCE in Kosovo; in fact the organization set up and ran its extensive work on minorities with minimal input from its own HCNM. The HCNM did not visit Kosovo again until 2005. Incredibly, the HCNM was not seen as vital to determining policy in Kosovo.

Problem of cooperation on media issues411

The “Interim Agreement” for Kosovo had been as “casual” about media as the Dayton Peace Agreement before it. It recognizes international standards of freedom of expression without providing for media reform and development. It gave no guidance to OSCE, which therefore commissioned a report on UNMIK’s objectives and priorities for the local media.

Cooperation between UNMIK’s and OMIK did not run smoothly. While the division of labour over the media mandate made sense on paper, it required trust between organizations that had not collaborated on such a scale before. The first problems arose early in August, when UNMIK-UN sought to curb the OSCE’s role, especially over media regulation, and built up a parallel media department. The Principal Deputy SRSG insisted that management of the frequency spectrum belonged under “Civil Administration”, organized by UNMIK-UN, not with the OSCE at all.

Another problem concerned the question of the “code of conduct” for the press media. The major discussion concerned the status of self-regulation that the code should have coming directly from the professional print media. The reaction of the OMIK against a possible code of conduct imposed by the UNMIK, clearly demonstrates the lack of cooperation in this context. Encouraging the establishment of a journalists’ association that could endorse a self-regulatory code of practice for the press was chosen as a solution for the discussion.

The “Emergency Satellite TV” was another problem. Following initial contacts in July between the UN and the European Broadcasting Union (EBU), the latter proposed an “Emergency Satellite TV Service”. The SRSG accepted the proposal. Despite the fact that OSCE had responsibility, the contractual negotiations were conducted between the UN and the EBU, a continuing expression of the unclear boundaries regarding remit. On 30 August, the EBU undertook to start broadcasting within three weeks. Radio Television Kosovo (RTK) started up on 19 September, under the interim direction of an experienced Swiss broadcaster.

In practice, the EBU soon exceeded the “emergency service” that it was contracted to provide. RTK became a local television station working in reclaimed studios under international management, spending vast sums for leased equipment and the satellite connection. Far from presenting it as an interim solution, UNMIK

410 See Ibid, 27.
411 The present part comes from an analysis of the report “Slovenia, Croatia, Bosnia and Herzegovina, Macedonia (FYROM) and Kosovo International Assistance to Media”, by Thompson M., OSCE Representative on Freedom of the Media (RFT), Vienna 2000.
publicly defined the station as “a first step towards a new public service broadcasting service”.

Initially, the news-room was run by international journalists. By January 2000, there was no international supervision or vetting of content. This had professional but also political consequences. In fact, the first week of February was marked by a sequence of murders in the northern town of Mitrovica/Kosovska Mitrovica, starting with an attack on a UNHCR coach carrying Serb civilians. RTK spoke loosely of “Serb criminals” and “Serb terror”, and reported accusations against French KFOR troops without any reply by KFOR. Furthermore, at the time of 2000, there were no Serbian services at Radio Kosova: an odd situation, especially in light of the SRSG’s elevation of “multi-ethnicity” to a supreme value and objective.

Finally, the coordination of donor support was also a problem. The OMIK together with the Open Society Institute tried to coordinate support for the media. Even if these efforts were appreciated at the first donor conference, it emerged that one independent newspaper was receiving funds from six separate international sources, none of which knew of the others’ activity. Hats off to the newspaper, of course; but the fostering of a pluralist media environment may be more successful if such information is shared as a matter of routine.

Cooperation and humanitarian aid

NATO peacekeeping troops stationed in Macedonia were redirected to deal with the refugees. NATO was not itself fully prepared for a humanitarian effort. NATO national troop contingents immediately carved up areas flooded with refugees in Macedonia and Albania and built refugee camps. The military commands, despite a lack of extensive experience in this activity, did not cooperate with UNHCR or those who tried to offer advice about how to set up refugee camps. Ultimately, national governments wanted to turn over the camps built by Italian, German, British, and French NATO contingents to their own national non-governmental groups. In that context, neither UNHCR nor any other international organization could play a coordinating role or even screen NGOs to ensure sufficient capacity and experience.

Lack of impartiality

Relations between humanitarian organizations and the military are complex even when the military is engaged in a peace enforcement operation, as in Croatia or Bosnia-Herzegovina. Because NATO was a direct party to the military conflict in Kosovo, these relations became charged and difficult. UNHCR in particular risked undermining its impartiality and neutrality if it worked closely with NATO. Some observers conclude that the humanitarian principle of impartiality was compromised during the crisis.

When military contingents are simultaneously fulfilling both humanitarian and war-making roles, the impartiality and universality of humanitarian aid is jeopardized. Clarifying lines of communication and responsibility between military and humanitarian organizations are crucial to producing more effective assistance.

---


413 See the Independent International Commission on Kosovo, op. cit., 203.

and protection for civilians when crises do emerge. Coordination can and should be promoted when it is essential to civilian protection but the distinctions and independence between the military and humanitarian missions must be sustained. The impartiality of humanitarian efforts involving NATO was in fact compromised.\textsuperscript{415}

\textsuperscript{415} See the Independent International Commission on Kosovo, \textit{op. cit.}, 211.
ANNEX II - Lessons Un-Learned from Bosnia

The operations in Bosnia first, and in Kosovo later, are the results of a multifunctional approach taken by the International Community. However, even if some years elapsed between the two crises, the International Community made some of the same mistakes already made in Bosnia. Of course this does not mean that there was no progress from Bosnia, but the analysis of the negative aspects, being repetitions of the same mistake, deserves more attention:

- No consideration of the possible Serbian action in the ground in launching NATO bombing; as in BiH, troops acted on the ground while NATO was carrying out its attacks. The strategy lacked of a comprehensive approach.
- Absence of cooperation in planning the multifunctional peace operation. As it was in Bosnia, problems regarding hierarchy and chain of command affected the mission in the field.
- Polarization of the society along ethnic lines was used again as a strategy in dealing with minorities.
- Creation of a parallel society. International and local people.
- Lack of a comprehensive exit strategy.
- Lack of cooperation in launching the multifunctional operation. The late deployment of the UN as well as the absence of an explicit consideration of minorities in the KFOR's mandate can be considered as examples of this mistake.
- Lack of training regarding cooperation between civilian and military officers. The lack of knowledge of respective mandates by officers can be considered as a consequence and proof of this mistake.
- Lack of cooperation at headquarters level between Member States and International Organizations.
- Absence of the humanitarian principle of impartiality.
5. Part Five - Analysis of the Interplay in the FYR of Macedonia
Introduction

The level of cooperation among international organizations in the case of Macedonia was certainly higher compared to previous experiences. However, the provision of a holistic approach was not exactly considered by the International Community. Their ongoing presence in the territory and the question regarding the future of the country still remain uncertain.

Regarding the structure of the chapter, the OSCE Mission to Skopje and the EUMM are included in the part “cooperation in the field before the conflict” based on the time they entered in the territory. Of course both Missions must be considered for the parts dedicated to cooperation during and after the end of the conflict.

The conclusive “evaluation of the cooperation” is focused on a particular topic: the polarization along ethnic lines. The topic is included in order to stress how even if the level of cooperation among international organizations increased, the strategy adopted by the International Community regarding minority rights issues remains something doubtful.

5.1. Historical Background

Before the conflict

For nearly a decade, the Former Yugoslav Republic of Macedonia managed to escape the kind of brutal ethnic conflict in Croatia, Bosnia, and Kosovo that accompanied the break-up of the former Yugoslavia in the 1990s. The international community gave high priority to preventing the spread of ethnic conflict to Macedonia, since it was feared that war in Macedonia could quickly involve some or all of Macedonia’s neighbouring countries and lead to a broader Balkan war.

Already in 1991 when the state was formed, the stance of many Albanians was to reject a Slav-dominated state. They found their legal status as a minority discriminatory and called for recognition as a national grouping and for the Albanian language to be recognized as a second state language. Ethnically motivated outbreaks erupted long before the intensification of the crisis in 2001.

Concerning the political situation, in the 1998 parliamentary elections the Macedonian electorate voted out the longstanding former communist leadership in favour of a coalition headed by the nationalist Internal Macedonian Revolutionary Organization-Democratic Party for Macedonian National Unity (VMRO-DPMNE), led by Ljubco Georgievski. The coalition included the newly formed Democratic Alternative (DA) party led by Vasil Tupurkovski, and the Democratic Party of Albanians (DPA) led by Arben Xhaferi. However, coalition tensions, especially between the DA and VMRO-DPMNE, persisted.

In the 1999 presidential elections, Boris Trajkovski of the governing VRMO-DPMNE party narrowly defeated Tito Petkovski of Gligorov’s Social Democratic Party (SDSM), primarily on the strength of the ethnic Albanian vote. Some voting irregularities were reported in the presidential vote as well as in late 2000 municipal elections.

Prior to this century, Macedonia had comprised a much larger geographic area. After the Balkan wars of 1912-1913, Macedonia was partitioned among Bulgaria, Greece, and Serbia. The Serbian part became the Yugoslav Republic of Macedonia.
In November 2000, the Democratic Alternative party withdrew from the coalition in an apparent effort to bring down the government and join ranks with the opposition. However, the Georgievski government quickly replaced the DA with the small Liberal Party. The new coalition held just under a majority in parliament, opening the possibility of early elections. However, the opposition was not able to unify as a governing alternative to the VMRO-DPMNE-led coalition. An all-party coalition replaced the government in May 2001.

In April 2001, Macedonia became the first southeast European country to conclude a Stabilization and Association Agreement with the European Union. However, a donor’s conference for Macedonia planned for October 2001 was postponed because of Macedonia’s lack of progress in implementing political reforms.

Macedonian-Albanian Ethnic Tensions

Relations between the Slav Macedonian majority and ethnic Albanian minority in Macedonia have remained tense since the country’s independence. Albanians in Macedonia as a whole demanded greater cultural and educational rights, such as recognizing Albanian as an official language and providing state support for their Albanian-language university in Tetovo. Albanians sought greater representation in the government, armed forces and police. They objected to the preamble of the constitution which referred to the Macedonian nation, which they contended relegates Albanians to the status of second-class citizens.

In contrast, many Macedonians asserted that the Albanian minority enjoys sufficient rights, comparable to or better than other minority communities in Europe. Tensions led to open clashes on several occasions during the 1990s, especially in the western cities of Tetovo and Gostivar. The conduct of the 1999 presidential elections, with charges of violence and ballot-stuffing in ethnic Albanian districts, heightened inter-ethnic tensions, although neither presidential candidate was ethnic Albanian. In spite of these problems, one of the two major ethnic Albanian parties was in the government since Macedonia’s independence, with ethnic Albanian cabinet ministers.

The conflict in neighbouring Kosovo in 1999 exacerbated inter-ethnic tensions in Macedonia. About 250,000 Kosovar Albanian refugees flooded into Macedonia during the crisis. Macedonian authorities were at times reluctant to accept Kosovar Albanian refugees and pressed for many thousands of them to be evacuated to third countries. The Kosovo Liberation Army (KLA) maintained a presence in Macedonia during the conflict. Macedonian authorities frequently intercepted and seized weapons deliveries en route to Kosovo.

The Conflict in 2001

Attacks by ethnic Albanian guerrilla forces on Macedonian police and security forces in late 2000 and early 2001 appeared to catch the Macedonian government and international community by surprise. The attacks began in small villages such as Tanusevci in western Macedonia, close to or on the Kosovo border, where the Albanian minority was concentrated. In March 2001, clashes spread to the city of Tetovo. After a brief lull, fighting resumed in several areas, reaching a new level in early June, as rebel forces captured towns just outside of Skopje and to the north around Kumanovo.

In January, a group calling itself the National Liberation Army (NLA, or UÇK in Albanian) claimed responsibility for the attacks on police forces. Macedonian President Trajkovski and Prime Minister Georgievski claimed that the rebels were primarily Kosovo Liberation Army members who had infiltrated the country from Kosovo. The government estimated that the rebels numbered only in the hundreds...
and charged them with trying to divide the country and create a pan-Albanian state. Members of the National Liberation Army claimed that the rebel force comprised a few to several thousand men, mainly from Macedonia. Its leaders included Ali Ahmeti and his uncle, Fazli Veliu, from western Macedonia. Ahmeti claimed that the rebels’ only objective was to improve the rights of the Albanian community in Macedonia.  

On 19 March, Western news agencies reported a list of political demands by the NLA rebels that included international mediation to resolve their differences with the Slavic majority and determine the exact size of the ethnic Albanian community, as well as changes in the Macedonian Constitution.

On 11 March, a group of nationalist Albanian politicians launched a new nationalist Albanian political party called the National Democratic Party. Although it claimed no direct link to the National Liberation Army, its political manifesto included demands for the federalization of the country and greater autonomy for the Albanian population. In August, a splinter ethnic Albanian rebel group calling itself the Albanian National Army (AKSh) claimed responsibility for an ambush attack against a Macedonian army convoy that killed 10 soldiers. The AKSh rejected the agreement signed by Macedonia’s political leaders on 13 August and pledged to continue to fight for a “greater Albania.”

In response to the initial rebel attacks, the government made preparations to launch a military offensive to drive out the rebels out of Macedonian towns and villages and into Kosovo. President Trajkovski said that the government had first to “neutralize the terrorist threat,” but offered the prospect of entering into political dialogue with legitimate political parties on inter-ethnic relations. In late March, the Macedonian armed forces began a series of offensives to regain control of rebel-held villages, mainly around Tetovo.

At first, the army encountered little organized resistance and managed to regain control over some villages. After several weeks, during which time the Macedonian and Albanian political parties launched roundtable discussions, violence resumed in some areas and began a new stage of the conflict.

In March 2001, the Macedonian government also appealed to the U.N. Security Council to address the recent conflict. On 21 March, the Security Council passed Resolution 1345 condemning the violence and terrorist activities in Macedonia and in southern Serbia. The resolution noted that the violence was supported externally by ethnic Albanian extremists, but did not name Kosovo as the source of the violence. It also called on KFOR to further strengthen its efforts to prevent the transfer of arms and personnel across borders and to confiscate weapons within Kosovo. The Security Council welcomed the signing of the peace agreement on 13 August and called for its “full and immediate implementation.”

On 28 April, ethnic Albanian guerrillas ambushed a Macedonian army and police convoy in the village of Vejce near Tetovo, killing eight and wounding three others. The attack sparked riots by Slav Macedonians against ethnic Albanian in the southern city of Bitola, near Greece. On 3 May, Albanian rebels launched another ambush on security forces in Vaksince, near Skopje, killing two Macedonian soldiers and kidnapping a third. In response, the government began counter-attacks against rebel forces in several villages in the Kumanovo region.

At the end of May, in the midst of a political crisis within the all-party coalition, government forces launched another offensive in the north of the country. However, government forces were unable to deal a defeating blow to the

---

rebels, who countered the attacks and advanced toward Tetovo and Skopje. Five Army soldiers were killed in a rebel attack in Tetovo on 6 June.

On 11 June, both sides announced a cease-fire, which was later extended until 27 June. Government forces ended the truce on 22 June and bombarded rebel territory near Aracinovo. International leaders decried the resumption of hostilities. Another local cease-fire arranged by EU envoy Javier Solana included terms for the evacuation of Albanian guerrilla forces from Aracinovo under international supervision. NATO assisted in implementing the evacuation; however, clashes resumed in Tetovo and angry demonstrators in Skopje protested the NATO-assisted escort of armed Albanian rebels from Aracinovo.

On 1 July, rebel forces advanced into four more villages outside of Tetovo, prompting fierce counter-attacks by government forces. NATO and EU envoys brokered separate open-ended cease-fire agreements on 5 July, granting another chance for the political dialogue to produce results. Both sides reportedly used the cease-fire to supply and regroup their forces. Numerous truce violations were reported. A severe break-down took place in late July when Albanian rebels advanced into territory around Tetovo. Thousands of Slav Macedonians fled their homes and dozens were wounded in the offensive.

On 25 July, NATO secured an agreement with the rebels to reinstate the cease-fire, have the rebel forces pull back from their advanced positions, and allow displaced persons to return to their homes.

On 7 August, Macedonian police launched a raid on rebel forces in Skopje. The police seized a cache of weapons from the rebels and accused them of planning an attack on the capital. The next day, 10 Macedonian soldiers were killed in a rebel ambush between Skopje and Tetovo. Angry demonstrators staged violent protests in Skopje, and battles continued between the rebel and government forces in Tetovo over the next few days. Three days later, 8 more security forces were killed after their vehicle struck two land mines outside of Skopje. On 19 August, NLA leader Ali Ahmeti announced that the rebel group would honour the peace accord and agreed to surrender weapons to NATO.

Coalition and Peace

From the start of the conflict, Western leaders emphasized that the conflict in Macedonia required a political solution over a military one. They promoted the strategy of fostering a meaningful dialogue among all political parties that could lead quickly to tangible results on minority issues and prevent a longer-term conflict.

On 2 April, 2001, President Trajkovski convened the first meeting of representatives of all of Macedonia's political parties to address inter-ethnic issues. On 23 April, at the fifth round of all-party talks, President Trajkovski announced agreement on several minor issues. The parties agreed to postpone the census, take measures to encourage displaced persons to return to their homes, and assist in the reconstruction of homes destroyed during the fighting. In addition to these talks, the parties discussed the creation of a more inclusive coalition government.

Meanwhile, Western leaders strongly pressed for building a broad coalition as a first step toward a peaceful resolution to the conflict. Under strong international pressure, the group of parties agreed to form a national unity government on 11 May, even while a brief cease-fire was unravelling. Parliament overwhelmingly approved the new government on 13 May, 2001, by a vote of 104 to 1. The previous governmental parties (VMRO-DPMNE, DPA, and LP) were joined by the Social Democratic Alliance of Macedonia (SDSM) and the Party for Democratic Prosperity (PDP). Ljubco Georgievski remained Prime Minister.
On 22 May 2001, the ethnic Albanian parties met with NLA representatives, under OSCE auspices, and reached agreement on an amnesty deal for the rebels. The accord was harshly denounced by the other government parties and by the international community. Although the talks were facilitated by OSCE envoy Robert Frowick, a U.S. diplomat, the United States said that it rejected the attempt to bring the NLA into the negotiating process. Intervention by EU High Representative Solana prevented a break-up of the coalition, which pledged on May 29th to put aside the controversial accord and work toward progress on inter-ethnic issues. The ethnic Albanian parties reportedly remained in close contact with the NLA during the political negotiations.

On 8 June, 2001, President Trajkovski presented to parliament a security strategy that included the offer of a partial amnesty for the NLA. The strategy called first for a consolidated governmental effort to quell the rebel forces. It then outlined plans to facilitate the disarmament of the rebel forces and the reconstruction of homes. The government adopted the plan on 12 June. On 14 June 2001, President Trajkovski requested NATO’s assistance in disarming the rebel forces if a political agreement was reached.

On 15 June, Trajkovski opened marathon talks with the political parties. The focus of the discussions was on changes to the Macedonian constitution that would elevate the status of the Albanian community. By 20 June, however, President Trajkovski announced that the talks had become “totally deadlocked.” He lay most of the blame on the Albanian side, claiming that they sought veto powers and intended to turn the state into a federation of the Slav and Albanian communities. Talks briefly resumed on 25 June, 2001, after another cease-fire was reached, but broke up the next day in the midst of the angry public demonstrations outside of the parliament building in Skopje.

In July, the discussions were revived with the arrival of EU envoy Francois Léotard and U.S. envoy Ambassador James Pardew. President Trajkovski announced on 5 July that the political dialogue on reforms was resumed, corresponding to the latest announced cease-fire. In this context, Léotard and Pardew acted as a joint EU-US mediation team which was later complemented by Max Van der Stoel, the former OSCE High Commissioner, who had replaced Frowick as OSCE special envoy. The EU-US mediation team was supported by legal experts, most notably by Robert Badinter who, in the early 1990s, chaired the EU commission of experts on the former Yugoslavia.418 Finally, on 7 July, peace envoys Léotard and Pardew presented to the negotiating parties a single framework document that was to be the basis for further negotiation. The parties agreed to work from the comprehensive framework document, reportedly based on an earlier proposal by Robert Badinter.

Talks resumed on 9 July 2001, but quickly stalled as clashes intensified near Tetovo. Political talks, relocated to the lakeside retreat of Ohrid, resumed on 28 July. On 1 August, negotiators announced the first major breakthrough in the talks - a provisional agreement on use of the Albanian language.

The next equally contentious item for discussion was the issue of police reform. On 5 August, EU foreign policy chief Javier Solana, during a brief visit to Macedonia, announced that the parties had come to agreement on increasing Albanian representation in the police, while keeping the force under central government control. New demands coupled with renewed violence threatened to derail the talks once more. Nevertheless, negotiators pressed on and the parties initialled a final political agreement on 8 August. The parties signed the Ohrid

agreement in Skopje in a private ceremony on 13 August 2001. The following day, the NLA agreed to surrender its weapons under NATO supervision. In exchange, the President pledged to grant amnesty to the NLA, excluding those suspected of war crimes. On 15 August 2001, the Macedonian government formally approved the deployment of a NATO force to collect weapons (Operation Essential Harvest).

This agreement fulfilled the main demand of the Albanians, i.e. the rewriting of the constitutional formulation according to which the Slavs were the sole nation of the state. The Christian-orthodox, Catholic and Muslim beliefs were also recognized as being equal. Albanian became the second official language in regions where Albanians constitute at least 20% of the population. The communes were also granted more extensive self-governing powers, and the police was reformed with an aim to increase the proportion of Albanian police to over 20%. A census was also to take place in order to establish the exact numbers of groupings in the population. Additionally, it was agreed that elections would be held in January 2002. A 45-day period was set for implementing all constitutional changes.\footnote{See “Kosovo. Mission Information Package”, op. cit., 17-19.}

In Ohrid it was further decided that Macedonia would stay under international scrutiny, by NATO, the EU and the OSCE. This political agreement was accompanied by an informal agreement between NATO and the UÇK on voluntary disarmament of the UÇK which saw to affirm the territorial integrity and unitary status of Macedonia.\footnote{See Rianne M. Letschert, op. cit., 254.}

EU and OSCE monitors were to follow the reform process, including also the return of refugees. According to the UNHCR, over 120,000 persons fled from the fighting, of which approximately 50,000 travelled to neighbouring Kosovo. In early September, the Macedonian parliament passed the peace plan with a great majority. Although the UÇK was not directly involved in the peace talks, already on 14 August it agreed to hand over its arms to NATO in disarmament and demobilization plan signed by the UÇK and NATO. Earlier, Trajkovski had promised immunity from prosecution to persons who had not committed war crimes.\footnote{See “Kosovo. Mission Information Package”, op. cit..}

The Macedonian parliament opened debate on the Ohrid framework agreement on 31 August 2001, but Speaker Stojan Andov blocked further discussion over the following weekend in protest of unsuccessful attempts by Macedonian refugees to return to their homes. On 4 September, Prime Minister Georgievski harshly criticized the agreement, but nevertheless urged the parliament to pass it in order to gain international support.

After lengthy debates, parliament gave initial endorsement to the framework plan on 6 September by a vote of 91 out of 112 members present. The landmark vote paved the way for the second stage of weapons collection by NATO and also launched the parliamentary process to consider individual amendments to the constitution and other laws enhancing minority rights.

Parliament began debates on the amendments on 13 September 2001; the day NATO announced completion of the second of three stages of disarmament. Parliament was supposed to take a final vote on the entire reform package by 27 September, 45 days after the signing of the agreement, and corresponding to the process of rebel disarmament led by the NATO mission. However, numerous contentious issues contributed to substantial delays in the parliamentary process. First, some members of parliament pressed for the consideration of a public referendum, in order to put the framework agreement’s reforms before public opinion.

\[420\] See Rianne M. Letschert, op. cit., 254.
\[421\] See “Kosovo. Mission Information Package”, op. cit..
The Framework Agreement identified the European Union as the coordinator of Annex C initiatives, and the Mission has strengthened its cooperation with the EU while continuing to work very closely with other partners.

On 26 September 2001, the same day that NATO approved plans to deploy Operation Amber Fox, the UN Security Council passed Resolution 1371 on Macedonia. The resolution expressed support for the full and timely implementation of the framework agreement and endorsed the establishment of a multi-national security presence in Macedonia.

The implementation of the peace plan came to a halt due to the re-escalation of armed conflict in November 2001. After the arrests of seven former UÇK fighters, who according to the Macedonian parliament committed war crimes against civilians, armed Albanians shot three police, and dozens of Slavic Macedonians were taken hostage. The Albanian National Army (AKSh) claimed responsibility. Talks between representatives of the EU and USA with the Macedonian government followed, with strong pressure being set by the international parties, who threatened with both economic and political consequences. An international donor conference that was initially planned for October was postponed indefinitely due to delays on the Macedonian side. Consequentially, the Macedonian parliament agreed to carry out changes in the constitution that were set out by the peace plan. Finally, in January 2002 a law was passed that increased the self-governing powers and autonomy of provinces.  

5.2. Cooperation at Headquarters Level

5.2.1. Cooperation Before the Conflict

Since 1991, the UN International Conference on former Yugoslavia (Peace Implementation Council), in particular the ad hoc working group on ethnic and national communities and minorities, formulated detailed recommendations on relations between the two communities in Macedonia. To begin with the European Union’s role was limited, due to disagreement between member countries on the recognition of independence and consequently on the policy adopted by Greece. The EU has since made up for lost time by increasing economic aid in the framework of the PHARE programme and signed an Association Agreement.

However, initiatives to stabilize the FYR of Macedonia were taken. That was the case with the succession of those nominated to mediate between Greece and the FYR of Macedonia, by the European Union, the United Nations, and then Lord Owen and Cyrus Vance as EU and UN mediators and bilaterally by the United States (Matthew Nimetz). It was also the case with the common wish to integrate the latter into the different international institutions (United Nations in April 1993, NATO’s Partnership for Peace, the OSCE and the CoE in 1995, Association Agreement with the EU in 1996), which was both recognition of the results achieved at the internal level and an additional motivation.

The difficulties that the European partners had in adopting a common position in the CFSP framework (on their attitude to Greece’s policy, recognition of the FYR of Macedonia) and the absence of adequate decision-making mechanisms,

422 “Kosovo. Mission Information Package”, op. cit..
424 With Greece, the initial uncertainties of bilateral relations, due as much to memories of a turbulent history as to unfortunate handling of the affair by the Greek political leadership, ended with the signature of an interim agreement in September 1995.
initially restricted their ability to act and to use all the CFSP mechanisms and left the field open to American diplomacy. It was once again American mediation that, in September 1995, permitted the signature of an interim agreement and the normalization of the FYR of Macedonia’s bilateral and multilateral relations. These divergences also prevented the use of WEU’s conflict prevention capability in the framework of its Petersburg tasks, leaving the United Nations and the OSCE to act alone.

However, the EU’s engagement in Macedonia had already started in 1991. In January 1992, the Badinter Commission concluded that Macedonia had fulfilled all EC conditions. Greece strongly opposed this conclusion, arguing that the term “Macedonia” implied territorial claims. Consequently, recognition of Macedonia by the EC was postponed. In 1996, Macedonia starting receiving EU support under the PHARE programme; and in 1998 the EU and Macedonia concluded a Cooperation Agreement through which Macedonia received asymmetric trade preferences within the EU. In addition, the EU and Macedonia started negotiating the terms for a Stabilization and Association Agreement (SAA), which was signed in 2001.

Innovations in the EU

In drawing lessons from the Kosovo experience, the EU summit declarations of Cologne (June 1999), Helsinki (December 1999), Santa Maria da Feira (May 2000), Nice (December 2000) and Gothenburg (June 2001) led to significant changes in CFSP structures and policies.

One of the most important innovation was the Political and Security Committee (PSC, operating since March 2000), composed of national representatives. The PSC serves as the key player for the CFSP. It may be chaired by the High Representative, in particular in cases of crisis. In the event of crisis, the PSC plays a crucial role within the EU structure. The Committee examines all options of EU crisis management and recommends “a cohesive set of options” to the Council.

For all Military questions, the PSC is supported and advised by the EU Military Committee (EUMC), also established in March 2000 and consisting of the national Chiefs of defense or their military representatives. The EUMC has a permanent Chairperson, selected by the Chiefs of Defense and appointed by the Council for three years. He functions as the highest military official of the EU and acts as military adviser to the High Representative. He also participates in the PSC and attends Council meetings when necessary.

The EUMC is, in turn, supported by the EU Military Staff (EUMS), consisting of approximately 120 officers seconded from the member states. The EUMS has taken over the function of the former WEU, most notable “early warning, situation assessment and strategic planning for the “Petersburg tasks”. More concretely, under the direction of the EUMC, the Military Staff plans, conducts and evaluates the military aspect of EU crisis management, monitors potential crisis by using the member states’ and other intelligence services, identifies available forces for EU-led operations, in coordination with NATO, and functions as a liaison to national headquarters.

The key figure for EU crisis management, however, has become the High Representative for the CFSP. This post was already established by the Amsterdam Treaty in 1997. But as the Treaty entered into force only in May 1999, the appointment was significantly delayed. At the Cologne Summit, the member states

---

425 See Ulrich Schneckener, op. cit., § II.
427 See Article 26 of the Amsterdam Treaty.
finally nominated for a five years term the then NATO Secretary-General and former Spanish Foreign Minister, Javier Solana, as the first High Representative.

The Policy Planning and Early Warning Unit together with the EUMS established a joint civil-military Situation Centre (SitCen), operating since early 2000, whose tasks is to collect and analyze various sources of information, including media reports, public materials, governmental as well as intelligence services resources. Moreover, the EU SitCen has established contacts with its counterparts at NATO, the UN and the OSCE. In case of a particular crisis, an ad hoc Crisis Cell will be set up which also includes officials of the EU Presidency and the EU Commission in order to ensure a better flow of information.

5.2.2. Cooperation During the Conflict

In response to the crisis in the Former Yugoslav Republic of Macedonia, there was an increase in the number of high-level and staff-level meetings with the EU, NATO, OSCE and the CoE to coordinate implementation of the Framework Agreement.

The OSCE and NATO had contacts at the headquarters working level through regular staff meetings. The two organizations held joint staff meetings on 6 November 2000 and on 28 March, 2001. The participants briefed each other on their areas of activities and also discussed the situations in conflict regions, such as the Former Yugoslav Republic of Macedonia, the Federal Republic of Yugoslavia and Kosovo, and ideas for improved cooperation between the two organizations. In addition to regular staff meetings, a number of coordination meetings took place regarding the implementation of the Framework Agreement. These meetings often included representatives from the OSCE, the EU, NATO, UNHCR and the CoE.

Working-level meetings were held between staff members of the OSCE Secretariat, the EC and the European Council Secretariat, and NATO on 9 July and 10th, 2001, in Brussels. The principal aim of these meetings was to discuss, at the operational level, specific areas for cooperation and ways to enhance and intensify it. Discussions focused also on cooperation in the field, in particular in the Former Yugoslav Republic of Macedonia.

The EU and NATO also supported the five-stage plan of president Trajkovski aimed at resolving the military activities. Furthermore, in the beginning of July 2001, the EU offered substantial financial aid packages in return for a peaceful resolution of the crisis and appointed Léotard, former French Minister of Defense, as Special Representative for Macedonia. Also in this period, the U.S. Government sent ambassador Pardew as special envoy. Van der Stoel joined the EU-US team in the capacity of OSCE envoy. These three international actors combined their efforts and developed a common strategy.

At the invitation of the Council of Europe, a “2+2” meeting took place at the level of senior officials in Strasbourg on 20 July 2001. Among the items discussed were the developments in the Former Yugoslav Republic of Macedonia, the Federal Republic of Yugoslavia and Bosnia and Herzegovina as well as human dimension issues, OSCE Rapid Expert Assistance and Cooperation Teams (REACT) and election observation matters.

On 10 July 2001, the EU’s Special Representative in Macedonia asked for help from the CoE Venice Commission regarding the Constitutional reform in

428 See OSCE Annual Report 2001 on Interaction between Organisations and Institutions in the OSCE Area, pp. 7 to 19.
429 See Rianne M. Letschert, op. cit., 252.
Macedonia. The Special representative asked for representative to join the team of international experts.\textsuperscript{430}

In the field of election observation and technical assistance, the ODIHR, together with the European Commission, participated in a joint needs-assessment mission to the Former Yugoslav Republic of Macedonia to assess the election environment prior to the municipal elections and to identify possibilities for technical assistance projects.\textsuperscript{431}

5.2.3. Cooperation After the End of the Conflict

In 2001, following the crisis, the European Commission adopted a programme under the Rapid Reaction Mechanism which addressed reconstruction needs in conflict-related scenarios. The European Commission also supported several educational programmes such as the TEMPUS programme and the South East European University.

In May 2003, a new dimension was introduced to the Stabilization and Association Process. This includes the introduction of the “European Integration Partnerships” which identify priorities for action in preparation for closer integration with the EU.\textsuperscript{432} The important role of the EU in Macedonia is also evidenced by the fact that the Special Representative is the Chair of the Principal meetings in which the NATO, OSCE, and the US participate.\textsuperscript{433}

5.3. Cooperation in the Field

5.3.1. Cooperation Before the Conflict

(a) The OSCE Spill-over Mission to Skopje

The Mission was deployed in September 1992. The objective of the Mission was, in particular, to monitor developments along the borders of the Former Yugoslav Republic of Macedonia (FYROM) with Serbia, and in other areas of the Host Country which might suffer from spill over of the conflict in the former Yugoslavia, in order to promote respect for territorial integrity and the maintenance of peace and to help prevent possible conflict in the region.

At the beginning the Mission comprised eight CSCE monitors. Two European Community Monitor Mission members were under the operational command of the Head of Mission. Coordination between the UNPROFOR-Macedonia Command and the Mission has been established, including:

• weekly consultation meetings at the Head of Mission level;
• regular exchange of situation reports and other relevant information; and
• coordination of movement.

Exchange of information and cooperation was also taking place with other UN and EC-missions. Furthermore, at the beginning, the Mission cooperated closely with UNPROFOR, the Council of Europe and other international actors. In June, the

\textsuperscript{431} See OSCE Annual Report 2000 on Interaction between Organisations and Institutions in the OSCE Area, 19.
\textsuperscript{432} See European Council Regulation No. 533/2004.
\textsuperscript{433} See Rianne M. Letschert \textit{op. cit.}, 324.
Mission assisted the authorities and the Council of Europe in holding the long-awaited census.

According to the provisions in Annex C of the Framework Agreement, and based upon various PC Decisions (including Decision 457 of 21 December 2001), the Mission was called to assist in a number of specific areas, which were added to the initial mandate. They include:

- redeployment of police to the former crisis areas;
- assistance to the Government to increase representation of non-majority communities in public administration, military and public enterprises;
- strengthening of the institutions of local self government;
- projects in the area of rule of law;
- projects in the area of media development;
- continuing support for the engagement of the High Commissioner on National Minorities in the field of education.

At regional level, since the conclusion of the General Agreement for Peace in Bosnia and Herzegovina and of an agreement on mutual recognition between the former Yugoslav Republic of Macedonia and the Federal Republic of Yugoslavia (Serbia and Montenegro), and given the continuing presence of United Nations Preventive Deployment (UNPREDEP) on the northern and western borders of the host country, the Mission’s border-monitoring role has further diminished. In addition, focus on border monitoring and the increased risks of spill over from Kosovo have characterized the Mission’s work.

In 1998 the Mission collaborated closely with the European Media Institute concerning media coverage and it provided the National Broadcasting Council with advisory support and information material. The Mission, in cooperation with the ODIHR, was also active in monitoring the electoral campaigns and the voting in the rounds of elections.

Due to the conflict in Kosovo the Mission maintained an enhanced effort observing and reporting on all aspects of the crisis as they affected the Mission area, including the physical, political and psychological elements of spill over. Throughout the period the Mission maintained its traditional liaison role within the international community in the country, hosting and chairing weekly coordination meetings for international organizations, and groups of states, including the EU and Contact Group countries. The Mission worked especially closely with the key agencies handling refugee issues: UNHCR, the International Committee of the Red Cross (ICRC) and the International Federation of the Red Cross (IFRC).

The Mission also cooperated closely with the United Nations, particularly the United Nations Preventive Deployment Force (UNPREDEP), until the cessation of its mandate at the end of February 1999, and with non-governmental organizations in assisting the host State in developing its democratic institutions.

In April 2001, the number of international staff increased to 16 and in early July to 26, pursuant to Permanent Council decisions to enhance the Mission’s monitoring capacity. On 6 September, 2001, the number was increased to 51 by Permanent Council Decision No. 437. In order to be able to fulfill the tasks envisaged in President Trajkovski’s plan to overcome the crisis, which includes more extensive monitoring, as well as assistance in the implementation of Annex C of the Framework Agreement, the Permanent Council decided on 29 September 2001 on an enhancement of the Mission by a further 159 international staff,

434 See PC.DEC/405 and 414, respectively.
435 See PC.DEC/439
including 72 confidence-building monitors, 60 police advisers, 17 police trainers and 10 support staff, with a mandate that runs until 31 December 2001.  

Furthermore, in 2002 a Media Development Unit (MDU) was created. Since its creation in August, the Unit has supported projects multi-ethnic media.

Cooperation with other actors

In 2000, trilateral cooperation developed between the OSCE Mission, the UNHCR and the CoE on matters relating to the status of the Roma minority. The two organizations also cooperated in the development and implementation of training programmes for journalists, the aim of which was the creation of a free and responsible media. The UNHCR helped organize fact-finding visits to OSCE headquarters, permitting the local media to observe and understand the functioning of an international organization.  

During the first quarter of 2001, the Mission liaised with partner institutions and monitored the crisis area, in close coordination and cooperation with the European Union Monitoring Mission (EUMM), the United Nations High Commissioner for Refugees (UNHCR), as well as members of diplomatic missions in Skopje. When the crisis spread, the Mission was asked to monitor the situation from field stations which were established in the Tetovo and Kumanovo areas, subsequent to the first enhancement in April 2001. During the second quarter, the Macedonian Government asked the Mission (in cooperation with the European Union Monitoring Mission (EUMM)) to monitor compliance with the cease-fire agreement, which took effect on 5 July. Subsequently, the Mission initiated daily coordination meetings with partners, such as representatives of the EUMM and NATO, and the defense attachés of diplomatic missions. The Mission provided extensive input in the preparatory phase prior to the deployment of the NATO Task Force Harvest Mission.  

The redeployment of police was also overseen by the Mission. Throughout the entire process, OSCE Confidence-Building Monitors (CBMs) and Police Advisers, supported by the EU Monitoring Mission (EUMM) and NATO’s Task Force Fox (TFF), worked with local communities and police to build confidence in these regions.  

On this point, no killing in 2004 was attributed to ethnic hatred or political motivation, and the overall level of (non-political) lethal violence registers a downward trend.  

In addition, the OSCE Mission, in close cooperation with the EU and US Government’s International Criminal Investigation Training Assistance Program, initiated a programme to provide training for 1,000 new police officers from non-majority backgrounds, as well as other specialized training events, including on concepts related to community policing.

(b) Role of the European Union

On 9 April 2001, Macedonia became the first southeast European country to conclude a Stabilization and Association Agreement (SAA) with the European Union. Part of the EU-led Stability Pact for south-eastern Europe process, the EU established the Stabilization and Association Agreement (SAA) in order to promote

---

438 See Ibid.
stronger ties with the EU and to increase assistance to five countries in southeastern Europe, including Macedonia.

On 19 March, 2001, after meeting with Macedonian Foreign Minister Kerim, EU foreign ministers agreed on a package of measures intended to support the Macedonian government. The measures included assistance for border control and for the promotion of inter-ethnic relations.

The European Union Monitor Mission (EUMM)

The presence of the European Community/European Union monitors in the Former Yugoslav Republic of Macedonia started in 1998. However, a further agreement with the FRY of Macedonia was reached in August 2001. According to the agreement, the EUMM established a Mission Office in Skopje.

The EUMM was charged of:

- monitor political and security developments in the area of responsibility;
- border monitoring, inter-ethnic issues and refugee return;
- contribute to the early warning activity of the Council and to confidence building, in the context of the policy of stabilization conducted by the European Union in the region;
- regularly inform the Host Party on the activities of EUMM including, if its tasking so foresees, on humanitarian issues.

Cooperation with other actors

The Framework Agreement identified the European Union as the coordinator of Annex C initiatives. However, with the OSCE Mission there was a regular weekly exchange of information with members of the ECMM on matters of mutual interest - in particular on the border situation and political issues. Furthermore, the ECMM provided several teams for monitoring the elections. The OSCE Mission was therefore closely coordinating the development of its programming for 2002 with the EU, particularly in the areas of police development, media initiatives, local self-government and inter-ethnic relations.

In addition, thanks to the OSCE Mission, a joint operations centre was established, where the EUMM (with NATO and UNHCR) had a permanent seat, to help ensure maximum coordination and efficiency in the overall monitoring operations.

(c) NATO-led KFOR in Macedonia

NATO's presence in Macedonia started with its Kosovo Force (KFOR), authorized under U.N. Security Council Resolution 1244 (1999). About 4,000 additional forces served in the KFOR Headquarters Rear in Skopje, responsible for KFOR communications and logistics in the area surrounding Kosovo. Several KFOR participating nations in Kosovo also had National Support Elements in Macedonia. Kosovo's border with Macedonia ran about 220 km, or 130 miles. The United States and Germany command KFOR sectors (Multinational Brigades East and South) that share the Kosovo-Macedonian border. In an unanticipated development, about 80 U.S. forces (as part of KFOR) in Macedonia helped escort about 300 armed ethnic


441 See OSCE Annual Report 2001 on Interaction, ibid, 49.
Albanian rebels from Aracinovo on 25 June. In regards to cooperation with other actors, the KFOR offered emergency logistic support for election monitoring.

(d) The Council of Europe Local Democracy Agency (LDA) in Ohrid

Founded in 1996, this Agency works particularly on peace, democracy, local self-government, respect for human rights and tolerance, and on trans-border cooperation. Its main activities concern:

- civil society and trans-border cooperation;
- training for youth on promoting the participation of Youth in the decision-making process;
- sustainable development and environment in Southern and Eastern Europe;
- action for the Local Development in the Balkans
- actions for Capacity Building of Local Authorities and Civil Society in SEE

Furthermore, in April 1997 the Council of Europe established an Information Office in Skopje. Since its opening, the Information Office develops its activities progressively and in cooperation with international organizations, state institutions, non-governmental organizations, professional organizations and different media which show interest in the activities of the Council of Europe.

Cooperation among the actors - the Macedonian National Census

One of the HCNM’s recommendations issued after his first visit in 1993, focused on organizing a census of the population under international supervision. Minister of Foreign Affairs Crvenkovski confirmed in his letter of reply that the Government had already decided in 1992 to conduct a new census of the population and assured the HCNM that Government had undertaken preparations for the census to be held in April 1994. The Minister requested the assistance of the HCNM in searching for funds within the European Union. The HCNM supported the request and the EU provided finances. The CoE was also involved and sent a team of experts who monitored the preparations of the census and a team of observers who supervised the whole operation. The HCNM paid a visit to Macedonia to contribute to the supervisory efforts. The census revealed that ethnic Albanians constituted nearly 23% of the entire population, which made them the largest minority.

A new regular census was originally planned for 2001 but due to the eruption of the violent crisis and security reasons it was postponed. The census was finally organized for 2002. The EU, the European Statistical Office, and the CoE all provided an international monitoring effort through the establishment of a Steering Committee, which gave political guidance and created a monitoring committee. The HCNM was also represented in the Steering Committee. The census revealed that Albanians constituted 25.17% of the entire population.

444 See Jessica Biondani, op. cit., 74.
445 See Rianne M. Letschert, op. cit, 272-3.
5.3.2. Cooperation During the Conflict

NATO - Operations in the FRY of Macedonia

Operation Essential Harvest

On 14 June, President Trajkovski formally requested that NATO assist in implementing plans to demilitarize the rebel forces. On 20 June, NATO members agreed on a “concept of operations” for a NATO mission to send forces to Macedonia to supervise the disarmament of the rebel groups, once agreement on a peace plan was reached.

In a letter to President Trajkovski, NATO Secretary-General Robertson reportedly said that the proposed operation would be confined in scope to the collection of weapons and would be deployed for a limited duration of time. On 29 June, NATO members gave final approval to the “Essential Harvest” operational plan. The plan conditioned deployment on a political agreement signed by the main political parties, a status of forces agreement, an agreement by the rebels to voluntarily disarm, and a stable cease-fire. Following the signing ceremony for the peace agreement on 13 August, the alliance approved the deployment of a vanguard team of about 400 troops to Macedonia. On 20 August, NATO SACEUR Gen. Ralston visited Macedonia to assess the state of the truce, the primary precondition yet fully to be achieved. The North Atlantic Council approved the full deployment of Operation Essential Harvest on 22 August.

NATO troops in the Task Force Harvest mission began collecting weapons on 27 August and gathered over 400 weapons that day. Within days, the mission completed the first stage of weapons collection, drawing in 1,210 weapons, or more than one-third of the total goal. The second stage began on 7 September, after parliament voted to approve the agreement. On 13 September, Task Force Harvest announced that it had collected over two-thirds of the rebels’ weapons, or 2,481 out of 3,300 weapons. After the third and final stage, over 3,300 weapons had been collected.

In this context, the OSCE-NATO relationship was mutually supportive and information was freely exchanged. This level of cooperation was an extension of that which existed hitherto with the logistic support organization of the KFOR, based in the country.

Operation Essential Harvest lasted approximately one and a half months. Then the troops were withdrawn and there was a follow up, Operation Amber Fox with its military component NATO Task Force Fox. This mission, approximately 700 soldiers strong, lasted from October 2001 to December 2002.

Operation Amber Fox/Task Force Fox

The Operation officially started on 27 September 2001 with an initial three-month mandate, which was subsequently extended until 15 December 2002. Operation Amber Fox was mandated to contribute to the protection of international monitors from the European Union and the Organization for Security and Cooperation in Europe, who were overseeing the implementation of the peace plan in the FYR of Macedonia. The operation consisted of approximately 700 troops from NATO member countries, which reinforced some 300 troops already based in the country.
5.3.3. Cooperation After the End of the Conflict

(a) NATO - Operation Allied Harmony

In order to demonstrate its commitment and support, NATO by invitation of the Government of the FYR of Macedonia on 15 December 2002 started a new mission called “Allied Harmony”. Due to the greatly improved security in the country a special task force was no longer needed and therefore the executive command of the new NATO mission was given to the NATO Headquarters Skopje. The forces were also reduced from about 700 soldiers to about 450 while at the same time NATO kept almost the same number of liaison teams on the ground. The Mission's task was to provide support for international monitors overseeing the 2001 ceasefire agreement and to assist the government in taking responsibility for its own security. “Allied Harmony” finished on March 31st, 2003 when the tactical-operational part was handed over to EUFOR, while NATO kept its advisory role in the country.

(b) EU Operations in Macedonia

EU Operation Concordia

The decision to terminate Operation Allied Harmony as of March 31st was taken by the North Atlantic Council on March 17th. The handover was made possible following the agreements reached by the EU and NATO concerning EU access to the collective assets and capabilities of NATO for EU-led operations. The Joint Action adopted on 27 January states that the purpose of the EU operation was to contribute further to a stable, secure environment so as to allow the FYROM government to implement the Ohrid Framework Agreement.

The Council approved a General Concept for the operation and the EU Military Staff worked, under the agreed arrangements for assured access, with NATO planning staffs at Supreme Headquarters Allied Forces Europe (SHAPE) on the operational plan (OPLAN). The European Union launched the military operation in the FYR of Macedonia on March 31st, 2003.

The core aim of CONCORDIA was to contribute further to a stable secure environment and to allow the implementation of the August 2001 Framework Agreement. The operation contributed to the efforts to achieve a peaceful, democratic and prosperous country, as part of a region of stable countries, where an international security presence is no longer needed. The operation was completed on 15 December 2003.

EU Operation EUPOL PROXIMA

According to the Council Joint Action of 2003 the EU launched this Police Mission on 15 December. The Mission, headquartered in Skopje, was composed of the Head of the Mission/Police Commissioner and staff as defined in the Operational Plan (OPLAN). These worked in close cooperation with the OSCE. In addition, the Mission had one central co-location unit at the Ministry of Interior level and some units co-located within the Former Yugoslav Republic of Macedonia at appropriate levels.

PROXIMA was part of the European Union's overall commitment in assisting the efforts of the Government of FYROM to move closer towards EU integration. EU

---

police experts were monitoring, mentoring and advising the country's police, and thus helping to fight organized crime as well as promoting European policing standards. The operation was completed on 14 December 2005.

(c) The Council of Europe’s role in Macedonia

As envisaged in the Framework Agreement, the CoE and the EU took the lead in implementing reforms concerning local self-government. Close cooperation with the OSCE Mission to Skopje was also established; in addition the OSCE Mission gave several political briefings to delegations of the CoE. In 2001-2002 the CoE cooperated with the OSCE Mission particularly with regard to the Ombudsman programme. The CoE assumed the lead role in reviewing the draft law on the Ombudsman.

5.4. Cooperation in Election Observation Missions

1998 Parliamentary Elections

Upon receipt of an invitation from the Ministry of Foreign Affairs of The Former Yugoslav Republic of Macedonia, the OSCE/ODIHR Election Observation Mission was established in Skopje on 17 September to observe the Parliamentary Election scheduled for 18 October 1998. A second round of voting was held on 1 November 1998.

The Mission was composed of 14 long-term observers who remained in country until 4 November and one long-term observer who remained until 12 November. It also incorporated the observations of 179 Short Term Observers for the first round. Included among the 179, were 26 from the OSCE Parliamentary Assembly, an 11-member delegation from the Parliamentary Assembly of the Council of Europe, and a large number of observers from the diplomatic and international community in Skopje. For the second round of elections 92 short term observers, representing 18 OSCE participating States, observed the process, covering all 62 districts holding a second round. On the election weekend, the European Community Monitoring Mission (ECMM) also provided invaluable support.

1999 Presidential Elections

The OSCE/ODIHR Election Observation Mission (EOM) was established in the Former Yugoslav Republic of Macedonia (FYROM) on 20 September 1999 for the Presidential election scheduled for 31 October. A second round of voting was held on 14 November, and a second round of reruns on 7 December.

The Mission was composed of 11 long-term observers and experts who were present until 4 November, and nine until 17 November. On Election Day 155 observers for the first round of the election joined the Mission. The Parliamentary Assembly of the Council of Europe also participated in the observation with an eight-member delegation. For the second round, 105 short-term observers, representing 25 OSCE participating States, monitored the process in 725 polling stations in 77 districts. For the observation of the 230 polling stations rerun for the second round, 85 short-term observers were deployed, and covered 220 of the 230 polling stations. Throughout the duration of the observation, the OSCE Spillover Mission to Skopje provided significant assistance. On all three election days, the

European Community Monitoring Mission (ECMM) also provided invaluable support. The diplomatic community in Skopje provided a large number of observers for the three rounds of voting.

2000 Municipal Elections

Following an invitation from the Minister of Foreign Affairs of the Former Yugoslav Republic of Macedonia, the OSCE/ODIHR deployed an Election Observation Mission (EOM) to monitor the municipal elections on 10 and 24 September 2000.

The Mission included 17 election experts and long-term observers who were present in the country for eight weeks and who observed election preparations, the campaign, and election days. On Election Day, 130 short-term observers who monitored the first round of voting and 80 short-term observers who monitored the second round were also deployed.

The election observation was generously supported by the OSCE Spillover Mission to Skopje and by the diplomatic community and international organizations based in the Former Yugoslav Republic of Macedonia, including the European Community Monitoring Mission (ECMM). Observers visited over 850 polling stations in 108 municipalities on 10 September, and over 500 polling stations in 61 municipalities on 24 September.

2002 Parliamentary Elections

Following an invitation from the Minister of Foreign Affairs, the OSCE/ODIHR deployed an Election Observation Mission (EOM) to monitor the 15 September 2002 elections to Parliament.

On Election Day, the OSCE/ODIHR joined with the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe and the European Parliament to form the International Election Observation Mission (IEOM). In monitoring the elections, the OSCE/ODIHR cooperated with the OSCE Spillover Monitor Mission to Skopje, NATO Amber Fox and Task Force Fox, and the Council of Europe Information Office in Skopje.

2004 Presidential Elections

The OSCE/ODIHR Election Observation Mission (EOM) for the 2004 Presidential Election was established in response to an invitation from the Ministry of Foreign Affairs. The EOM commenced on 22 March 2004 and continued through 4 May. Some thirty experts and long-term observers were deployed in Skopje and eight other cities. On the two election days, the EOM was supplemented by some 310 short-term observers during the first round and 277 short-term observers for the second round.

2004 Referendum

The 7 November 2004 referendum was observed by the International Observation Mission to the Referendum (IOMR) formed by the OSCE/ODIHR and the Council of Europe. The OSCE/ODIHR long-term Observation Mission to the Referendum was

established in Skopje from 11 October to 12 November, comprising a core team of eight international experts as well as 12 long-term observers deployed in seven cities across the country. The Council of Europe 8-member delegation included the Parliamentary Assembly of the Council of Europe (PACE) and the Congress of Local and Regional Authorities of Europe.

On referendum day, the IOMR deployed some 183 observers including the 8-member delegation from the Council of Europe. Representatives of embassies of OSCE participating States in Skopje and international organizations also contributed short-term observers to the IOMR.


In response to an invitation from the Ministry of Foreign Affairs of the Former Yugoslav Republic of Macedonia to observe the 13 March 2005 municipal elections, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Observation Mission (EOM) in early February 2005. To observe the Election Day and subsequent second rounds and re-runs on 27 March and 10 April, the OSCE/ODIHR EOM joined efforts with the Congress of Local and Regional Authorities of the Council of Europe to form the International Election Observation Mission (IEOM).

The OSCE/ODIHR Election Observation Mission (EOM) included a core team of 11 international experts and comprised 20 Long-term Observers (LTOs), who were deployed in Skopje and eight regional centres. Following the second round held on 27 March and in anticipation of the delayed second round voting on 10 April, the OSCE/ODIHR EOM was reduced and six LTOs remained in the country, deployed in three regional centres, including Skopje, Kumanovo and Tetovo.

On 13 March, the IEOM deployed some 360 observers including the 8-member delegation from the Congress of Local and Regional Authorities of the Council of Europe. On 27 March, the IEOM deployed some 260 observers. Some 80 observers were contributed by respective embassies and international organizations to observe the delayed second round on 10 April.


Following an invitation from the Ministry of Foreign Affairs of the Former Yugoslav Republic of Macedonia to observe the 5 July 2006 parliamentary elections, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established an Election Observation Mission (EOM) on 30 May.

On Election Day, the OSCE/ODIHR EOM joined efforts with a delegation of the Parliamentary Assembly of the Council of Europe to form the International Election Observation Mission (IEOM). The EOM included a core team of 13 international experts and 20 Long-Term Observers (LTOs), who were deployed in Skopje and eight regional centres. On Election Day, the IEOM deployed some 382 observers including an 18-member delegation of the PACE.
5.5. Evaluation of the Cooperation

In Macedonia coordination and cooperation became better arranged after the conflict of 2001. The representatives of the main organizations operating in Macedonia (EU, NATO and OSCE) agreed to have biweekly meetings to discuss issues of concern. Field coordinators of the various organizations also decided to meet regularly. These meetings aim to develop a common strategy therefore making it possible to speak with one voice when addressing the Government and the media in common statements.456

Nevertheless, Van der Stoel criticized the elevated number of organizations present in Macedonia using the metaphor “too many cooks in the kitchen...that it was a little bit too much of a good thing”.457 This was especially true in the months before the Ohrid Agreement was negotiated when cooperation was rather disorderly and confusing. One might therefore better speak of “uncoordinated cooks”.458

In the light of the preventive deployment, the cooperation between OSCE and CoE on media issues was criticized as well. In 2000 the OSCE Representative of Media, in regards to the approach undertaken by the organizations, stated:

136. The performance of the inter-governmental sector, however, has latterly disappointed any reasonable expectation. Help was duly provided by the Council of Europe and OSCE-ODIHR to draft legislation. The logical next stage would have been close involvement in reforming the state media. This has not happened. The two IGOs with missions in Skopje, the OSCE and the European Commission, are well placed to influence media policy; yet they have not sought to exercise such influence. There has been no systematic monitoring of the state media; the practice of appointing political allies to senior positions is not vigorously protested; abuses of journalists’ rights and media freedom do not elicit concern.459

Consequences of the Ohrid Framework Agreement - Polarization Along Ethnic Lines460

The Ohrid Framework Agreement introduced changes and reforms which transform the state from an ethnic Macedonian nation state, which privileged the majority population, its language, religion and culture, to a multi-ethnic (or rather bi-ethnic) state. On the merit of this choice, in August 2004, the ICG concluded that “the survival of the state in its present form...is still not completely assured”. A more tangible prospect for EU membership, ICG argued, is essential for securing the country’s future as it “gives politicians their main motivation for pursuing reform policies and helps guarantee peaceful existence of the main ethnic groups”.461

456 See Rianne M. Letschert, op. cit., 327.
458 See Ibid.
459 See OSCE Representative on Freedom of the Media (RFoM), op. cit., § 136.
Furthermore, associational life in Macedonia (civil society organizations, political parties, education, etc.) is mostly mono-ethnic as are the more private spheres and institutions where language constitutes a major barrier to inter-action; inter-ethnic ‘mixed’ marriages are extremely rare, for example. In this context, attitude to mixed marriages is generally considered one of the more important markers of social distance. Among ethnic Macedonians 78 % and among ethnic Albanians 88 % reject the idea of marrying a person from a different ethnic community. Most open to interethnic marriages are members of the smaller communities where 55 % approve of this option.  

Political activity is divided along ethnic lines as well, with ethnically-based parties largely competing for votes within their own community.

As for Macedonia’s smaller ethnic communities, the development after the Ohrid Framework Agreement of an increasingly bi-ethnic state is a source of frustration. Much as the agreement elevated the status of the large Albanian minority compared to the 1991 constitution, it simultaneously indirectly added to the marginalization of non-Albanian minorities. They resented the development towards a bi-ethnic rather than a multi-ethnic state.

Furthermore, “Annex C Implementation and Confidence-Building Measures” of the Framework Agreement in the article 6.1 states that “[...] The parties also invite the OSCE to continue its efforts on projects designed to improve inter-ethnic relations.” The concept of integration is not even mentioned. This in contrast with one of the fundamental principles of the same Agreement, “The multi-ethnic character of Macedonia’s society....” The internal division of the Macedonian society seems not to be of transitory and reversible nature.

In light of what is stated above, it seems that the same mechanism that was used in Bosnia and Herzegovina is also at work in Macedonia. Here again it may be the case of another “Lesson Unlearned” from the previous experiences.

Finally, the Macedonian crisis confirmed the conclusions drawn from experiences in Bosnia and Kosovo: international actors have to adopt a coherent platform, coordinate their efforts and combine their comparative advantages in order to enhance the opportunities for success. In comparison with all other Balkan crises, the crisis management considerably improved, even if it was not entirely successful.

Effects of the economic sanctions on the development of the conflict in Macedonia

Although the economic sanctions against Serbia may have been wise in order to force Serbia to change its policy, they resulted at the same time in a collapse of the Macedonian economy and, by doing so, in a destabilizing process. In this context, what played a role was the enormous unemployment; in fact an unemployment rate of more than 80% in some areas is the best guarantee for destabilizing any nation or society and in this case, Macedonia has always been a relatively poor country. Again, it might be the case of another example of the side effects brought about by the actions of the international community. The sanctions regime should form part of a comprehensive strategy in managing the conflict, but unfortunately this did not happen in Macedonia.

463 See paragraph 1.3 of the Basic Principles of the Ohrid Framework Agreement.
6. Part Six - Analysis of the Interplay Under the Stability Pact for South-Eastern Europe
Introduction

The present part of the report aims to enable the reader to gain a better understanding of what the Stability Pact is, how it works and what the state of cooperation among international organizations under this initiative is. Its regional perspective and the number of the partners involved constitute a useful contribution in reaching the general objective of the project. Furthermore, the information contained in the chapter can be considered in light of the post-conflict involvement of international organizations in the region.

The history and structure of the Stability Pact are included as well as information regarding the work of international organizations under the Pact along with other partners.

A specific part on cooperation is included as well, but due to the continuing existence of the Pact in the region, it can not provide a final evaluation of the cooperation. Once concluded it will be possible to make a better analysis of the cooperation in terms of efficiency and efficacy of the action. Nevertheless, in the present state of affairs, an overview of the main problems and risks that affected, or still affect, the cooperation among international organizations is possible and useful, and is included in this report.

In addition, the description of the Stability Pact and its functions is complemented by an annex with the list of task forces and initiatives for 2006.

6.1. Creation of the Stability Pact

At the Ministerial Conference on 10 June 1999 in Cologne, under the Chairmanship of the German Presidency of the Council of the European Union, foreign ministers of the member states of the European Union and Albania, Bosnia and Herzegovina, Slovenia, the Former Yugoslav Republic of Macedonia, Turkey, the United States of America, Canada and Japan, together with the representatives of international organizations adopted the Stability Pact for South-Eastern Europe (hereafter SP SEE). Officially launched at the Sarajevo Summit in July 1999, the Pact represents a collective effort of the European Union, G8, the countries of the region, and key international organizations to address the post-war problems of South-Eastern Europe.

At the beginning, the sidelining of the FRY was supposed to be to be only provisional, depending on Serbia’s democratization. However, since 1992 the FRY was de facto involved in certain activities (those related to the return of refugees and displaced persons) due to its initial membership in an associated organ of the Pact: the Working Group on Humanitarian Issues, managed by the UNHCR. Furthermore, Montenegro has been authorized to participate in all the activities of the Pact in full respect of the FRY’s sovereignty and territorial integrity. In due time, the permanent membership of FRY was confirmed in 2000, during the meeting of the Working Table I on Democratization and Human Rights, which took

---

464 The Pact was drafted at Petersberg by the political directors and senior officials of the European Union on 26 and 27 May 1999.
465 The Cologne declaration (2nd section paragraph 11) states that the FRY will only become a full member of the process after the political settlement of the Kosovo crisis on the basis of principles adopted by the Ministers of the G8 and with due consideration for the necessity for all the countries of the Pact to be in a position to respect its principles and objectives, including democracy and rule of law. Yugoslavia was eventually accepted as a formal and full participant in October 2000.
466 See the third Section paragraph 11 of the Cologne Declaration and paragraph 4 of the Sarajevo Declaration.
place in Bucharest on October 26-27th. The Federal Republic of Yugoslavia (FRY) was hence formally welcomed as a new member of the Stability Pact for South Eastern Europe.

The Stability Pact for South Eastern Europe was adopted in Cologne on 10 June 1999. The Pact aimed to provide more comprehensive responses to the almost ten year long crisis in this region. It was put under the auspices of the OSCE, chaired by the EU Special Coordinator, and began with 29 participants, 11 facilitators, and five regional initiatives. Its aims are to:

- secure lasting peace, prosperity and stability for South Eastern Europe;
- foster effective regional cooperation and good-neighbourly relations;
- create vibrant market economies;
- integrate the countries of South Eastern Europe into European and Atlantic structures.  

Countries of the region, however, consider full integration into the European Union and Euro-Atlantic structures as their main political objective. All activities contained within the framework of the Stability Pact are meant to bring countries closer to European standards, practices, rules and values. The EU’s Stabilization and Association process, of which the Stabilization and Association Agreements are the key part, constitutes the core element of the EU’s policy towards the region.

The First Parliamentary Conference of EU and Stability Pact countries, held on 17 and 18 September 2001 in Brussels, established close working relationships between European Parliamentary institutions on Stability Pact matters. The same year, the European Parliament and the Parliamentary Assemblies of the OSCE and of the Council of Europe also agreed to sponsor the parliamentary dimension of the Stability Pact, covering all aspects and all Working Tables of the Stability Pact. In addition, a Parliamentary Troika composed of the three organizations was created.

Key actors of the Stability Pact

State Actors: the European Union countries, the extra-European members of the G8 (the U.S., Russia, Canada and Japan) as well as a number of other interested countries such as Switzerland.

Institutional actors: the Pact involves the active contribution of a multitude of security, economic and financial institutions of a universal, trans-regional or regional type (the UN, UNHCR, IMF, World Bank, OCDE, OSCE, NATO, WEU, European Commission, the Council of Europe, the European Investment Bank, the European Bank on Reconstruction and Development, UN/ECE), as well as sub-regional structures of “regional initiatives” such as the Royaumont Process, the Organization of the Black Sea Economic Cooperation (BSEC), the Central European Initiative (CEI), the South-East Cooperation Initiative (SECI) and so on.

However, the 1999 Stability Pact is different from the 1995 Stability Pact: the two projects differ in their geographical scope, their objectives and their implementation mechanisms. The 1995 Pact focused on certain parts of Eastern and Central Europe as well as the Baltic region. Furthermore, while the 1995 Pact was conceived as a project of preventive diplomacy, the 1999 Pact has a post-conflict rehabilitation objective.

467 See OSCE Kosovo Mission Information Package”, op. cit., 52.
469 See Paragraphs 33-38 of the Cologne Declaration.
The launch of the EU's Stability Pact initiative in June 1999 predated the Stabilization and Association Process (SAP). Its initial ambition to become a major transformative force for the region has subsequently been tailored to complement and support the SAP. Thus, the Thessaloniki Agenda specifically tasked the Stability Pact with developing the regional element of the SAP. Other regional initiatives, such as the BSEC, CEI and SECI fall within the framework of the Stability Pact, or have been integrated into it. For example, the Enhanced Graz Process, an educational cooperation network for South Eastern Europe is charged with the coordination of the Task Force Education and Youth within Working Table I of the SP SEE.

Finally, in accordance with a decision of the European Union in July 1999, the OSCE Permanent Council (PC) decided to place the Stability Pact for South Eastern Europe under OSCE auspices. Later on, in the Istanbul Summit Declaration of November 1999, the OSCE PC was tasked “to develop a regional strategy to support its aims”, and on 16 March 2000, the PC adopted Decision No. 344 on a regional strategy for South Eastern Europe.

The OSCE was the only organization whose mandate, based on comprehensive security, allowed it to contribute to all three Working Groups and it was the only security organization operationally active through field missions in almost all countries of the former Yugoslavia. These are elements certainly considered by the EU at that time. In addition, the direct beneficiaries of the Pact do not belong to the European Union, while they do enjoy the status of full OSCE participating states.

6.2. Structure of the Stability Pact

The structure of the Pact consists of three elements:

1. A South-Eastern Europe Regional Table: its main task is to coordinate the activities of the subordinate organs and to evaluate the progress accomplished by the process.


3. A Special Coordinator: appointed by the European Union after consultation with the OSCE Chairman-in-Office; the Coordinator chairs the Regional Table and submits regular reports to the Chairman-in-Office of the OSCE in the name of the Regional Table.

6.2.1 Analysis of the Working Tables

The Working Table on Democratization and Human Rights

Initially chaired by the OSCE’s High Commissioner on National Minorities (HCNM) and co-chaired by Hungary (until 30 June 2000), the working group held its first meeting in Geneva on 18 and 19 October 1999. It decided to concentrate on seven

---

472 PC.DEC/306 of 1 July 1999
main themes or issues, each assigned to an international institution or to a State in concert with one or several international organizations.

Scheme of the issues:

<table>
<thead>
<tr>
<th>Issues</th>
<th>Coordinator(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Human rights and national minorities</td>
<td>Slovenia, Council of Europe, HCNM</td>
</tr>
<tr>
<td>Good governance</td>
<td>Council of Europe</td>
</tr>
<tr>
<td>Media</td>
<td>United Kingdom</td>
</tr>
<tr>
<td>Gender issues</td>
<td>OSCE</td>
</tr>
<tr>
<td>Return of refugees and displaced persons</td>
<td>UNHCR</td>
</tr>
<tr>
<td>Cooperation on education</td>
<td>Austria, “Reinforced Graz Process”</td>
</tr>
<tr>
<td>Inter-parliamentary cooperation</td>
<td>Royaumont Process</td>
</tr>
</tbody>
</table>

According to the division of work established by the Working Table, the following Task Forces have been established:

The Human Rights and National Minorities Task Force attributed to Slovenia, the Council of Europe and the HCNM, was mandated to elaborate an action plan to eliminate ethnic tensions in the region; this programme was presented during a conference held in Portoroz (Slovenia) on 16 and 17 March 2000.\(^\text{473}\)

The Good Governance Task Force is entrusted to the Council of Europe. It aims to help the countries of the region create institutions for the protection of human rights and of national minorities, and to link them into a network at a regional level in order to fight against corruption, promote the efficiency of local administrations and trans-frontier cooperation.

The Media Task Force was created due to the devastating role played by the media during the Yugoslavian conflicts. It was placed under the direction of the United Kingdom, and was dedicated to the issues of free and independent media. Its mandate is to promote freedom of expression in the whole region with particular emphasis in the FRY. The Council of Europe and the OSCE Representative on Freedom of the Media (RFM) are major contributors to the task force.

The Charter for Media Freedom was adopted in Thessaloniki in June 2000. Through this initiative participants agreed to ensure the highest international standards of freedom of expression. The Charter for Media Freedom is a landmark document: it provides a common, shared set of practices and points of reference for media reform and development in the countries of the region.

The Gender Issues Task Force has been attributed to the OSCE. This institution, which since 1998 pays increasing attention to the role of women in public life and civil society, is to manage the activities of the task force. Composed of a mix of governments and NGOs, the task force is charged with proposing an action plan in favour of gender equality including in the field of political life.

For the three remaining themes, the Working Table considered it preferable to use existing mechanisms. The fundamental theme of the return of refugees and displaced persons was thus entrusted to the Working Group on Humanitarian Issues, managed by the UNHCR, firstly under the auspices of the International Conference on the Former Yugoslavia (1992-1996), and then under the direction of a special organ following the implementation of the Dayton Agreement, namely the Peace Implementation Council.\(^\text{474}\)


\(^{474}\) The Working Group on Humanitarian Issues was instituted in 1992 by the Geneva International Conference on the Former Yugoslavia as a subsidiary organ of the conference and was placed under the direction of UNHCR. After the dissolution of the conference in January 1996 (following the Dayton Agreement whose Annex 7 charged UNHCR with elaborating a regional strategy aimed at the return of displaced persons to their homes
The issue of cooperation on education and youth has been attributed to a multilateral forum: the Graz Process. Encompassing the European Commission, the Council of Europe, UNESCO, the Royaumont Process and also the Austrian, German, Bulgarian and Finish Ministers of Education, its object was to coordinate cooperative efforts undertaken in the region in the medium and long term. The formulation, “Reinforced Graz Process” expresses the idea of a process implying an enlarged range of contributions and social partners - including the World Bank, the UN and the Organization for Economic Cooperation and Development (OECD).

As for the issue of inter-parliamentary cooperation: it was entrusted to the Process of Stability and Good Neighbouring in South-Eastern Europe, also known as the Royaumont Process. Its role is to support the implementation of the civilian aspects of the Dayton Agreement by encouraging regional projects aimed at restoring confidence, good neighbourhood policies, cultural and scientific cooperation, as well as freedom of movement and human contact between the civil societies of the countries of the region. The Stability Pact also gave the Royaumont Process the task of formulating a plan aimed at the development of authentic parliamentary structures in the countries of the region.

The Working Table on Economic Reconstruction, Development and Economic Cooperation
The Table convened for the first time in Bari on October 9th, 1999 chaired by the Director-General of International Affairs of the Bank of Italy (Fabrizio Saccomani) and co-chaired by the Former Yugoslav Republic of Macedonia (FYROM) for the first six months of the year 2000. It included in its programme of activities the following subjects: commercial questions, regional development, regional infrastructure, private sector development, cooperation with the private sector, elaboration of an investment charter, navigation on the Danube and the fight against corruption.

Under the Working Table II, a Memorandum of Understanding (MoU) on Trade Liberalization and Facilitation by Southeast European countries was signed on 27 June 2001 in Brussels. The major goal of the MoU is to complete the network of free trade agreements in the region by the end of 2002, creating a market of up to 55 million consumers. The agreements will be fully in line with the WTO rules and with relevant obligations of each signatory country vis-à-vis the EU.

The Investment Compact, adopted by the region in early 2001, provides a regional forum to identify and remedy shortcomings regarding the macroeconomic environment in order to make the countries of the region more attractive to investors.

The Working Table on Security Related Issues
Chairied by the Swedish State Secretary for Foreign Affairs (Jan Eliasson) and co-chaired by Bosnia and Herzegovina until 30 June 2000, the working table inaugurated its work in Oslo on 13 and 14 October 1999. It decided to form two following the break-up of Yugoslavia), it was simply attached to the Peace Implementation Council. In November 1998 while Austria held the European Union Presidency it organised a conference in Graz of experts on the role of co-operation on educational matters for peace, stability and democratisation in South-Eastern Europe. The extension of this initiative led to the creation in December 1998 of a working organ (chaired and financed by Austria) known as the Graz Process. Launched by France at Royaumont on 12 December 1995, this forum developed into a laboratory for projects financed by the PHARE programme under the auspices of the European Union.
Sub-tables, namely Security and Defense, and Justice and Home Affairs, to tackle the external and domestic dimensions of security as follows:

<table>
<thead>
<tr>
<th>Questions concerning defense and security affairs:</th>
<th>Questions concerning justice and home affairs:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arms control</td>
<td>Fight against corruption and organized crime</td>
</tr>
<tr>
<td>Confidence- and security-building measures (CSBMs): transparency of military budgets, development of military contacts etc.</td>
<td>Police and judicial reform</td>
</tr>
<tr>
<td>Non-proliferation of arms</td>
<td>Migratory flows</td>
</tr>
<tr>
<td>De-mining</td>
<td>Trafficking in human beings</td>
</tr>
<tr>
<td>Conflict prevention and crisis management</td>
<td></td>
</tr>
</tbody>
</table>

The lead organizations in these sub-tables have been NATO and the EU respectively. The EU’s involvement in JHA closely corresponds with the necessary preparations for European integration as well as with a need to adequately respond to non-traditional security challenges in the region. In addition, the items on the agenda of the Sub-table on questions concerning justice and home affairs come under the recurrent theme of good governance, and so their implementation requires joint action from various international organizations, among which the OSCE and the Council of Europe because of their expertise play a major role. The South East Europe Common Assessment Paper on Regional Security Challenges and Opportunities (SEECAP) developed by NATO’s Political Military Steering Committee for Partnership for Peace in May 2001 also influenced the Table’s view of security needs.

Under Working Group III a Stability Pact Anti-Corruption Initiative was adopted. Relying on high-level political commitments, the Initiative assists countries of the region to enact needed legislation by building institutions and developing civil society components to fight corruption. After being formally adopted in February 2000, the governments committed to the implementation of the Initiative are: Albania, Bosnia and Herzegovina, Croatia, FYR of Macedonia, Romania and FR of Yugoslavia.

The theme of migratory flows, in particular asylum and migration, involving either the return of a country’s own nationals or future asylum-seekers or migrants from abroad, required a comprehensive regional response. This came with the Asylum and Migration Initiative of the Pact. The initiative established national action plans and has created five Country Teams to assist in building up the legal framework and the capacities to deal with the issue, including aspects covering the trafficking of human beings.

In 2000, under the Working Table III, the OSCE led the Task Force on Trafficking in Human Beings. An inaugural meeting of the Task Force took place in Vienna on 18 September 2000. The following seven areas of concern were identified in relation to this issue: awareness-raising, training, law enforcement,

---

477 See Conclusions of the Seventh Meeting of Working Table III, Cavtat, 26 May 2003.
478 See South East Europe Common Assessment Paper on Regional Security Challenges and Opportunities (SEECAP).
victim protection, return and reintegration, legislative reform and socio-economic causes. It was decided to have two Task Force meetings each year.

Under the Working Table III, the Council of Europe is considered a lead agency for two main projects, namely the functioning of an independent judiciary and the fight against corruption and organized crime.  

6.2.2. Cooperation under the Stability Pact

Some elements have already been touched upon in the presentation of the SP SEE. However, the information included in this section completes and elaborates upon what has already been mentioned.

Cooperation under the Working Tables

The Working Table on Democratization and Human Rights addresses two main issues: democratization and human rights, which is to be dealt with mainly by the OSCE in cooperation with the Council of Europe, and refugees, for which UNHCR is taking the lead, again in cooperation with the Council of Europe.

Under the Working Table on Economic Reconstruction, Development and Cooperation, the EU and the World Bank, thanks to an agreement signed between the European Commission (on behalf of the EU) and the World Bank for the coordination of the economic reconstruction of the Balkans, are acting as lead organizations. The European Bank on Reconstruction and Development (EBRD), the OECD and the European Investment Bank (EIB) are also part of the working table.

Under Working Table II, the World Bank Group and the International Monetary Fund (IMF) provide loans and temporary financial assistance for development, economic growth and the promotion of employment. The World Bank cooperates with the EU in the joint initiative Economic Reconstruction and Development in South East Europe (SEERECON) and with the Council of Europe (CoE) and others in the Social Development Initiative for South Eastern Europe (SDI SEE).

Under Working Table III on Security Issues, in the sub-table on justice and home affairs, a major task is reserved for the Council of Europe; the EU also plays a role with the OECD and the OSCE. In regard to “cooperation on defense and military issues”, NATO plays an important role, especially with the Partnership for Peace (PfP) and the Euro-Atlantic Partnership Council (EAPC).

---

In addition, in April 1999 NATO launched its South East Europe Initiative to complement and support the Stability Pact. It promotes regional cooperation through PfP tools, an open ended working group in the EAPC, security cooperation programmes and a Consultative Forum on Security Issues on Southeast Europe (consisting of the 19 allies and 7 countries from the region).^{487}

In regard to the Human Rights and National Minorities Task Force, its activities are coordinated by a steering group of the HCNM and the Council of Europe. The Task Force has concentrated its efforts on drafting a report on the promotion of multi-ethnic societies and democratic citizenship in South-Eastern Europe, presented at the conference on interethnic relations and minorities in South-Eastern Europe in Portoroz, Slovenia, on 16 and 17 March 2000.^{488}

Within the framework of the Stability Pact for South Eastern Europe, the ODIHR chairs the Stability Pact Task Force on Trafficking in Human Beings under Working Table III (Security Issues), which was created in December 2000. The Task Force coordinates the activities of international organizations working to combat trafficking in human beings. It provides political leadership and visibility for these activities and helps to set international priorities. In addition it acts as a clearing house, gathering the expertise of different institutions and experts dealing with trafficking in human beings.

In coordination with the Council of Europe, the ODIHR developed the Stability Pact Legislationline, a web site designed to serve as a tool for legislative work in the areas of law covered by the OSCE human dimension commitments. Its core objective is to broaden the legal space in which lawmakers operate by providing direct access to OSCE participating States.

The ODIHR has also been involved in a regional prison reform project under the Stability Pact. In addition, the ODIHR has undertaken a substantial number of activities to advance Roma rights as part of a project implemented in cooperation with the European Commission and the Council of Europe. At the moment, the campaign called “Dosta! Go beyond the prejudice and discover Roma” is the latest example of joint CoE/EU initiatives under the project “Roma under the Stability Pact”.^{489}

**Contribution of the OSCE Missions to the Stability Pact**^{490}

In March 2001, the OSCE Mission in BiH cooperated with the CoE to organize a round table on Roma and the Framework Convention for the Protection of National Minorities, which was part of the joint Council of Europe-OSCE/ODIHR project entitled “Roma Under the Stability Pact”.

With the CoE, the OSCE Mission to Croatia contributed to the work of the Stability Pact’s Steering Committee on Refugee Matters. Since February 2001, the Mission has been involved in drafting the Agenda for Regional Action, which is to establish a clear link between the international commitments of the governments of Croatia, Bosnia and Herzegovina and the Federal Republic of Yugoslavia, and the concrete need for international assistance to be granted in the framework of the Stability Pact.

---

^{487} See NATO press release M-NAC-D(99) 156, 2 December 1999 and the speech of NATO’s Secretary- General on 10 March 2000 in Antalya.


^{489} For more information about the project, please visit www.dosta.org

^{490} For further information see OSCE Annual Report 2001 on Interaction between International Organisation and Institutions in the OSCE Area, 35.
Since 2001, the OSCE Mission to FRY and the CoE-based International Institute for Democracy (IID) cooperated to support parliamentary institutions in the FRY and Serbia. As the lead agency in the Stability Pact Task Force on Parliamentary Cooperation, the IID provides assistance to the Federal Parliament, while the OSCE provides support to the Serbian Parliament. The Mission also organized, in cooperation with the Stability Pact Coordinator on Trafficking, a Round Table on Trafficking in Human Beings in Belgrade, from 19 to 20 April 2001. Furthermore, the Mission held regular consultations and meetings with the Stability Pact Coordinator on Trafficking on the strategy and programme activities of the Stability Pact Task Force on Trafficking focusing on the FRY.

6.3. Cooperation Under the Pact: Problems and Risks

The following information is included with the aim of giving an idea of what problems the SP SEE faced or is still facing in the implementation of its activities. A better evaluation of the cooperation under the Pact will be possible following the termination of the Pact in the region.

One year after the cooperation was launched, the cooperation efforts among international organizations were already criticized. The Council of Europe, recalling the conclusions of the 2000 Economic Survey for Europe prepared by the UN Economic Commission for Europe (ECE), affirmed:

34. However, the Rapporteur wishes to voice some concern about the lack of effective coordination among the different agencies active in the region. In this respect, the Rapporteur very much agrees with the following conclusions of the 2000 Economic Survey for Europe, prepared by the UN/ECE:

35. International efforts to assist the economies of South Eastern Europe are now extensive but becoming increasingly clear that they suffer from many of the same problems that have beset the assistance efforts to most other transition economies ever since 1989. First, there is a large gap between promises to provide assistance and its actual disbursement – this causes delays and creates disillusion in the region. Secondly, there is poor coordination between the 29 countries and international organizations belonging to the Stability Pact - resources are widely dispersed and inadequately coordinated both between donors and with national programmes.

36. Thirdly, there is confusion between conceptual framework and approaches. It is by no means obvious that the essential differences between the three sets of tasks - development, transition and post-war reconstruction - are fully recognized. Donors tend to promote separate projects without placing them within a broader programme of development. Sometimes projects reflect more the interest of their promoters than those of recipient countries.

37. It is indeed imperative to improve co-ordination among the various organizations and programmes involved. The decision-making process must be more streamlined. Responsibility for different tasks should be made clearer. The competition between organizations and
programmes should be subordinated to the overall objective of getting the region back on its street.\footnote{491} In 2001, the overall state of coordination within the Stability Pact was again a matter of discussion for the Parliamentary Assembly of the Council of Europe. In fact, the Assembly appealed to all the countries and organizations forming the Pact to:

- to improve co-ordination between the various organizations and programmes involved with regard to the use of currently widely dispersed and inefficiently employed resources. This implies a more streamlined decision-making process, clearer responsibility for the various tasks assigned and the subordination of any competing claims, for example, between organizations and programmes, to the Stability Pact’s overall objectives. Implementing countries and agencies should prepare regular reports on the state of implementation;\footnote{492}

The Security Sector reform was criticized too. Until 2004 some five hundred initiatives in the security sector reform have been undertaken under Working Table III in the Stability Pact countries. On behalf of the Stability Pact, the Centre for International and Security Studies of York University, Canada, has reviewed these initiatives, providing a preliminary analysis of gaps in the security sector reform. The research found a general lack of coordination and even competition among various initiatives.

Two gaps identified by this project are particularly relevant. One concerns the overall concentration on institutional reform, which implies a focus on the policy-makers and officials, to the detriment of initiatives aiming at increasing the capacity of local civil society, either as watchdogs, interlocutors or even partners in the security sector reform. The other concerns a marginalization of the ethnic dimension of security sector reform initiatives, in particular vis-à-vis the need for more multi-ethnic policing and the safeguarding of minority rights, as well as the de-militarization of police forces in Macedonia, Serbia and Montenegro.\footnote{493}

Another important issue is the coherence of the Pact’s approach towards the region. An important consideration comes from the Independent International Commission on Kosovo.\footnote{494} In the so called “Kosovo Report” the Commission explained that:

\begin{itemize}
\item Security Sector Reform in South Eastern Europe: An Inventory of Initiatives, York University Centre for International and Security Studies, at http://ssr.yciss.yorku.ca/.
\item The Commission was established on 6 August 1999 thanks to the initiative of the Prime Minister of Sweden, Mr Göran Persson; the Secretary-General of the United Nations, Mr. Kofi Annan, with whom he informally discussed the idea, endorsed the project. Mr. Richard J. Goldstone of South Africa and Mr. Carl Tham, Secretary-General of the Olof Palme International Centre in Stockholm acted as chairman and co-chairman respectively. Furthermore, the Commission was composed of the following eleven members: Dr Hanan Ashwari from Palestine; Prof. Grace d’Almeida from Benin; Senator Akiko Domoto from Japan; Prof. Richard Falk from the United States of America; Ambassador Oleg Grinevsky from the Russian Federation; Mr Michael Ignatieff from Canada; Prof. Mary Kaldor from the United Kingdom; Prof. Martha Minow from the United States of America; Prof. Jacques Rupnik from France; Mr Theo Sommer from Germany and Mr Jan Urban from the Czech Republic. The members of the Commission participated solely in their personal capacities.
\end{itemize}
However after one year, several problems associated with the concept and the implementation of the Pact has surfaced. First, the two processes of political stabilization and economic reconstruction should not be confused and “are not necessarily convergent.” The economic process does not automatically enhance the political one, especially if some key regional players (e.g. Serbia) are left out. Second, and more important, there is an implicit contradiction in the attempt to combine strategies based on regionality and conditionality. The Stability Pact is based on the principle of regionality, while the EU’s Association Process is based on the principle of conditionality

 [...] On the other hand, the logic of the EU enlargement process based on conditionality creates a variety of relationships and thus a new differentiation: Slovenia, Romania, and Bulgaria (and soon perhaps Croatia as well) have already opened accession negotiations with the EU, which puts them in a very different situation from Albania or Macedonia, which start-pried negotiations on Stabilization and Association Agreements, not to mention Bosnia or Kosovo, for which the EU membership is not seen as a realistic perspective. There is a danger of marginalizing the so-called Western Balkans as a powder keg contained only by a continued international military presence. Thus, according to some critics of the Stability Pact, “the EU is de facto dividing a region with the left hand, while promoting multilateral cooperation among the states of the same region with the right hand.” A dual approach is emerging: the logic of integration and enlargement of the EU, and the logic of intervention and protectorates. For implementation of the Stability Pact to be at all feasible, there must be a rethinking by the EU of the relationship between the differentiation involved in its pre-accession process and the objective of regional cooperation/integration.

These are only elements within a wider context, but they nevertheless contribute to the understanding of what the Pact is doing and how it works. An analysis of the activities of the Working Tables and their respective initiatives would undoubtedly be of assistance, however this is beyond the scope of the present report.

ANNEX III: List of Task Forces and Initiatives for 2006

<table>
<thead>
<tr>
<th>Role of the Stability Pact Secretariat</th>
<th>Main goal of Task Force / Initiative</th>
<th>Highest political declaration</th>
<th>Key partners</th>
<th>Funding</th>
<th>State of regionalization</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>WORKING TABLE I</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parliamentary Cooperation Task Force</td>
<td>Initiator, political support, overall co-ordination (through Senior Consultant Petra Blass)</td>
<td>Promote cooperation between SEE parliaments to strengthen legislative capacity, networking between SEE and EU parliaments</td>
<td>Joint statements of the SEECP Meeting of the Presidents of Parliaments, 16-18 March 2006</td>
<td>SEE parliaments, German government, EC, IMF, World Bank, USAID, DCAF, OSCE, NATO PA, Parliamentary troika (EP, Council of Europe PACE, OSCE PA) East West Parliamentary Practice Project, Friedrich Ebert Foundation, Konrad Adenauer Foundation</td>
<td>German government, European Parliament, Council of Europe PACE, DCAF, NATO Parliamentary Assembly, EC, IMF, World Bank, USAID, Switzerland, Dutch government</td>
</tr>
<tr>
<td>Local Democracy and Cross Border Cooperation Task Force</td>
<td>Initiator, political support to Network of Local Authorities of SEE (NALAS) and other initiatives (such as Euroregions and microregions)</td>
<td>Promote cooperation between local and regional authorities; capacity building</td>
<td>Political declaration at the Second SEE Regional Ministerial conference on Effective Democratic Governance at Local and Regional Level, 8-9 November, Skopje, 2006</td>
<td>SEE governments, Council of Europe, EC and Committee of the Regions, OECD, East-West Institute, NALAS, ALDA, Citizens Pact for SEE, Association of Multiethnic cities of SEE, LGI, PASOS</td>
<td>Council of Europe, OECD, OSI-LGI, EC</td>
</tr>
<tr>
<td>Gender Task Force</td>
<td>Political and expert support, overall coordination (through GTF Regional Centre in Zagreb, and SP GTF Chair Sonja Lokar)</td>
<td>Ensure de jure and de facto equality of women and men through direct cooperation of international organizations, parliaments, governments and civil society stakeholders.</td>
<td>Conclusions of the SEE Ministerial Conference, Dubrovnik 5-6 July 2006</td>
<td>SEE civil society organizations, SEE governments and Parliaments, governments of Norway, Austria, Switzerland, Italy, Germany, OSCE, UNDP, UNIFEM, ITUCF, FNV</td>
<td>Governments of Norway, Austria, Switzerland, Italy, Germany, FNV-Netherlands</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Media Task Force</td>
<td>Initiator, political support, overall coordination (through Executive Secretary Yasha Lange)</td>
<td>Promote passage of EU-conform broadcast legislation, support production of broadcast material, consolidate media associations and centres</td>
<td>Charter for Media Freedom, Thessaloniki, June 2000</td>
<td>SEE civil society working groups, governments of US, Sweden, Germany, Norway, Switzerland, Council of Europe, EC, OSCE, International NGOs</td>
<td>Governments of US, Sweden, Germany, Norway, Switzerland, France, Netherlands, CoE, OSCE, EC</td>
</tr>
<tr>
<td>ERI-SEE</td>
<td>Initiator, political support, has been designed and funded as a follow-up initiative of the Task Force Education and Youth, SCSP is initiator of Building Human Capital Initiative</td>
<td>Promote cooperation in education, youth and research issues, provide assistance in preparing for access to EU programmes</td>
<td>MoU on the “Education Reform Initiative”, signed in Tirana, December 2003; (Action Plan of ERI is based on EU Work Programme “Education and Training” 2010)</td>
<td>Switzerland, KulturKontakt Austria, Austrian Development Agency, Norway, Netherlands, ETF, UNESCO, Swisscontact, SEE governments, CoE, EC</td>
<td>Switzerland, Norway, KulturKontakt Austria, Netherlands</td>
</tr>
</tbody>
</table>
WORKING TABLE II

<table>
<thead>
<tr>
<th>Intra-regional Trade</th>
<th>Initiator, management of Trade Working Group, political intervention when necessary</th>
<th>Promote increased intra-regional trade and reduced non-tariff barriers (through development of single FTA/CEFTA)</th>
<th>Annual ministerial statements, April 2006 Bucharest</th>
<th>SEE governments, EC (DG Trade), UK, World Bank, WTO, Switzerland, US, Norway</th>
<th>UK DfID, US Dept of Commerce, Switzerland, World Bank, Norway, Sweden, EC</th>
<th>Regional structures envisaged under CEFTA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Energy</td>
<td>Provision of political monitoring and promotional support to EC DG TREN (leader) and ensuring an efficient collaboration between the IFI's and the EC at the level of ISG</td>
<td>Promoting the Energy Community Treaty to the business community while ensuring that social cohesion underpins the implementation of the Treaty (restructuring and new energy tariffs)</td>
<td>&quot;Athens process&quot; MoUs in 2002 and 2003, Energy Treaty signed on October 2006 and entered into force on July 2006. MoU on social aspects is expected to be endorsed by a joint declaration at the Ministerial Council in November 2006</td>
<td>SEE Ministries of Energy, EC, relevant EU governments (especially participants and observers to Athens process) and the IFIs</td>
<td>EC, World Bank, Joint Office/ISG, EBRD, EIB all funding energy related projects, USAID, CIDA, SIDA</td>
<td>The Energy Community Treaty has established a set of institutional bodies (Ministerial Council, Permanent High Level Group, EC Secretariat and the Regulatory Board (not yet functioning). The Gas Forum still needs to be set up</td>
</tr>
</tbody>
</table>

<p>| Investment Compact | Initiator, political and expert support to OECD who is main lead on this initiative | Improve investment environment through regional cooperation in policy development and promotion. Creation of monitoring system of reform measures, establishment of regional cooperation networks including public/private sector dialogue | Annual ministerial statement on investment, Vienna, June 2006 | Co-Chairs: OECD, Austrian Ministry of Economy, Serbian government, IC Project Team (composed of representatives of Ministries of Economy, government agencies, private sector associations, int. organizations and national governments) | OECD, Austrian Ministry of Economy, Switzerland, Ireland, US, Norway, EC, Czech Republic | Strengthening regional element by involving SEE governments in lead roles. (Serbia has been co-chair, BiH chair of Investment Promotion Network, and Albania chair of SME network) |</p>
<table>
<thead>
<tr>
<th>Regional Infrastructure</th>
<th>Advocate regional approach by all IFIs and participating institutions, promote removal of bottlenecks on project implementation, and advance process through institutional and practical solutions</th>
<th>MoU on Core Transport Network for Western Balkans (June 2004)</th>
<th>SEE governments, EC, World Bank, EBRD, EIB, COEDB</th>
<th>SEE Transport Observatory (SEETO) funded by EC, resources for ISG are provided in kind by members; Funding for infrastructure projects from IFIs, EC and bilateral donors</th>
<th>SEETO has been established in Belgrade (Steering Committee is chaired by BiH); IFC-led bid facility opened in Sofia in October 2005 to promote Public Private Partnership infrastructure projects</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initiative for Social cohesion</td>
<td>Promote development of regional strategies and policy reform in support of health, employment and social dialogue</td>
<td>MoU on employment policy signed 21 October 2005, MoU on Health signed at the Second Health Ministers Forum in November 2005</td>
<td>SEE governments, CoE, COEDB, WHO, ILO, ETUC, IOE, EC, Governments of Switzerland, Belgium, Greece, France, Italy, Norway, Greece, Luxembourg, Slovenia</td>
<td>CoE, COEDB, WHO, ILO, EC, Governments of Switzerland, Belgium, Greece, France, Italy, Norway, Greece, Luxembourg, Slovenia</td>
<td>Health will be Regional led through a regional network assisted by WHO; Employment aims to phase-out, while Ministries responsible for employment agreed to ensure completion of the remaining cycle of employment policy reviews and implementation of recommendations for SEE countries. Social dialogue-regional structure will take over co-ordination on social dialogue matters, assisted by ETUC/IOE</td>
</tr>
<tr>
<td>Initiative</td>
<td>Initiator, political and expert support</td>
<td>Promote development of electronic and broadband strategies in both public sector and nation-wide</td>
<td>MoU on Broadband-SEE, signed in Thessaloniki, June 2005</td>
<td>SEE governments, E-SEE Working Group (Serbia is Chair, UNDP provides secretariat), UNECE, EC DG Information Society, Hungary, Slovenia, Sweden, UK, US, Turkey</td>
<td>UNDP, South East European Research Telecommunications and Informatics Institute (INA/Greece)</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Housing and Urban Management Initiative</td>
<td>Initiator, political and expert support, development of regional support programme</td>
<td>Promote cooperation in housing and urban development, monitoring responsibilities in Vienna Declaration</td>
<td>Vienna Declaration on Informal Settlements in SEE, Vienna September 2004</td>
<td>SEE governments, key implementation agency: UN HABITAT, also active: governments of Switzerland, Luxemburg, COEDB, EIB, IFC, UNECE</td>
<td>Governments of Switzerland, Luxemburg, COEDB</td>
</tr>
<tr>
<td>Business Advisory Council</td>
<td>Providing political support upon request</td>
<td>Bringing together foreign investors and SEE governments</td>
<td>Foreign investors, SEE governments, IFIs, OECD, SECI office Vienna</td>
<td>BAC Secretariat located in Thessaloniki</td>
<td></td>
</tr>
<tr>
<td>Danube Cooperation Process</td>
<td>Initiator, political and expert support</td>
<td>Working with Austria, Hungary, Serbia and Montenegro and Romania on a more efficient use of the Danube as a transport route</td>
<td>Governments of Austria, Hungary, Serbia and Montenegro and Romania, SECI office (Vienna)</td>
<td>Austria, SECI office (Vienna)</td>
<td></td>
</tr>
<tr>
<td>Organized Crime Initiative (SPOC)</td>
<td>Initiator, political and expert support, facilitator of project implementation, and of coordination, and of dialogue</td>
<td>Promote governmental action and cooperation on OC, passage and implementation of EU-conform legislation, provide political and legal support to Bucharest-based SECI Center</td>
<td>London Statement on Defeating Organized Crime in SEE, 2002; SEECJ JHA Ministers’ Joint Declaration to fight organized crime and corruption (Bucharest, May 2004)</td>
<td>SEE authorities, US government, EC, EP, Council of the EU, Germany, Austria, SECI Center, OSCE, UNODC, Europol, Eurojust, SEEPAG, Greece, Romania, East-West Institute, Interpol, CEI, CEUUN</td>
<td>Governments of US, Germany, Austria, Romania, Greece</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>SECI Regional Center for Combating Trans-border Crime (Bucharest) 2</td>
<td>Although not created strictly under the Stability Pact umbrella, SP has been providing political and expert support</td>
<td>Regional cooperation on the operational level between police and customs officers of the region. (12 participating countries)</td>
<td>Agreement to prevent cooperation to prevent and combat trans-border crime</td>
<td>12 participating countries, US government, Romania as host, Europol</td>
<td>US government, Romania, most participating countries second staff</td>
</tr>
<tr>
<td>Migration, Asylum and Refugee Regional Initiative (MARRI)</td>
<td>Initiator, and provider of political support to the regional office under the SEECP framework</td>
<td>Promote regional cooperation on these issues, forge political consensus between SEE governments on main priorities and strategies in line with the EU standards</td>
<td>Ministerial Declaration, (Tirana, April 2005); MoU on establishing a Regional Forum for the MARRI Initiative (Herzeg Novi, April, 2004)</td>
<td>SAP governments, EC, SEECJ, UNHCR, OSCE, CoE, IOM, ICMPD</td>
<td>Germany, US, Sweden, Switzerland, Norway, UK, SAP countries</td>
</tr>
<tr>
<td>Police Forum</td>
<td>Initiator, political and expert support</td>
<td>Create and maintain OC training network (OCTN); Stolen Vehicle Project; Anti-Drug Network; I-24/7 Interpol project; Regional Police Training project (RPT); Crime Analysis project; SEPCA support projects; Activities promote adoption of EU standards, the enhancement of networking in the SEE region</td>
<td>Memorandum of Understanding on OCTN, signed August, 2003; Letter of Intent regarding OCTN has been signed September 2005; agreement letter WTIII - SEPCA, signed June 2006</td>
<td>AEPC; SEPCA-Association of Police Chiefs in SEE; SECI Center Bucharest; Interpol; Europol; OSCE; EC; EUPM; UNMIK; IOM</td>
<td>Governments of Norway, UK, Switzerland, Finland, Netherlands, Germany, US, Austria, Sweden, Ireland, Slovenia, Liechtenstein</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Anti-corruption Initiative (SPAI)</td>
<td>Initiator, political and expert support, facilitator of project implementatio n co-ordination, and of dialogue</td>
<td>Promote government action in fighting corruption; ensure regional co-ordination and networking; adoption and implementatio n of EU-compatible legislation</td>
<td>SEECP JHA Ministers’ Joint Declaration to fight organized crime and corruption (Bucharest, May 2004), Justice Ministers Declaration (Brussels, May 2005)</td>
<td>SEE governments, US State Dept, USAID, American Bar Association, EC, Council of Europe, UNODC, OSCE, OECD, World Bank, OSI, Transparency Int., Norway, Switzerland, Finland, Sweden, Austria, Italy</td>
<td>US State Dept/ USAID/ ABA CEEU (office and activities); BIH Government (office); SEE governments (in-kind contributions); OSCE (activities); UNODC (activities); OECD (activities); Council of Europe (activities); Open Society Institute (activities)</td>
</tr>
<tr>
<td>Initiative</td>
<td>Initiator, Secretariat party to the group of stakeholders in the Ohrid Border Process (additional members: EC, NATO, OSCE)</td>
<td>Drive reform in strengthening border management capacities in line with EU standards, push for establishment of full civilian control of borders</td>
<td>Common platform and a way forward document, adopted in May 2003</td>
<td>Predominantly EU CARDS programme. Additional funding from OSCE, DCAF</td>
<td>N/A</td>
</tr>
<tr>
<td>------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>Border Security and Management Initiative (Ohrid Border Process)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Disaster Preparedness and Prevention Initiative (DPPI)</td>
<td>Initiator, political and expert support</td>
<td>Create regional capacity to respond to natural and human-made disasters. Bring together donors and IGOs and NGOs to coordinate activities</td>
<td>Declaration on Cooperation in Disaster Preparedness and Prevention in SEE, Bucharest, June 2002</td>
<td>US, Norway, Switzerland, and matching contribution from participating SEE states</td>
<td>DPPI Secretariat was moved from Brussels to Sarajevo in 2005. A further increase in regional ownership is the establishment of the Institutional Working Group to work on the institutionalization and further regionalization of the DPPI</td>
</tr>
<tr>
<td>Small Arms and Light Weapons Collection Initiative (SEESAC)</td>
<td>Initiator together with UNDP, political and expert support mainly through the Regional Steering Group</td>
<td>Assisting capacity building to control and reduce the proliferation and misuse of small arms and light weapons; SALW collection and destruction; stockpile management</td>
<td>Stability Pact Regional Implementation Plan on Combating the Proliferation of SALW (adopted in November 2001)</td>
<td>UNDP, EC, Norway, UK, Netherlands. Serbia hosts SEESAC in Belgrade since 2002</td>
<td>Regional Clearinghouse for Small Arms and Light Weapons (SEESAC) was set up in 2002 and managed by UNDP</td>
</tr>
<tr>
<td>Initiator, Member of Multinational Advisory Group (MAG), political support, expert participation in workshops/seminars</td>
<td>Enhance regional dialogue and cooperation in arms control and confidence building measures; provide assistance in their implementation; support and complement the activities of the OSCE and other organizations. Advance defense reform, adoption of NATO-compatible solutions, monitoring government action plans and programmes</td>
<td>Conclusions of the RACVIAC Coordination Conference Berlin (July 2000). Declaration of SEECP Ministers of Defense, Belgrade, March 2005</td>
<td>SEE MAG participating countries, Norway, Germany, UK, France, Netherlands, the Nordic Initiative, Turkey, Austria SEE governments, NATO, RACVIAC, OSCE, DCAF, BICC, IOM, UNDP, World Bank, CoE DB, bilateral donors</td>
<td>Contributions to RACVIAC budget by the MAG countries (Norway, Germany, France, Netherlands, Turkey, UK in particular). Croatia is providing facilities. UK, Norway, Netherlands, IFIs</td>
<td>Regional Arms Control Verification and Implementation Assistance Centre was created in Zagreb in 2000. Its staff is partly seconded by SEE governments. RACVIAC Centre in Zagreb is in the process of strengthening its role as a regional centre for defense conversion</td>
</tr>
</tbody>
</table>
7. Part Seven - Conclusions

Unfortunately the last Yugoslav war is an example of how single and isolated operations, undertaken by international organizations, could, in terms of cooperation, undermine the results in the field. The presence of multifunctional peace operations can be in itself considered as an improvement in the interplay between the Council of Europe, OSCE, EU and NATO. However, a competitive attitude among organizations present in the region was present and in fact undermined the effectiveness of the whole operation. For the future, the issue of cooperation should be considered in all the phases of the conflict management as a matter of priority.

7.1. Overview of the main problems

The analysis of the cooperation among international organizations raised the following problematic issues:

• Improving the exchange of personnel. The exchange of civilian, military staff and liaison officers between various regional organizations needs to be improved. It is an important aspect of transparency, a practical way to implement cooperation, and should be encouraged at all levels and in a systematic manner. The exchange should be further completed with the possibility to attend “lessons learned” and best practices studies. The practice of exchanging liaison officers should be also extended at Headquarters Level: this would guarantee coherence from the early planning stage to the strategic level during the mission. In addition, the exchange should be followed by increased information sharing and transparency at the working level.

• Improving communication among the actors. Establishing fundamental communications is the first step in the process of cooperation. Experiences in the Balkans demonstrated how important this aspect is in a conflict-related scenario. In this contest, Member States even before the involvement of international organizations, should establish a regular process for developing and exchanging measures of effectiveness for the civilian, police and military components.

• Providing for the effective transition of authority. Issues of liaison officers and information-sharing also concern the transfer of responsibility from one authority to another. The need of an effective operational transition between the forces deployed became extremely important once in the field. In this situation, Member States should encourage international organizations to facilitate the development of guidelines and standard procedures for effective transitions between organizations.

• Improving training. Training is one of the most important topics that have to be considered in the cooperation. First of all, States are primarily responsible for supplying peace operations with properly trained personnel; unfortunately this practice did not happened in the Balkans. Many times the national military troops or seconded civilian officers were not aware or not interested in understanding what the other actors were doing. Overlapping mandates and uncertain chains of command are elements that affected the whole peace operation.
• Furthermore, soldiers, police, and civilian personnel serve together in complex peace operations, but rarely train together. Training programmes should bring these different actors together to understand each other’s tasks and develop necessary skills (such as teamwork and cooperative spirit). In this case the training should further examine the perspective of all the principal contributors to the peace operation. Multidisciplinary education and training are essential elements in order to achieve this goal. In addition, personnel need to be trained in their skills and in what will be expected of them.

• Training must not stop following deployment to a mission. Education and training are areas that can always be improved and require consistent attention and updating. In addition, with a constant stream of new people becoming involved in peace operations and taking on assignments for the first time, education and training are never-ending tasks.

• Refining the doctrine. An institution’s doctrine for peace operations derives from its strategic aims and is highly dependent on the range of tools at its disposal, which vary from organization to organization. To achieve confidence and consistency between contributors to peace operations, a set of guidelines could outline an approach to common activities, laying out the fundamental principles, practices and procedures normally to be followed in meeting the mandates of multifunctional peace operations.

• Ensuring realistic funding. The actual funding of peace operations is an area where more cooperation and coordination between regional organizations must occur. In fact, as seen in the country-analysis, the establishment of a realistic budget to maintain international missions, operations and institutions set up by international organizations is still a matter of concern.

• Ensuring a holistic approach of the operation. An international operation must develop a visibly holistic approach; this includes transferring responsibility from the international mission to the local authorities. The transition process must be planned from the very beginning, including rule of law objectives as well.

• Ensuring partnership with the local population. Partnership with local population should be developed in parallel with coordination between international actors. Of course, local communities and their leaders need to understand what it is that the international operation is attempting to do. Public media and education strategy could certainly be useful in achieving this goal; however, the media still remains a problematic issue in peace operations. In addition, the local community should have easy access to mechanisms such as the ombudsman (for example) in order to allow them to present grievances against the international operation itself in a secure and confidential setting.
7.2. Provocative questions

The analysis of the problems encountered investigating the state of cooperation among international organizations in my opinion justifies the presentation of the following provocative questions. These can actually be considered as points of discussion in considering the establishment of common guidelines for improving the interplay among international/regional organizations involved in conflict-related scenarios:

- Can the creation of common modules on principles and techniques of cooperation and coordination be a valuable solution to the problems analyzed in the previous section?
- Can the creation of a strategic secretariat/centre be considered a valuable help? And if yes, what guidelines should the international community follow in setting up its structure?
- Should international organizations consider the creation of a common fund in order to solve the financial problems of peace support operations?
- How can the international community solve problems concerning training and deployment of field missions?
- What can the international community do in order to improve cooperation among different international organizations? Can the creation of ad hoc bodies be considered a valuable solution?
- Where the peace support operation is a multifunctional one, how can the international community solve the problems highlighted in the report?
ACRONYMS

AAAS - American Association for the Advancement of Science
ACTWARN - Activation Warning
BiH - Bosnia and Herzegovina
CARDS - Community Assistance, Reconstruction, Development, and Stabilization Programme
CEC - Central Election Commission
CEEOM - Council of Europe Election Observation Mission
CEI - Central European Initiative
CiO - Chairman-in-Office
CLRAE - Congress of Local and Regional Authorities of the Council of Europe
CoE - Council of Europe
EAFR - European Agency for Reconstruction
EBRD - European Bank for Reconstruction and Development
EBU - European Broadcasting Union
EC - European Commission/Community
ECMM - European Community Monitoring Mission
EU - European Union
EUMM - European Union Monitoring Mission
FRY - Federal Republic of Yugoslavia
FYROM - Former Yugoslav Republic of Macedonia
HRW - Human Rights Watch
IAC - Interim Administrative Council
IASC - Inter-Agency Standing Committee
ICG - International Crisis Group
ICRC - International Committee of the Red Cross
ICTY - International Criminal Tribunal for the Former Yugoslavia
IDP - Internally Displaced Person
IFOR - Implementation Force
IOM - International Organization for Migration
JAC - Joint Advisory Council
JIAS - Joint Interim Administrative Structure
KDOM - Kosovo Diplomatic Observers Mission
KFOR - Kosovo Force
KLA - Kosovo Liberation Army
KPC - Kosovo Protection Corps
KPS - Kosovo Police Service
KVM - Kosovo Verification Mission
NATO - North Atlantic Treaty Organization
OCHA - Office for the Co-ordination of Humanitarian Affairs
OHR - Office of the High Representative
OMIK - OSCE Mission in Kosovo
OSCE - Organization for Security and Cooperation in Europe
PC - Permanent Council
SAP - Stabilization and Association Process
SECI - Southeast European Cooperative Initiative
SFOR - Stabilization Force
SP SEE - Stability Pact for South Eastern Europe
SRSG - Special Representative of the Secretary General
UN - United Nations
UN CIVPOL - United Nations Civilian Police
UNDP - United Nations Development Program
UNHCHR - United Nations High Commissioner for Human Rights


Juncos A.E., “The EU’s post-Conflict Intervention in Bosnia and Herzegovina: (re)Integrating the Balkans and/or (re)Inventing the EU?”, Loughborough University, *Southeast European Politics* Vol. VI, No. 2 November (2005).


Porobić N., *Re)constructing a Deeply Divided Society. Peacebuilding Lessons from Bosnia and Herzegovina*, (Lund University Faculty of Political Science, 2005).


<table>
<thead>
<tr>
<th>Year</th>
<th>Document Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>1998</td>
<td></td>
</tr>
</tbody>
</table>

1999

Council of Europe, Committee of Ministers, “Stability Programme for Southeast Europe, a Council of Europe contribution” (CM(99)79), 6-7 May 1999.


2000


Parliamentary Assembly of the Council of Europe, (PACE), Bureau of the Assembly, Doc. 8891, Ad hoc Committee to observe the municipal elections in Kosovo (28 October 2000), 15 November 2000.


2001

Parliamentary Assembly of the Council of Europe, (PACE), Bureau of the Assembly, Doc. 8891, Ad hoc Committee to observe the municipal elections in Kosovo Assembly - 17 November 2001, 12 December 2001.


2002


2003

The Organization for Security and Cooperation in Europe (OSCE)

Annual reports
CSCE Annual Report 1993 on CSCE Activities.
CSCE Annual Report 1994 on CSCE Activities.
OSCE Annual Report 1995 on OSCE Activities.
OSCE Annual Report 1997 on OSCE Activities.
OSCE Annual Report 1999 on OSCE Activities.
OSCE Annual Report 2000 on OSCE Activities.
OSCE Annual Report 2001 on OSCE Activities.

Report - Interaction
OSCE the Secretary General, Annual Report 2000 on Interaction between Organizations and Institutions in the OSCE Area (2000).
OSCE the Secretary General, Annual Report 2001 on Interaction between Organizations and Institutions in the OSCE Area (2001).

Seminars


Elections Observation Mission:


Report:


OSCE Representative on Freedom of the Media, “Slovenia, Croatia, Bosnia and Herzegovina, Macedonia (FYROM) and Kosovo. International Assistance to Media”, Vienna 2000.


Survey of OSCE Long-Term Missions and other OSCE Field Activities (2006).

North Atlantic Treaty Organisation (NATO)

NATO Fact sheets, Operation MARITIME MONITOR, AFSOUTH Fact sheets.

NATO Fact sheets, Operation MARITIME GUARD, AFSOUTH Fact sheets.

NATO press release M-NAC-D(99) 156, 2 December 1999 and the speech of NATO’s Secretary-General on 10 March 2000 in Antalya.


The European Union (EU)


International Crisis Group (ICG)


Human Rights Watch (HRW)
