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NATO and Humanitarian Action in the Kosovo Crisis

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PREFACE

When NATO warplanes began to unleash their bombs in March 1999 against the Federal Republic of Yugoslavia, even the most casual observer realized that the situation in Kosovo was not an ordinary crisis. As our colleague Adam Roberts would later write, the international response represented "the first major bombing campaign intended to bring a halt to crimes against humanity being committed by a state within its own borders." It was also "the first sustained use of armed force by the NATO alliance in its 50-year existence."

Yet the Kosovo crisis was not entirely without precedent. It capitalized on the rebalancing of state sovereignty and humane values that had taken place during the first post-Cold War decade. It took a leaf from NATO's earlier involvement, however dilatory and half-hearted, in Bosnia. Coinciding with the fiftieth anniversary of NATO itself, it would offer clues to the alliance's future role in the security and humanitarian spheres, both at home and "out of area."

In the months since the NATO bombing campaign, other major crises have highlighted both the generic and the special aspects of the Kosovo experience. Responding to the violence following the August referendum in East Timor, governments mounted a major military-cum-humanitarian response, with the United Nations eventually assuming Kosovo-like protectorate responsibilities. Yet in Chechnya, the lack of a firm international response to the nightmare for civilians created by Russian military strikes has made the humane values invoked in the Kosovo crisis appear selective and idiosyncratic.

From a research standpoint, too, the Kosovo emergency was not an ordinary crisis. We realized as early as June when we began to plan the research contained in this volume that the stakes were unusually high for Europe and the Balkans, and that the implications of the NATO initiative would ripple well beyond Kosovo. As year's end

approaches, some two dozen studies of various aspects of the crisis are underway, making Kosovo and the NATO response likely to emerge as the most-studied of recent emergencies.

As we set about during July to frame the issues and refine the research methodology, we became aware that we had in the making another in our own lengthening succession of case studies. These began with the Sudan in 1990, continued through Iraq, Cambodia, Central America, the former Yugoslavia, and included, most recently, the Caucasus. In addition to reconnecting with regional and country monographs, we realized that *Soldiers to the Rescue*, our review of the role of international military forces in responding to the Rwandan crisis in 1994, would have particular relevance.

The fast-paced trajectory of our Kosovo study would not have been possible if the Netherlands government, a long-time stakeholder in our work, had not shared our sense of the importance of the issues. We express our gratitude to the Foreign Ministry for its confidence and support. Thanks to a special grant it confirmed in August, we began the 200-plus interviews at once. A list of those interviewed is contained in Appendix I.

In fact, we launched our research with interviews at the United Nations in New York in July even before the funding was formally approved. Our visit to Macedonia and Kosovo in August was followed by visits there and to Albania in September. We talked with officials on the frontlines of the crisis in Orahovac and Mitrovica, in Prizren and Pec, and with others in the more secure settings of Skopje, Tirana, and Pristina. Other stops included Brussels, Washington, Geneva, London, and, again, New York. Our interviews included the widest possible range of actors—military, political, and humanitarian.

By late October we had drawn together our findings and circulated them in a preliminary Discussion Note for review at a workshop convened by the Netherlands Foreign Ministry in The Hague, November 15-16. That gather-

ing gave us an opportunity to check the accuracy of the data assembled and also to test some of our broader conclusions and recommendations. More than half of those invited by the Foreign Ministry were persons we had interviewed earlier in the study. (For a list of participants, see Appendix II.) Based on the workshop's input, we finalized our report a month later.

As with other studies by the Humanitarianism and War Project, this one has benefited from a multidisciplinary approach. We had the good fortune to collaborate with Ted van Baarda, director of the Humanitarian Law Consultancy in The Hague, whose familiarity with military institutions and international humanitarian law complemented our own past work on humanitarian organizations and practice. Marc Sommers, an anthropologist who has worked with the Project on a variety of issues in recent years, was the third member of the team. A biographical note on each of us and a word about the two collaborating institutions is contained in Appendix IV.

We relied on our usual inductive methodology, with conclusions emerging from data generated largely through interviews with participants. The 200-plus persons interviewed, drawn from some 70 agencies, represented a cross section of the individuals and institutions involved in the Kosovo crisis itself. As with the participants at the workshop, roughly one-third had military or political responsibilities and two-thirds had humanitarian duties. Some were interviewed individually, others with colleagues. Some interviews were brief, others were longer. Some persons were interviewed more than once and by more than one of the three of us. We are grateful to all of them for their time and insights.

This monograph is organized to encourage those who may not have been involved in the research or the issues to follow along in the process. Chapters 1 through 5 provide the findings of our study. Appearing originally as a Discussion Note circulated in advance to participants in The Hague workshop, this material was later revised to reflect

input received there. Chapter 6 contains our summary of the workshop, including points of consensus and items that remained unresolved. Chapter 7 offers our own recommendations as researchers. Part Two assembles materials that provide additional context for the research findings and recommendations. Chapter 8 reprints Adam Roberts' journal article, presented at the opening session of the workshop. Chapter 9 contains a timeline of major events compiled to serve as a ready reference for readers. Chapter 10 is made up of materials that are of historical interest as well as of possible utility in planning future humanitarian action. The appendixes provide additional material.

As we note in Chapters 1 through 5, it is difficult to reach a judgment regarding whether the Kosovo crisis exemplifies the harnessing of the military for humanitarian tasks or the militarization of humanitarian action, or some combination of both. We framed the issue in carefully balanced fashion in order to stimulate discussion at the workshop. We succeeded. The consensus of the group was that the crisis represented the harnessing of the military for humanitarian tasks. Yes, the harness chafed here and there, but on balance the collaboration was productive.

By contrast, we as researchers read the Kosovo crisis as reflecting the militarization of humanitarian action, with certain ominous portents for the future, particularly in terms of the politicization of humanitarian access and activities. Several of those present at the workshop shared some of our concerns. We indicate in Chapter 6 a number of points at which, in our judgment, the group did not come to terms with serious issues raised by the data.

We wish to express appreciation to the many colleagues who have made it possible for us conduct this research and to produce this report all within the space of less than six months. These include, from the Netherlands Foreign Ministry, Mariëlle A.M. Geraedts; from the Humanitarian Law Consultancy, Sebastiaan van der Hijden; from the Watson Institute, Margareta Levitsky, Kevin von See Dahl, Ryoko Saito, Fred Fullerton, and Laura Sadovnikoff; and

from among the Project's consultants, Thomas G. Weiss. We are especially indebted to our editor, Mary Lhowe.

We also wish to express particular gratitude to Professor Philip Alston, who chaired the workshop in The Hague, and to Professor Adam Roberts, who presented the highlights of his article, "NATO's 'Humanitarian War' over Kosovo," to the gathering. We are grateful to Professor Roberts and to the journal *Survival* and its publisher, Oxford University Press, for permitting his article to be reprinted in its entirety as Chapter 8 of this report. The article is reproduced here in its original form without changes that would adapt it to U.S. stylistic conventions.

We have tried throughout to reflect faithfully the opinions expressed by those interviewed. The views expressed do not necessarily reflect those of the Netherlands government. We take full responsibility for the report and welcome any comments that readers may wish to share. The report also is available in full at the Project's website, www.brown.edu/Departments/Watson_Institute/H_W.

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December 1, 1999

ACRONYMS

ACT	Action by Churches Together
AFOR	Albanian Force (NATO)
AFSOUTH	Allied Forces Southern Command
AOR	Areas of Responsibility / Operation
ARRC	ACE (Allied Command Europe) Rapid Reaction Corps (NATO)
BHR	Bureau for Humanitarian Response (USAID)
CIMIC	Civilian-Military Coordination
COMMZ	Communications Zone (KFOR)
CRS	Catholic Relief Services
DART	Disaster Assistance Response Team (USAID)
DOD	Department of Defense (U.S.)
DPA	Department of Political Affairs (UN)
DPKO	Department of Peace-keeping Operations (UN)
DSRSG	Deputy Special Representative of the Secretary-General (UN)
EADRCC	Euro-Atlantic Disaster Response Coordination Centre (NATO)
ECHO	European Community Humanitarian Office (EU)
EMERCOM	Ministry of Russian Federation for Civil Defense, Emergencies and Elimination of Consequences of Natural Disasters
EMG	Emergency Management Group (Albania)
EU	European Union
FRY	Federal Republic of Yugoslavia
FYROM	Former Yugoslav Republic of Macedonia
GTZ	Deutsche Gesellschaft für Technische Zusammenarbeit (Germany)
ICG	International Crisis Group
ICJ	International Court of Justice
ICRC	International Committee of the Red Cross
ICTY	International Criminal Tribunal for the former Yugoslavia

IDPs	Internally displaced persons
IFRC	International Federation of Red Cross and Red Crescent Societies
INTERFET	International Force for East Timor
IOM	International Organization for Migration
IRC	International Rescue Committee
KFOR	Kosovo Force (NATO)
KLA	Kosovo Liberation Army (UCK)
KVM	Kosovo Verification Mission (OSCE)
LWF	Lutheran World Federation
MCC	Mennonite Central Committee
MCI	Mercy Corps International
MNB	Multinational Brigade (NATO)
MoD	Ministry of Defense
MOU	Memorandum of Understanding
MPF	Multilateral Protection Force
MRE	Meals Ready-To-Eat
MSF	Médecins sans Frontières [Doctors without Borders]
NATO	North Atlantic Treaty Organization
NGO	Nongovernmental organization
NMR	National Military Representative (NATO)
OCHA	Office for the Coordination of Humanitarian Affairs (UN)
OECD	Organization of Economic Co-operation and Development
OFDA	Office of Foreign Disaster Assistance (USAID)
OHCHR	Office of the High Commissioner for Human Rights (UN)
OSCE	Organization for Security and Cooperation in Europe
PfP	Partnership for Peace (NATO)
PRM	Bureau of Population, Refugees, and Migration (U.S. Dept. of State)
RSCC	Refugee Support Coordination Center (NATO)
SACEUR	Supreme Allied Commander Europe (NATO)

SFOR	Stabilization Force (NATO, Bosnia-Herzegovina)
SHAPE	Supreme Headquarters Allied Powers, Europe (NATO)
SHIRBRIG	Stand-by Forces High Readiness Brigade (UN)
SOP	Standard Operating Procedure
SRSG	Special Representative of the Secretary-General (UN)
UCK	Ushtria Çlirimtare E Kosovës (KLA)
U.K.	United Kingdom
UN	United Nations
UNESCO	United Nations Educational, Scientific, and Cultural Organization
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNMIK	United Nations Interim Administration Mission in Kosovo
UNPREDEP	United Nations Preventive Deployment Force (Macedonia)
UNPROFOR	United Nations Protection Force
UNSC	United Nations Security Council
U.S.	United States
USAID	U.S. Agency for International Development
WCC	World Council of Churches
WFP	World Food Programme (UN)
WHO	World Health Organization (UN)

CHAPTER 1

INTRODUCTION

Overview

The world's response to the Kosovo crisis dramatizes the increased role of international military forces in humanitarian action. Some people view this development positively as the harnessing of the military for humanitarian tasks; others are alarmed at the perceived militarization of humanitarian action. A workshop convened by the Netherlands Foreign Ministry in The Hague on November 15-16, 1999, assessed these different perspectives on the Kosovo experience in the light of research it had commissioned.

Prepared for the workshop and refined afterward to reflect the discussion there, this chapter and the following four examine four specific issues in the interaction of military with humanitarian actors: the operational division of labor between the two (Chapter 2); the politicization of humanitarian action (Chapter 3); tensions between the two institutional cultures (Chapter 4); and the implications of the Kosovo experience for the future (Chapter 5).

Chapters 1-5 reflect the findings of a study conducted from August to October 1999 by two independent research groups, the Humanitarianism and War Project of Brown University and the Humanitarian Law Consultancy of The Hague. Researchers Larry Minear, Ted van Baarda, and Marc Sommers sought the views of some 200 officials in Kosovo, Albania, and Macedonia as well as in Brussels, London, The Hague, Geneva, New York, and Washington. Persons interviewed spoke off the record, often expressing personal concerns as well as agency views. One Belgian nongovernmental organization (NGO) refused to be interviewed, citing its delicate relationship with the Belgian government. Given the ground rules, the material in these chapters does not footnote the names of those quoted or the

dates and locations of specific interviews.

This study is one of many on the Kosovo crisis. Unlike internal reviews launched by individual organizations such as the North Atlantic Treaty Organization (NATO) and the United Nations High Commissioner for Refugees (UNHCR) or by families of organizations such as the Red Cross movement, it encompasses the full range of international actors, both military and humanitarian. Unlike comprehensive reviews of the response in its various aspects (coordination, contingency planning, cost, effectiveness, and so on), this study examines exclusively the military / humanitarian interactions. Unlike evaluations geared to measuring results and proposing remedies, the research has a more modest objective: to frame issues for discussion and analysis.

The study is independent in character, although some of the institutional actors are stakeholders in the two research groups' work. The views expressed do not necessarily represent those of the Netherlands government.

The Context

The study reviews the interaction between military and humanitarian institutions during the Kosovo crisis. The terms "military" and "humanitarian" are used as shorthand for two sets of institutions, each quite diverse. As indicated in Figure 1, international military assets, some under NATO command, others not, were provided by NATO member states and Partnership for Peace countries. Other foreign military assets were deployed by countries not affiliated with NATO. The assets included some civil protection and reservist units of a largely civilian nature as well as contingents entirely military in character.

The panoply of foreign and international military forces served an array of differing purposes. Some units were deployed for peacekeeping or offensive military action, others solely to support humanitarian groups. Still others had both sets of duties, with differing degrees of discretion

Figure 1: International Military Assets in the Kosovo Crisis

Macedonia Theater	**NATO: Full Members** France Germany Netherlands United Kingdom United States	**NATO: Partnership for Peace**	**Other**
Albania Theater	Belgium Greece Italy Netherlands Poland Spain Turkey United Kingdom United States	Austria	Saudi Arabia United Arab Emirates
Kosovo Theater	Belgium Canada Czech Republic Denmark France Greece Hungary Italy Netherlands Poland Portugal Spain Turkey United Kingdom United States	Austria Azerbaijan Finland Slovakia Sweden Switzerland	Argentina Morocco Russia United Arab Emirates

Compiled from NATO, government, and other sources.

allowed to and/or exercised by their commanding officers.[1] The variety of units and purposes created a certain confusion among humanitarian organizations and the international public.

Humanitarian resources came from an array of bilateral government aid agencies, UN organizations, the International Committee of the Red Cross (ICRC), and local and international NGOs. The unusually bilateral nature of the humanitarian response, reflecting in part the role played by national military formations, is a recurring theme. The study defines "humanitarian" action as encompassing the protection of irrevocable human rights and humanitarian rights as well as the provision of emergency assistance. Thus "human rights" as well as "humanitarian" agencies are among the "humanitarian" assets reviewed. The study uses the term "humanitarian" to apply only to activities carried out by civilian organizations. This narrow definition was challenged at the workshop, as described in Chapter 6.

For purposes of analysis, this study divides the Kosovo crisis into three relatively distinct, if overlapping, periods. The pre-bombing period extends from January 1998 through March 23, 1999, when NATO reached its decision to mount an air campaign. The bombing period covers the 77 days between March 24 and June 11. The post-bombing period begins on June 11 and extends through the end of July, when the repatriation of refugees from Macedonia and Albania was well advanced.

There was limited interaction between military and humanitarian institutions during the pre-bombing period, reflecting the assumption that diplomatic negotiations would succeed in avoiding a major humanitarian crisis. As negotiations became more problematic and enforcement action by NATO more likely, there was only marginal and informal communication—and no joint contingency planning—between the two sets of actors. Much of the interaction of the military with humanitarian organizations took place during the bombing period, when international troops,

within the framework of a request by the UNHCR, assumed specified humanitarian-support tasks.

Following the bombing, NATO troops phased down their assistance activities in Albania and Macedonia and stepped into the breach in Kosovo until aid agencies could organize their own activities for returning refugees. Once again, however, the transition from one period to the next had serious problems, in this instance related to a lack of joint planning and preparedness for eventual repatriation once a cease-fire had taken hold.

The focus of the study on the humanitarian "emergency" during the four-plus months from late March to July 1999 may seem unduly narrow. The roots of the crisis clearly lie much deeper. However, this focus allows the NATO bombing campaign, Operation Allied Force, to be situated in its immediate historical context. Conversely, although the immediate needs of civilians in Kosovo and neighboring areas were not totally met by late July, the Sarajevo conference on July 30 that launched the rehabilitation phase of the international response is generally viewed as marking the formal end of the emergency.

The study identifies three tasks performed by the military in the humanitarian sphere: fostering a climate of security for civilian populations and humanitarian organizations; supporting the work of such agencies; and providing hands-on assistance to those in need. This typology is taken from an earlier Organization of Economic Cooperation and Development (OECD) study by one of the researchers, *Soldiers to the Rescue: Humanitarian Lessons from Rwanda*.[2]

The OECD review, which examines the use of international troops for humanitarian tasks in the 1994 Rwanda crisis, helps situate the response to the Kosovo crisis within the context of broader trends regarding the use of military assets for non-military tasks during the post-Cold War period. A second useful reference is a matrix formulated by another of the authors that examines three generic patterns of cooperation between the military and humanitarian organizations.[3]

Many of the participants in the Kosovo response have cautioned against broad generalizations about the contribution of the military to humanitarian action. There were, indeed, three separate NATO theaters: Albania, Macedonia, and the Federal Republic of Yugoslavia (FRY). Within each, relationships differed, reflecting the specific political / military dynamics on the ground, which changed over time, as well as the various military contingents and humanitarian organizations involved.

With regard to Albania, foreign national military contingents were present in the north prior to NATO bombing of FRY. A case in point was the Italian-led multinational protection force acting under UN Security Council Resolution 1101 (1997). During the bombing and at the request of the UNHCR, the lead designated UN humanitarian agency, a NATO command and control structure was gradually deployed under the name of the Albanian Force (AFOR), with troop strength of 8,300. According to NATO, AFOR's operating plan, Operation Allied Harbor, had an exclusively humanitarian function.

With regard to Macedonia, a long-standing peacekeeping body called the United Nations Preventive Deployment Force (UNPREDEP), whose purpose was to prevent the spread of instability into the Former Yugoslav Republic of Macedonia, remained on the ground until late February 1999, when China vetoed its extension.[4] Since October 1998, a NATO-led Extraction Force, under the command of a French general, had also been present in the event of the need to remove personnel of the Kosovo Verification Mission (KVM) of the Organization for Security and Cooperation in Europe (OSCE) from Kosovo. Already in February 1999, British troops had built refugee camps for early arrivals from Kosovo.

Following the departure of KVM monitors from Kosovo on the eve of the bombing, the Extraction Force was subsumed into the NATO Kosovo Force (KFOR). Numbering some 12,000, these various forces were in a position to assist in the humanitarian relief effort in support of Kosovar

Albanians seeking refuge in Macedonia. Had UNPREDEP continued in existence, a UN peacekeeping force would have been on the ground and in a position to respond to the refugee crisis, perhaps reducing the role assumed by NATO.

With regard to the Federal Republic of Yugoslavia, the full force of NATO military pressure was applied during the air campaign to targets in Kosovo, Montenegro, and Serbia proper. Prior to and during the bombing, NATO and NATO members refused to confirm the presence of NATO troops in Kosovo itself. Following the Military Technical Agreement of June 9, KFOR troops entered Kosovo from both Albania and Macedonia, providing a general security umbrella for the safe and voluntary repatriation of refugees. The agreement specified a phase out / phase in of FRY and NATO troops respectively, during which a large number of Serbian civilians, fearing violence, followed FRY forces back to Serbia.

Thereafter, KFOR, with approved strength of 45,000, sought to establish and maintain an environment within which the UN Mission in Kosovo (UNMIK) could facilitate a post-conflict transition. UNMIK had four "pillars:" civil administration (led by the UN), humanitarian (led by UNHCR), institution building (led by the OSCE), and reconstruction (led by the European Union).

Elsewhere in FRY outside of Kosovo during and after the bombing, the need for humanitarian assistance and protection increased as a result of the conflict, although NATO troops were not in a position to be involved themselves in rendering such services. Only a small group of humanitarian organizations remained or became operational. Those associated with NATO had particular difficulty in functioning, both during and after the NATO bombing. Some organizations which had not collaborated with NATO—and even some that had criticized NATO's military strategy—also experienced difficulties.

Given the variegated composition of the military and humanitarian actors engaged and the specificities of the interactions in the three theaters and three periods, gener-

alizations regarding the interactions must be highly nuanced. A KFOR colonel with responsibilities for civilian/military cooperation (CIMIC) in Kosovo during the post-bombing period visualized relationships between the two sets of institutions as "like a calm sea on a gentle beach, changing over time with the tides, winds, and weather."

As an illustration, he mentioned KFOR engineers who, taking an early lead in surveying the conditions of state buildings and the utilization of radio frequencies, soon became but a single part of a committee of agencies involved in repairing buildings and managing frequencies. Other observers would find his image too idyllic to capture the dynamics of the interrelationships in other theaters, or even in the Kosovo theater itself. In any event, Figure 2 provides an overview of the relative proportions of military and humanitarian personnel on the ground in Kosovo over time. The figure is based on estimates of actual and projected numbers of personnel, not an actual tally.

It is difficult to reach a judgment regarding whether the Kosovo crisis exemplifies the harnessing of the military for humanitarian tasks or the militarization of humanitarian action, or some combination of both. The views of those consulted varied markedly, sometimes even between persons involved in the same theater during the same period and working for the same institution. Issues of particular contentiousness and sensitivity have been highlighted in the following chapters to assist in reaching an informed overall judgment.

Concerning one reality, however, there is little disagreement. The context in which the Kosovo crisis took place and in which the international community mounted a humanitarian response was highly politically charged. To be sure, interventions in complex humanitarian emergencies such as this have a higher political quotient than responses to natural disasters. When such emergencies involve civil wars and international military forces, the political element is heightened further still. That said, however, the political stakes in the Kosovo crisis were consider-

ably higher than those associated with Rwanda, Somalia, or other complex humanitarian emergencies.

In the words of Dennis McNamara, Deputy Special Representative of the UN Secretary-General for Humanitarian Affairs and Special Envoy of the UN High Commissioner for Refugees, "When you declare a war, NATO's first in Europe, to be primarily a humanitarian war with the main objective the return of refugees, you raise the political temperature enormously and that inevitably affects the collaboration between military and humanitarian actors." An aid official from another agency concurs. "Anything to do with the Balkans and with Europe is more highly charged, both in the intensity of the pressure and the quality of the attention." The impacts of that pressure are evident in each of the four issues examined in Chapters 2-5.

Wider Questions

NATO's military action in the Kosovo crisis raises a number of questions beyond the scope of this study that were flagged by many of those interviewed. At the most basic level, NATO was caught in a fundamental dilemma. Military action against FRY without UN Security Council imprimatur would be criticized on grounds of illegality. The failure to take decisive military measures that might have come about as a result of Security Council consultations, however, would open governments to charges of inaction.

Was NATO's use of force in keeping with international law? Did the lack of Security Council endorsement have serious consequences, despite later Council approval of a pivotal role for NATO forces in Kosovo's reconstruction? Were the military strategy and tactics pursued by NATO consistent with the laws of war and appropriate to the policy objectives declared? Did the bombing itself cause, or simply accelerate, the refugee flow?

Such questions are examined in Adam Roberts' "NATO's 'Humanitarian War' over Kosovo," reprinted as

Chapter 8. While they also crisscross the four issues examined in the text, the focus of the research and The Hague discussions was on military / humanitarian relationships at a more operational level.

Lessons Learning

One question systematically asked of those interviewed concerned the extent to which their institutions' responses to the Kosovo crisis reflected lessons that had been learned in earlier emergencies such as Bosnia, Iraq, and Somalia. Interviewees were also asked what changes should be instituted by their organizations to reflect lessons identified from the Kosovo experience itself.

The researchers were struck by the limited extent to which recent experience had guided the international response to the Kosovo crisis. Most often cited was the Bosnia conflict, generally in the context of having emboldened the military response to threats against fundamental human rights in Kosovo. Yet even those who drew that parallel conceded that the robustness and the timeliness of the Kosovo response still left a great deal to be desired.

The response to the crisis in northern Iraq was also noted, both in terms of the scale of population displacement and the failure of a neighboring country to meets its asylum obligations. Yet there was no concrete evidence that the many after-action reports on Operation Provide Comfort had produced institutional changes that influenced the Kosovo response. Earlier experiences in Somalia and Rwanda had even less perceived positive relevance.

In view of the demonstrated need for substantial institutional change in the post-Cold War humanitarian architecture, the inattention to previous relevant experience demonstrated in the response to the Kosovo crisis is telling. The prevailing view among those consulted was that however conscientious and concerted the lessons-learning process, the international community seemed destined to reinvent many of the wheels with each new crisis.

Summary of Findings

Persons interviewed were asked to comment on four broad sets of issues. First was the division of labor between military and humanitarian actors in various theaters and phases of NATO operations. The initial use by donors of military rather than humanitarian organizations gave way over time to a phasing-down of military involvement and a phasing-up of humanitarian efforts. The pros and cons of using military instead of humanitarian assets, however natural in the circumstances in each theater, are examined. The highly bilateral nature of the international response, both military and humanitarian, is also reviewed. The confusing number of foreign military units, mandates, and personnel in the region complicated relationships with humanitarian actors.

The second issue concerned the extent of the politicization of humanitarian action as a result of the NATO-led response. The identification of assistance and protection activities with NATO's political / military objectives in the region did not undercut the effectiveness of humanitarian efforts in the early going in Macedonia and Albania. Yet it had negative effects in Kosovo in the reduced ability of NATO troops and associated humanitarian agencies to work among Serb and Roma populations following the repatriation of the Kosovar Albanian majority. NATO involvement also complicated the work of humanitarian agencies in the FRY, including Kosovo, during the bombing and in Serbia and Montenegro thereafter.

The third issue was cultural differences. The success of military and humanitarian institutions in carving out a serviceable division of labor and limiting the negative impacts of NATO involvement on humanitarian activities was affected by cultural differences between them. Tensions were experienced in the areas of expectations, perceptions, resources, missions, and values. These are examined and their relative seriousness reviewed, along with the steps taken to limit the resulting damage.

Finally came the wider meaning of the Kosovo experience for the humanitarian architecture of the future. While the use of the military for humanitarian tasks in the various phases and theaters during the Kosovo crisis was on balance positive, serious problems occurred. In preparing for recurrent humanitarian crises, the international community will need to decide whether to continue to respond in ad hoc fashion, tailoring action to occasion-specific and circumstance-specific challenges and turning to the military with some regularity. An alternative would be to take a more structured and strategic approach, striking a more careful balance among assets, military and humanitarian, bilateral and multilateral.

CHAPTER 2

DIVISION OF LABOR

The interaction of military with humanitarian organizations evolved throughout the three periods of the Kosovo crisis. During the pre-bombing period, there was little communication or contact between the two sets of institutions. After considerable initial confusion in both Macedonia and Albania, relationships during the bombing period became more coordinated and productive. Following the bombing, a more serviceable division of labor was established after a month or so. How well the comparative advantages of each set of actors were brought to bear varied considerably over time and location.

The Initial Experience in Macedonia and Albania

Operational collaboration between military and humanitarian actors in the Kosovo crisis got off to a rocky start in late March in Macedonia, where a humanitarian crisis of major proportions, evolving quickly, threatened to get out of hand. Following NATO bombing of Kosovo that commenced March 24, an increased number of refugees—thousands had already left the province of Kosovo before the bombing—streamed toward the border where 65,000 had accumulated in an exposed no-man's land at Blace, aggravating the Macedonian authorities' fear that their country's ethnic balance would be destabilized. Refugee advocates' worst fears seemed confirmed when an estimated 15,000 were allegedly spirited away to Turkey overnight in a U.S.-funded operation without the knowledge of UNHCR.

High-level political negotiations led by the United States culminated on April 4 in a package arrangement. Troops of NATO member countries already on the ground moved quickly to build refugee camps to which aid groups were

granted access by the Macedonian authorities. A humanitarian evacuation program was established that eventually afforded some 91,000 refugees temporary protected status abroad, the initial group proceeding at once to Norway. Other refugees found shelter with host families in Macedonia.

Cooperation between military and humanitarian institutions was established according to a framework agreed to by NATO Secretary General Javier Solana and UN High Commissioner for Refugees Sadako Ogata. Responding to an invitation from Mr. Solana of April 2, UNHCR requested assistance from NATO in Albania and Macedonia where, Ogata wrote on April 3, "over 270,000 people have arrived since 24 March 1999 and … arrivals are continuing on an hourly basis at alarming rates." Following a meeting between the two in Brussels on April 14, a second exchange of letters on April 21-22 confirmed arrangements. NATO recognized the "leading role of UNHCR" and agreed to undertake four "support tasks" in the areas of logistics, camp construction, refugee transport, and road repairs / maintenance.[1]

The Solana-Ogata arrangements, as it turned out, highlighted the differences between the situations in Macedonia and Albania. In Macedonia, fully equipped KFOR troops under the command of NATO's Allied Command Europe Rapid Reaction Corps (ARRC) had been put in place to implement a Rambouillet agreement that never materialized. Some ARRC troops were quickly redeployed to build refugee camps. By contrast, NATO had no operational plans to pre-position troops in Albania. Following the first exchange of letters, troops rapidly deployed and set about their tasks there. These preexisting differences helped account for the generally more satisfactory collaboration between military and humanitarian actors in Macedonia and the serious start-up problems in Albania.

UNHCR was widely criticized by military and humanitarian organizations alike for not being able to respond to refugee needs and, by aid groups in particular, for ceding

much of the action to NATO. "Although heavy logistical assistance has been useful," observed Médecins sans Frontières (MSF) at a Skopje press conference on April 9, "NATO is first and foremost a military organization which is currently involved in the conflict and ... not a humanitarian actor." In MSF's view, "NATO is neither responsible nor able to co-ordinate humanitarian relief activities for refugees—nor should it be. Protection and assistance for refugees is the responsibility of the UNHCR." Other NGOs and consortia soon echoed MSF's concerns.

Indeed, UNHCR's performance faced criticism from virtually every quarter. Its lack of preparedness, many held, had set the stage for military actors to step into the breach. OSCE head of mission in Albania Daan Evarts noted in an interview on April 12 that he had predicted three days before the bombing a flow of 150,000 refugees.[2] UNHCR apparently had contingency plans for a flow on the order of 20,000-30,000 or, in the most extreme circumstances, 50,000. Although the High Commissioner herself had made three trips to the region in 1998, a number of those interviewed believed that UNHCR had not cultivated productive working relationships with government authorities there.

Interviewees from various agencies, including UNHCR itself, confirmed that it took three to five weeks to adjust to the magnitude of the flow. In the last week of March, UNHCR turned down an offer from the Netherlands government to place a Dutch military unit at its disposal, only days later to request assistance from NATO troops. In the Albanian town of Kukes near Kosovo's southern border, refugees had to sleep in the open, with the streets becoming an open sewer. The situation could have become even more critical had the weather been worse and had the FRY authorities not closed the border for several days.

In responding to the criticism, UNHCR noted that, along with the UN and NGO partners, it had undertaken "an intensive round of contingency planning within the region" following a heating up of the crisis in February

1998. As for the early part of 1999, the agency conceded that "Like almost every Western decision maker and commentator, and indeed most Kosovo Albanians, UNHCR did not predict the mass expulsion of the major of the ethnic Albanian population of Kosovo." "UN and NGO contingency plans," UNHCR acknowledged, "covered numbers that were exceeded in the first days of the influxes, and in the first weeks of the operation keeping pace with the immediate needs of the subsequent arrivals proved very difficult." It is also the case, however, that the agency "received no advance warning from any government or other source," and even NATO planners themselves were surprised by the magnitude of the flows.[3]

The UNHCR performance, including the issues of early warning and preparedness, is the subject of an evaluation that the UN agency itself has commissioned. Of relevance to the present discussion of military / humanitarian interaction is its view that, given the magnitude of the flows and the political profile of the Kosovo crisis, NATO's involvement was more or less inevitable. Even a stronger UNHCR and a more coordinated humanitarian response, said one senior official in an interview, would not have prevented NATO involvement. "The world's most successful military alliance was embarked on a perilous military strategy which it couldn't afford to lose." At the same time, the agency conceded the validity of the criticism of the results of NATO involvement: that "NATO not only builds the refugee camps and ensures their security, it sets the humanitarian agenda."[4]

In Macedonia, NATO involvement was probably essential to breaking the political impasse reflected in the human backlog at the border. The Macedonian authorities and, for that matter, their Albanian counterparts, insisted that NATO play the central role. In their view, close cooperation with NATO and bilateral donors would strengthen their chances of becoming members of NATO and the European Union. In that context, the Solana-Ogata agreement placed NATO on the public record acknowledging the primacy of UNHCR and specifying a limited num-

ber of tasks for NATO troops within a UNHCR-led framework. From UNHCR's viewpoint, the arrangement also had an important damage-limitation function. It deflected pressures from the United States and the United Kingdom for NATO to take over complete responsibility for any and all humanitarian functions.

Whatever its value, some aid personnel viewed the agreement as signaling NATO's co-opting of UNHCR. One UNHCR official spoke bitterly of having become hostage to NATO. Others viewed the agreement as shattering any pretense of humanitarian neutrality and independence by UNHCR and its associated UN and NGO partners. Still others dismissed the arrangement as lacking practical consequences for their work, which was already forging links with the troops on the ground. UNHCR was also criticized for having proceeded without adequate consultation with other humanitarian agencies.

The Solana-Ogata agreement was also scrutinized by the media. Some commentators criticized UNHCR for waiting so long to request help to meet the obvious need. "The issue during the first weeks," observed a prominent Dutch journalist, "was not whether the refugees received aid but from whom."[5] The agreement also fueled Serb suspicions and public railing against the United Nations as a tool of the West. Belgrade stoked these feelings among Serbian civilians by revisiting the anti-Serb record of German and Italian troops during World War II.

The experience first in Macedonia and then in Albania established the role of NATO troops both as humanitarian instruments and as a competitor with humanitarian agencies. A number of those interviewed held that the agencies themselves might have coped over time with the humanitarian dimensions of the crisis. "There is nothing UNHCR couldn't do if it had the money," observed a senior KFOR official whose responsibility for civil/military coordination in Kosovo lends added weight to his rather startling view. Indeed, NGOs did move rather quickly to build camps and contract locally for refugee transport.

The judgment of the KFOR officer is echoed by a UN humanitarian official. "Had the bilaterals channeled resources through the UN and NGOs, those institutions could have done the job as well as NATO did it." "The sad fact," concurred a second KFOR officer, "is that nations will not give the humanitarian organizations the funds they need to build up their capabilities, while NATO already has those capabilities." In the circumstances, however, policymakers felt constrained to use whatever resources they perceived as being most available and most efficient in thwarting the imminent humanitarian catastrophe.

Most of those interviewed, humanitarian and military personnel alike, believed that entrusting the traditional humanitarian agencies with the emergency response in Macedonia and Albania would have represented a sure recipe for disaster and death. They contended that the military's swift response, particularly in Macedonia, saved countless lives. "It is almost impossible to respond to this kind of crisis unless humanitarian organizations have either a military-style response capacity or advance collaborative arrangements with the military," said one World Food Programme manager, conceding the weakness of the aid family on the ground at the time.

Whatever the relative incapacity of aid agencies, it was not merely the humanitarian extremity of the refugees but also the political importance of the displacement to governments that led to initial harnessing of NATO for humanitarian tasks. "If people had been granted asylum as they arrived and had been allowed to settle with host families or in refugee camps," one participant in the decisionmaking in Macedonia recalled, "there would have been no need at that stage for NATO." One factor suspected of limiting the pressure that NATO and governments were willing to apply on Macedonia was NATO's interest in using Macedonia as a staging ground for an eventual ground invasion of FRY, if needed.

Both in Macedonia and Albania and later in Kosovo, the division of labor between military and humanitarian actors

was managed by civil/military coordination units, or CIMICs. These functioned as liaison offices, created by the military and remaining an integral part of the military organization, for the purpose of interacting with civilian authorities in relief organizations or local governments. CIMICs were the hinge that brokered the relationship of military to humanitarian actors and orchestrated their respective activities. CIMICs helped establish and maintain what the AFOR commander described as the "civil/military centre of gravity."[6]

In Macedonia, the CIMIC was based at the headquarters of the Allied Command Europe Rapid Reaction Corps (ARRC) and KFOR in Kumanovo. In Albania, CIMIC participated, along with UNHCR and NGOs, in the Emergency Management Group (EMG) set up by the Albanian government in Tirana to coordinate all such efforts.[7] In Kosovo, the KFOR CIMIC was based at KFOR headquarters, with briefings provided for the community in a KFOR building near UNHCR headquarters in Pristina. CIMIC "hinges" existed in each of the five KFOR Areas of Operations/Responsibility (AORs) around the country as well. In each setting, relationships with the host political authorities differed. In Macedonia, the authorities often were viewed as resisting cooperation on humanitarian issues. In Albania, they were eminently cooperative. In Kosovo, the authorities were nonexistent, with KFOR CIMIC units and the UN filling the vacuum until indigenous structures could be set up.

For interaction with humanitarian actors, NATO looked to UNHCR as its interlocutor. This seemed logical, given UNHCR's designated lead agency status among UN organizations and NATO's understandable reluctance to strike up direct relationship with the multitude of NGOs. NATO accordingly recognized the "primacy" specifically and exclusively of UNHCR, not of humanitarian actors more broadly.

Yet it soon became apparent UNHCR was hard-pressed to play the role NATO envisioned. When the UN identifies

a lead agency, asked one military official with understandable uncertainty, does that agency have any followers?[8] A number of other humanitarian organizations, including some from the UN itself, did not feel adequately represented by UNHCR. Over time, NATO cultivated relationships, both formal and informal, with individual agencies, including the ICRC. In addition, many of the discussions between NATO and UNHCR at headquarters had little resonance on the local level, where relationships between military and humanitarian personnel were hammered out in their own terms.

Personnel from the UN Office for the Coordination of Humanitarian Affairs (OCHA) were deployed in each of the three theaters. In Macedonia, OCHA personnel worked under the instruction of UNHCR, the lead UN agency, but were not involved in routine military liaison functions. In Albania, they provided staff support to the government's Emergency Management Group, a coordinating vehicle that brought together international military and humanitarian personnel. In Kosovo, OCHA personnel served as a link between NGOs and the military, liaising with KFOR CIMIC officials.

NATO's coordinating efforts at the headquarters level put a civilian foot forward in the form of the Euro-Atlantic Disaster Response Coordination Centre (EARDCC). That body served as a link between requests received from military liaison officers in the field and resources available from national ministries of defense, intermediated by the National Military Representatives (NMRs), based at NATO headquarters in Brussels and at SHAPE in Mons. Figure 3 shows NATO's civil-military coordination structure and its links to member states on the one hand and the UN system on the other.

Other arrangements were also put into place at the headquarters level. These included, on the NATO side, a Refugee Support Coordination Center (RSCC) and a liaison official from Supreme Headquarters Allied Powers, Europe (SHAPE). On the humanitarian side, an air operations cell was installed

at UNHCR headquarters in Geneva that, with day-to-day NATO participation, sought to coordinate transport of relief supplies into the region. UNHCR's office in Brussels also played an active facilitation role. Beginning on April 19, thrice-weekly interagency teleconferences linked NATO and UNHCR. Important though such institutional arrangements may have been, many people felt that relationships between NATO and humanitarian agencies at the field level had more of a bearing on the effectiveness of the joint response than links between Brussels and Geneva did.

Governments, too, struggled with the challenge of coordinating their own efforts. A notable approach was taken by the German government, first in Macedonia and later in Kosovo. Given its uncertainties about coordinating ability of the international community, Germany, the largest bilateral aid donor in the crisis, focused on coordinating its own resources. The bilateral agency Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ), in which the Ministries for Overseas Development, Interior, and Justice participated, managed all German relief efforts, coordinating the work of German NGOs and acting as liaison to the German military. Staking out a highly pragmatic approach, GTZ left aside issues of neutrality and independence and concentrated instead on efficiency.

Military/Humanitarian Roles

Each of the three functions of the military in the humanitarian sphere noted earlier— fostering security, supporting humanitarian work, and providing direct assistance to civilians—deserves review. In the Kosovo crisis, the comparative advantage of the military decreased as the tasks shifted from security through support to the hands-on provision of relief. Conversely, the element of perceived competition between the troops and aid actors increased as the activities tackled by the military moved from security provision to civic action.

Fostering Security

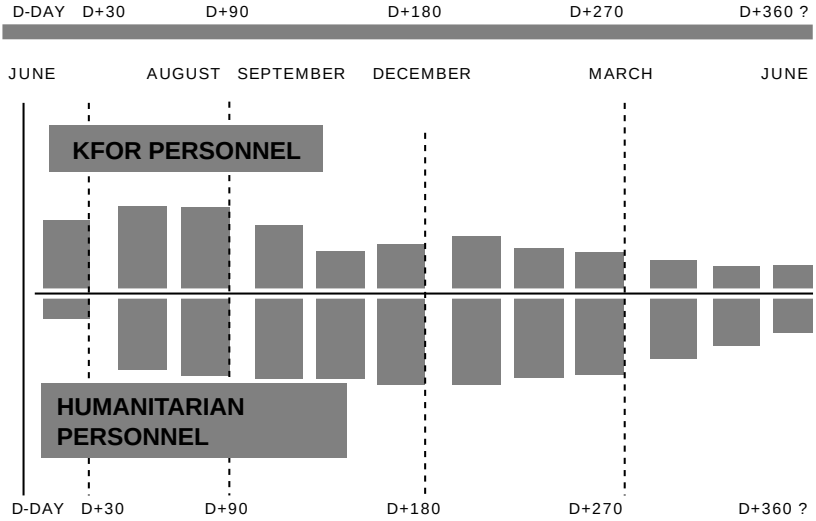
In Kosovo after the bombing, aid officials were highly laudatory of the troops' efforts to foster a climate of security. "I don't think anybody could function in Kosovo without the contribution provided by KFOR's security umbrella," observed one Pristina-based NGO official, in a comment echoed by many others. "If KFOR decamped tomorrow, the province as we know it today would revert to its earlier situation." Similar views were expressed in numerous other interviews in other theaters. Even those who criticized KFOR for not having managed to include Serbs and Romas within the secured environment expressed appreciation for the broad umbrella under which humanitarian work was able to proceed.

In Albania and Macedonia during the bombing, some aid officials, mindful of the 1994-1995 debacle in Goma, Zaire, would have welcomed even more assertiveness on the part of the troops, particularly regarding security in refugee camps. Many questioned the decision by KFOR to leave camp security to the Macedonian authorities and to play a low-key role in Albania as well. For humanitarian agencies, the troops' major function was, in the words of one official, to "be military"—that is, to provide security. One aid agency that would have been glad to have a NATO military contingent in and around a camp that it operated in Albania was forced to hire a private security firm to deter Kosovo Liberation Army (KLA) recruitment of refugees and Mafia-related problems. In the Kosovo theater, KFOR efforts to provide security faced greater obstacles and proved less successful than in either Albania or Macedonia.

Supporting the Work of Humanitarian Organizations

Most aid agencies give the military high marks for supporting the work of humanitarian organizations. "I have nothing but positive things to say about NATO,"

Figure 2: Military and Humanitarian Personnel in the Kosovo Theater, 1999-2000



This information was gathered in visits to KFOR and UNHCR offices throughout Kosovo by the KFOR/UNHCR Working Group in July and August. KFOR personnel figures include persons with major responsibilities in the humanitarian sphere. Humanitarian personnel include the staff of UN agencies, NGOs, and the ICRC. While based on actual numbers of personnel, the Figure is intended to show comparative orders of magnitude. Data for months 1-3 reflect the actual situation; data for months 4-12 are projections. (Graphic adapted from Lt. Col. Barry Barnwell, Major Crispin Scott, and Lt. Michael Gray, “G5 CIMIC: Coordination of Transition Architecture,” unpublished paper, with permission.)

observed one NGO country director about his experience in Macedonia. He said that after NATO built the camps overnight, NATO officials told NGO workers, in effect, "You're in charge. We're here to help you. Tell us what to do and we'll do it." NATO troops, the NGO official confirmed, delivered on that promise. Such vignettes abounded.

Many aid officials reported that the troops had gone to great lengths to facilitate their work by transporting relief materiel through unsafe areas, guarding aid warehouses, and protecting individual homes of threatened minorities. In one instance, a colonel gave an aid agency's request higher priority than a task of direct interest to his own contingent. KFOR participation in aid agency needs assessments, especially in insecure areas and in the early post-bombing days in Kosovo, was warmly welcomed.

One OSCE official expressed particular appreciation for the human rights capacities of NATO troops, its 45,000 personnel dwarfing OSCE's 100 human rights monitors. Her goal, in fact, was to train them so as to get fuller benefit from their presence, not to discourage their use. KFOR reporting on the discovery of mass graves and its inclusion of forensic experts in its Kosovo-bound retinue were applauded by human rights groups and the International Criminal Tribunal for the former Yugoslavia as a lesson applied from the Bosnia experience, where the military had viewed those functions as largely extraneous.

In two regards, however, NATO support services came under heavy criticism. The first concerned demining. The Security Council had charged the international security presence in Kosovo with "supervising demining until the international civil presence can take up responsibility for this task."[9] KFOR troops in Kosovo accepted responsibility only for "military demining," that is, clearing roads and bridges of unexploded ordnance. "Humanitarian demining," which makes areas such as schools and health care facilities safe for civilian use, was a more extensive task.

Some KFOR troops did, in fact, carry out humanitarian

demining projects, but negotiated on a case-by-case basis. "We don't have our own demining capacity and couldn't invite kids into a school that hadn't been cleared," noted one NGO executive with appreciation of the contribution made by a KFOR unit. However, most of the vast and risky task of humanitarian demining fell to NGOs, with some 15 of them picking up the challenge. The fact that unexploded NATO cluster bombs, which apparently only NATO had the capacity to defuse, constituted a large part of the problem made the circumscribed involvement of NATO troops particularly incongruous.

Second, the military's emphasis on camp construction, particularly in Albania, seemed misplaced. The camps built by the various national contingents were often of uneven quality, more suited for military barracks than for the needs of refugee families. Moreover, of the nearly 480,000 refugees in Albania at the peak of the crisis, only 87,000 were in tented camps and thereby potential beneficiaries of military efforts. Upwards of 100,000 were sheltered in collective centers and some 300,000 with host families or in rented apartments. "The camps were highly visible," said one aid official, "but their effects in helping people were relatively minor."

In addition, the abrupt return of refugees to Kosovo confronted NGOs, which had taken over management of the camps from the military, with a massive clean-up task that was only halfway completed by mid-September. Of particular concern was the disposal of many valuable items such as generators, light stands, and cranes that the military had transferred to NGOs and that, with the departure of the refugees and the troops, were ripe for rip-off by lawless elements.

"For us, the question of disposal of assets symbolizes the complexity of the relationship with the military," observed one official whose agency had not anticipated the bureaucratic red tape involved when accepting responsibility for managing the camp. "If I had known then what I know now about the difficulties of dealing with the U.S. military," said

one senior NGO official, "I would have said 'no' in the first place."

Aid agency dissatisfaction with the troops' involvement in camp construction also reflected the view that the military had no particular expertise and often did not consult with aid organizations until key decisions regarding siting, layout, and size had already been made. Many relief personnel in Albania and to a lesser extent in Macedonia would have preferred higher priority instead to road repair and transit center construction. While aid groups felt excluded from the process in which such decisions were reached, the military from their side found consultation difficult in the absence of functioning aid coordination structures.

Direct Assistance to Civilians

Concerning the troops' direct assistance to civilian populations, the division of labor between military and humanitarian actors was most problematic. Particularly at issue were competitiveness with humanitarian organizations as well as the perceived costs of using the military. The visibility sought by NATO on the ground and the political benefits it thus garnered clashed with NATO's stated policy of complementing rather than preempting the work of humanitarian actors.

The NGO official who had expressed appreciation of NATO's security umbrella went on to observe that "The major issue we have with KFOR is competition: its seepage into areas normally humanitarian and nongovernmental." He criticized the military for "blurring" what he understood to be the comparative advantages of humanitarian organizations.

A related criticism was that, whether or not their engagement in civic action was appropriate in the first place, the military could have delegated their "hands-on" work to aid groups more quickly. In practice, the timetable for handing over day-to-day management of a given camp

differed from one national contingent to another. British troops in Macedonia received high marks for their willingness and flexibility to relinquish control quickly to aid groups.

Despite repeated statements from Brussels that "We are in the business of aiding the NGOs, not the refugees," NATO officials and publications gave high profile to the direct assistance to civilians provided by the troops. KFOR manuals in Kosovo, for example, list the criteria that should guide the troops in selecting projects. One KFOR "media opportunity" for the press announced that "refurbishment of an Albanian school (walls, windows, paintings, electricity…) will be operated by the Foreign Legion Engineers Battalion. [S]chool furniture and supplies, which have been collected by Foreign Legion troops and French CIMIC, will be provided." Operations in the Macedonia and Albania theaters shared the sense that NATO would miss an opportunity if its many troops failed to become actively involved in hands-on help to local communities.[10]

Civic action by the military is, of course, a well-established tradition. As noted by one observer, KFOR civic action in Kosovo—the situation was similar in Macedonia and Albania—reflected the reality that 45,000 troops were largely unemployed in a non-war situation in a theater of operations one-third of the size of Bosnia. Military officials confirmed as much. "My job is to keep my battalion busy with work, [which is] accomplished by working with NGOs," said one officer. The results were not lost on the refugees themselves. "UNHCR helped so much," said one Kosovar Albanian woman in August after returning to Kosovo, "but I like NATO better. NATO did everything—in the camps, in the war—everything." The gratitude of refugees reflected not only assistance received but the offensive air campaign that expelled FRY troops from Kosovo.

Whatever the experience of civic action elsewhere, the "seepage" or "blurring" of tasks in the Kosovo crisis was clearly problematic. One KFOR official spoke of trying to

"hook" NGOs as partners in project activities, in part to use their resources. The German brigade in Prizren was often cited for the scale of its activities and the funds that underwrote them. The unit had an estimated DM 5 million to work with from government and private sources. One KFOR officer from another unit described the German contingent as "acting like a huge NGO doing projects." Some KFOR units, however, took on projects that were clearly not NGO priorities, thereby reducing the element of competition.

At issue in civic action was not the motivation of individual soldiers or even the utility of their contribution but rather the relative priority of such activities as a use of military assets. One interviewee voiced a more invidious suspicion, however: that KFOR's emphasis on hands-on aid activities in Kosovo sought to divert attention from its failure to stop ethnic cleansing there at a time when more concentrated and undivided efforts might have been truly indispensable.

How did the military / humanitarian competition manifest itself? Some NATO contingents had their own funds from their own defense ministries for such projects. Others sought resources either from bilateral or multilateral aid donors or even from NGOs. The British bilateral aid agency gave British KFOR contingents grants for small projects that would normally have gone to international or local NGOs. Greek bilateral aid funds reportedly went to the Greek army, whose engineers, working with Albanian counterparts, erected prefabricated houses for refugees.

Seeking faster action and higher profile than a multilateral contribution would have produced during the bombing in Albania, Italian aid funds underwrote Operation Rainbow, carried out by the Italian government's civil protection ministry. The European Community Humanitarian Office (ECHO) turned down requests for funding from NATO-related military contingents, reportedly because the activities didn't fit ECHO priorities rather than because they were not being carried out by its traditional partners.

A KFOR contingent approached one NGO for water and sanitation equipment. U.S. troops offered U.S. NGOs funds to underwrite special projects.

NATO authorities in Brussels, the capitals in the region, and CIMICs at the AOR level in all three theaters were unable to provide information on the aggregate numbers of civic action projects by the military or the amounts of funds committed. While officials were reluctant to comment on differences among national contingents in their approaches to such matters as civic action and security, the variations were widely discussed in theater and in the media.

KFOR troops, acting under national instructions, had widely differing policies and budgets. Dutch and German contingents placed high priority on making single rooms in a large number of houses habitable for the winter. This distinguished them from other national contingents (the French, with a lower civic action budget, gave priority to French language instruction) and from UNHCR, which provided shelter kits to individual homeowners, who then arranged their own repairs.

Numerous individual incidents called into question the competence of the military to carry out humanitarian tasks. The most frequently cited was the German KFOR contingent's program of providing 8,000 hot meals per day to Kosovar Albanians. The program's cost-effectiveness and effects on dependency were questioned, in part because the meals were to be discontinued before the winter for lack of funds. In another instance, Camp Hope, built by the U.S. at great expense in a low-lying area in Albania, was flooded on June 20. When aid officials sought to move the refugees to drier terrain, U.S. military and political officers resisted on grounds that they would soon be returning to Kosovo anyway. (The refugees moved to a more suitable site on their own.) In a third example, the Greek contingent built a camp and then hurriedly turned it over to NGOs when the landowner arrived with a bill for use of his property.

Other examples of questionable judgment and lax ac-

countability abound. The United Arab Emirates contingent, despite clear aid agency opposition, opened a 200-bed polyclinic in Vucitrn which worked at cross-purposes with broader health efforts in the area. Another national contingent built flush toilets in its refugee camp in Macedonia where water supply was tight. A third had a doctor-to-refugee ratio of 12 to 1,000 in its camp. One NGO reported KFOR troops setting up a pharmacy without realizing that their opposite numbers were KLA members in disguise. Evening out the criticism somewhat, one NGO scolded aid groups for a lack of initiative and discipline on their own part. He chided his colleagues for asking KFOR "to do things that exceed their mandates and competence."

Taking together the military's work in the areas of fostering security, supporting humanitarian work, and providing hands-on assistance, the general experience of humanitarian organizations was positive but mixed, depending on the theater and the time, the nature of the defined need, and the specific interaction. One NGO reported good collaboration with a Belgian contingent in Albania, which provided security at a railroad transit point, and with U.K. troops in Kosovo, who carried out regular foot patrols and attended twice-daily NGO coordination meetings. Yet when the same NGO alerted Italian troops on Day 4 of the repatriation to harassment incidents in the Pec sector, it was told that civilian protection activities were not within the Italians' terms of reference. The major boost represented by camp construction in Albania was undercut by the design and siting of the camps and by the failure to consult humanitarian professionals in the building process.

As in other major crises where the two sets of actors struggled to find their respective comparative advantages in these three functions, necessity was the mother of coordination. In each of the three theaters, relationships become more productive and over time a better center of gravity was found, better relationships were established, and aid agencies themselves expanded their numbers and efforts. In the view of one Pristina-based CIMIC official, "UNHCR

was leading and KFOR was supporting by D+30" — that is, by mid-July. Others placed the date somewhat later.

By August to September, when field interviews were conducted for this study, military and humanitarian institutions were working together quite well. In the area of protection, for example, KFOR was a member of an interagency taskforce that included UNHCR, UNMIK, OSCE, the UN High Commissioner for Human Rights, and the ICRC. In mid-September, when a group of Romas decided to walk from their camp outside Pristina to the Macedonian border, UNHCR was able to call on KFOR troops for reinforcement at points where violence from Albanian bystanders threatened to materialize.

Interviews in Mitrovica and Orahovac, major hot spots at the time, also described productive relationships. Mitrovica lies on the ethnic divide between ethnic Albanians and Serbs; its bridge, hospital, and graveyards had been the focal point of many violent demonstrations. With the exception of one NGO, the humanitarian community expressed satisfaction with the support received from French KFOR.

There and in Orahovac, relations between UNHCR and KFOR appeared relaxed and collegial, despite a certain tension in mandates. UNHCR received requests from Serbs for evacuation to the ethnically Serb region of Leposevac in northern Kosovo or to Serbia proper. Meanwhile, KFOR had a mandate to arrest suspected war criminals, with the Dutch battalion actively pursuing this policy. An individual considered by UNHCR eligible for evacuation might thus be a target for arrest.

Each NATO operation in each theater stressed UNHCR's "primacy" in humanitarian operations and NATO's commitment to hand over responsibilities at the earliest possible moment. "In every democratic society," explained a NATO spokesperson, "the military supports the civilian authority." Yet there were often rough edges in the relationships, particularly at senior levels, whether in the region or between Brussels and New York / Geneva. Interac-

tions tended to be more relaxed and productive in the field, where common challenges faced by generally more junior personnel resulted in greater collegiality and collaboration.

But problems remained. Taking stock in September, UN High Commissioner for Refugees Ogata spoke of confusions that had arisen. She noted "instances in which assistance [that] was provided directly by the military, sometimes to gain legitimacy and visibility [had] undermined coordination and deprived civilian humanitarian agencies of effectiveness and clout." She concluded that "the military can support but should not substitute [for] agencies with humanitarian mandates" which "alone have the necessary, principled independence from political considerations."[11]

U.N. Secretary-General Kofi Annan had reinforced Ogata's concern following his own visit to the region in late May. Praising the work of civilians from the UN system, the Red Cross movement, and NGOs, he noted that "Humanitarian work must be led and coordinated by civilians." At the time, he had flagged for NATO Secretary General Solana "the necessity for respecting the distinction between humanitarian and military activities. If these lines are blurred, there is a grave risk of irreparable damage to the principle of impartiality of humanitarian assistance."[12]

Many of those interviewed, military and humanitarian alike, would concur with UNHCR's view that from start to finish, a more disciplined attention to comparative advantage would have made for a more effective international response. One item of particular irritation, given its centrality to UNHCR's reason for being, was KFOR's reported announcement, without consultation, of a date for the beginning of repatriation to Kosovo. Another was KFOR's alleged transporting of Serbs first into, and then out of, Kosovo, again reportedly without consultation. NATO troops dispute both allegations.

Since most humanitarian agencies had some connection with NATO troops—without KFOR's security umbrella they would have been hard-pressed to function in

Kosovo—many found themselves faced with decisions about the extent of their collaboration. The head of one national Red Cross society illustrated the discriminating judgment needed by recalling a folktale, "When does a sausage cease to be a sausage?" That happened, he surmised, somewhere between the first slice, when a lieutenant was asked to prepare ground with a bulldozer for a refugee camp, and the last, when military helicopters prepositioned to evacuate the Kosovo Verification Mission were used to transport relief supplies, aid personnel, and refugees. Cooperative actions undertaken with the best of intentions may thus undermine the identity and integrity of humanitarian organizations.

In broader compass, the operational collaboration across the military / humanitarian divide worked quite well in the various theaters. Such problems in the division of labor that did arise did not cause loss of life or additional suffering. In a different set of political / military circumstances, the contribution of NATO might have been less competitive and more indispensable. Had the negotiations that ended the military confrontation failed, with the refugees forced to remain in Macedonia and Albania through the winter, the assistance of NATO troops would have been even more critical. Or again, had NATO troops needed suddenly to assume a military role in response to actions by the FRY army, their engagement with humanitarian tasks might have been radically decreased, making the contributions already provided more appreciated.

The division of labor was complicated by tension between a desideratum of humanitarian action, neutrality, and the side-taking of NATO in the Kosovo crisis. That tension is examined in the discussion of politicization in Chapter 3.

Bilateral/Multilateral Roles

Achieving an effective division of labor meant drawing on the respective strengths not only of military and humanitarian actors but also of bilateral and multilateral ones.

As was noted in the previous section, the center of gravity struck at the outset favored the military; only gradually, over time, was a better balance devised. As regards the bilateral / multilateral division of labor, the balance initially favored bilateral NATO troop contingents in humanitarian roles, only later tapping the comparative advantages of the multilaterals. The Kosovo crisis elicited "the most bilateralized response and the heaviest military involvement I have ever witnessed," said one veteran intergovernmental aid official. "I've never seen a more chauvinistic aid response," echoed another.

As in the case of the military / humanitarian interaction described in the previous section, the major role played in the Macedonian and Albanian theaters by NATO, a regional multilateral military institution, established the basically bilateral approach that set the pattern for military and humanitarian activities in Kosovo. Eager to keep public opinion supportive of the bombing, governments encouraged high-visibility activities by their own military contingents and "their own" national NGOs.

As suggested by Figure 1, military presence in the various theaters was characterized by its improvised and freewheeling character. NATO command and control was asserted only after national military presence had been established and even then was not extended to every military contingent. On the humanitarian side, with many NGOs following national battalion flags, responsibilities were divided not according to capacity, one NGO noted, but according to nationality. The "circus atmosphere," some felt, belied the seriousness of the situation.

Camp construction in Macedonia and Albania was undertaken by national military contingents, many of which arrived on the ground before ARCC / KFOR or AFOR command structures were set up. The results were highly uneven. The camps constructed ranged from the luxurious "five-star" variety built by the United Arab Emirates, complete with air conditioning, to more modest shelters (those put up by the Turkish contingent were cited). Some refu-

gees received three hot meals a day from the Italians while others were given one meal-ready-to-eat (MRE) by the Americans. Humanitarian action, it seemed to some, had all the elements of a popularity contest.

The unevenness from camp to camp was a function both of the fact that the camps were constructed before NATO command structures had been put into place in the field (giving wide latitude to national variations) and the absence of generally applied standards. The unevenness also reflected a failure to tap the expertise of humanitarian agencies and the absence of the "quality control" function that, in most refugee settings, would have been exercised by UNHCR. The differences were not lost on the refugees, who shopped around, queued up for the best arrangements, and in some instances were even willing to pay for entry.

Aid agencies took a dim view of the variations, which they viewed as a violation of the principle of equity. Of concern was not only the lack of consistency among the various militaries in camp arrangements but also the implicit double standard in the military and the humanitarian approaches to what was provided. Proportionality of assistance—the concept that assistance be granted on the basis of need—was also an issue, since expenditures per refugee in the Kosovo crisis dwarfed funds available in refugee crises elsewhere. To several interviewees, the excesses recalled the comment several years ago by then Secretary-General Boutros Boutros-Ghali that Yugoslavia was a rich man's war, Somalia a poor man's.

While several military units retained management responsibilities for the camps once they were fully built, most looked for NGOs to run day-to-day operations. National contingents often sought out "their own" NGOs, contributing to the heavily bilateral flavor of the relief effort. This created problems within international families of NGOs, which over the years had labored to render the work of their national chapters more multilateral in character. The "different strokes for different folks" approach taken by NATO contingents, observed one bilateral aid official, was an

accurate reflection of NATO's own organizational culture.

In an effort to counteract the resulting bilateralization, MSF sought to position its national chapters (e.g., MSF-Belgium) in camps in Albania and Macedonia and in AORs in Kosovo separate from troops of the same nation. The ICRC and International Federation of Red Cross and Red Crescent Societies (IFRC) issued guidance reminding national Red Cross and Red Crescent societies of the importance of independence and neutrality. U.S. government officials sought to use non-U.S. NGOs in the American AOR, and American NGOs worked in AORs managed by non-U.S. KFOR contingents. The U.S. Agency for International Development's Disaster Assistance Response Team (DART) in the various theaters included an officer with responsibilities for liaising between NGOs and KFOR troops.

The jockeying of governments for refugees to meet the quotas established under the Humanitarian Evacuation Program (different countries also had different ground rules for admission) and to fill camps built by their own troops and run by "their own" NGOs created quite a spectacle. The nationalistic flavor had ripple effects beyond the crisis theater itself. French government representatives were reportedly on the lookout for French-speaking refugees. One Dutch town let it be known that it would welcome Kosovar Albanians but not refugees from Africa.

As indicated in Figure 1, international military forces that responded to the Kosovo crisis bore many different relationships to NATO. During a rather long interlude in Albania—an AFOR operations plan was not approved until April 16 and a unified NATO command established only weeks later—aid agencies were forced to seek out individual national contingents in order to get access to available military assets. For assistance in constructing a camp at Dürres, they went first to the Italian Ministry of Defense, where they were referred to the Italian Civil Protection Department which had responsibility for the Italian Project Arcobaleno (Rainbow) activities.

In Albania, some important brokering of assets took

place in the government's EMG, in which both AFOR and UNHCR participated actively. The EMG provided essential political backup in the form of troubleshooting services vis-à-vis government ministries. Its regular meetings also drew together military and humanitarian agencies for information sharing. However, with an average of some 30,000 refugees arriving per day, the premium was on camp building rather than consistency of approach or uniformity of services. "Each country was asked to build its own camp according to its own standards, with its military unit flying its national flag," explained one of those involved.

Donor agencies and governments that typically stress the importance of coordination made the coordination tasks of aid agencies significantly more difficult. To policymakers and parliamentarians in Bonn (now Berlin), it seemed eminently reasonable that German government food aid allocated to the UN World Food Programme should be channeled to the Kosovo AOR under German command for use in bakeries operated by German troops to make bread for distribution to Kosovar civilians who would also be served by German NGOs. Managers of multilateral programs charged with advancing country-wide objectives cost-effectively with resources contributed by myriad countries found such conditionality both unhelpful in its use of resources and time-consuming to contest.

The bilateralism associated with NATO's Kosovo response had strengths as well as weaknesses. On the military side, there was quick and decisive action which might not have been forthcoming from a UN operation as well as the political, public, and media interest that followed closely the activities of identifiable national contingents. Yet NATO action lacked the universal imprimatur and accountability that a UN operation would have had. On the humanitarian side, the greater sense of national involvement associated with having a distinct "piece of the action" was offset by the fact that the various pieces didn't always fit together. Micromanaging and conditionality inhibited cost-effectiveness and proportionality.

Other Actors

An additional actor affecting the division of labor between military and humanitarian institutions was the international private commercial sector. Receiving contracts from governments for such functions as camp construction and management, private businesses became, in effect, competitors with both military and humanitarian organizations. For governments such as the French, they represented the forward wedge in opening up new areas to private investment. In the United States, the Yugoslavian-American Humanitarian Relief Council, a group made up of high-ranking former military officers, sought to ensure a fair share of the contracts for American companies in FRY reconstruction work.[13]

For humanitarian actors, the involvement of the private sector required a new and complex set of interactions. One NGO reported that dealing with the local representative of a U.S. firm on issues affecting the camp that the U.S. Department of Defense had contracted with it to build was "a daily fight." Others reported difficulty dealing with local contractors who had patrons in high places. While beyond the scope of this study, the roles played by commercial contractors raise serious questions about division of labor, cost, cost-effectiveness, and accountability that merit further review.

The media also played a major role in this crisis, as in other major humanitarian emergencies.[14] By all accounts, the media increased the level of international interest and mobilized greater political and financial resources for the challenge. Spotlighting world attention in March on the refugee crisis at Kukes on the Albanian boarder as well as at Blace on the Macedonian border, the media heightened international pressure on the Macedonian and other governments to find a solution. In August and September, it brought clashes between Serb and Kosovar Albanians in Mitrovica and Orahovac into the world's living rooms. Ethnic groups learned to capitalize on media interest.

The media also heightened the competition between military and humanitarian actors, underscoring and accentuating the prevailing bilateralism of the international response. In the bittersweet view of some aid officials, NATO's stable of media personnel in Brussels (reportedly about 50 people) was able to ensure that NATO's "take" on events made its mark on international public opinion. Daily press conferences by spokesman Jamie Shea at NATO headquarters upstaged UNHCR briefings. Within days of the return to Kosovo in June, KFOR was reportedly using about 30 media liaison officials, a sharp contrast with three in Pristina in the office of the Special Representative of the UN Secretary-General and two in UNHCR there. Media relations were only one of several areas in which deep antagonisms, sometimes bordering on the venomous, surfaced between NATO and UN officials.

The media's impacts on humanitarian actors themselves were direct and wide-ranging. One NGO found it necessary to employ four full-time expatriates to handle the added demands of government delegations and media visiting its camps in Macedonia. The dynamics of the conflict were doubtless affected as well. Several hundred meters from "the bridge" in Mitrovica memorialized by dramatic TV footage is another bridge that has been spared the well-publicized disturbances. A steady stream of high-profile visitors to Macedonia and Albania from NATO countries was closely followed by TV cameras. Military and humanitarian officials alike expressed annoyance with politicians who visited refugee camps with an eye to scoring political points back at home. A more detailed analysis of media impacts on military/humanitarian interaction, however, will need to await additional research and reflection.

Summary

The two major sets of actors in the Kosovo crisis over time developed a good sense of each other's comparative advantages. For the military, these lay in the ability to provide security, lift and other logistic capacity, a strong

sense of discipline, and the ability to get things done. For the humanitarians, comparative advantages lay in technical expertise, past collaboration within their own ranks, knowledge of the region and connections to local communities, and a longer-term commitment to the people and their institutions, often predating the advent of the military and outstaying the troops as well. Those comparative advantages were consistent with the experience in other major crises.

The preference shown by governments for military over humanitarian actors and for bilateral over multilateral institutions in the response to the Kosovo crisis involved both advantages and opportunity costs. More productive arrangements might have seen NATO troops more assertive in providing security for civilian populations and less engaged with direct assistance to civilian populations, the humanitarians more heavily utilized in their own areas of specific expertise. The relative cost of the failure to capitalize on comparative advantages deserves further discussion and review.

Two related trends became evident over time. With the passage of weeks and months following the moment of the refugee emergency in Macedonia and Albania, the politically driven and military-led response became increasingly problematic. The division of labor between military and humanitarian actors also become more rational and disciplined over time.

CHAPTER 3

POLITICIZATION

The division of labor discussion in Chapter 2 focused on interactions between military and humanitarian actors in Macedonia, Albania, and, following repatriation of refugees, in Kosovo. In each of these situations, relationships were forged at the operational level, with both sets of actors present. NATO military action also had an impact on humanitarian efforts in the Federal Republic of Yugoslavia, including Serbia and Montenegro as well as Kosovo, during Operation Allied Force, when NATO troops were not present on the ground. The humanitarian activities just examined in Macedonia, Albania and, after the bombing, in Kosovo also were affected by their association with NATO.

NATO military action, in combination with the stepped-up campaign by regular and irregular Yugoslav forces on the ground, increased the immediate need for humanitarian assistance and protection in the FRY, particularly in Kosovo. Action by NATO and the Belgrade authorities also reduced the access and complicated the work of international humanitarian actors who sought a presence in the FRY, where of course NATO troops were not welcome. Meanwhile, humanitarian activities at the more operational nexus with NATO troops in Macedonia, Albania, and post-repatriation Kosovo were affected in ways that merit further examination.

Definition

"Politicization" describes the encroachment of political considerations into the conduct of humanitarian activities. Humanitarian action as articulated by the Geneva Conventions and Protocols and interpreted in various international conferences of the Red Cross, the statutes of the International Red Cross and Red Crescent movement, and the

judgments of the International Court of Justice embraces such principles as neutrality, impartiality, and independence. How extensively such action can and should remain politically neutral is, of course, a subject of ongoing debate.

The high-profile and high-stakes nature of NATO involvement in the Kosovo crisis contributed to the highly charged interaction between military and humanitarian institutions. Many of the belligerents in the conflict were also parties to humanitarian activities in the region. The focus in this chapter is on the perceived politicization of humanitarian activities by their association with the military. The extent to which military strategy and activities were themselves hampered is beyond the scope of this review, although a number of military officers interviewed felt their professionalism compromised by electoral considerations on the part of politicians.

Increased Need

First, NATO military action under Operation Allied Force played a role in the increased incidence of human need in the FRY. A UN Inter-Agency Needs Assessment Mission that reviewed the situation on the ground May 16-27 while the bombing campaign was still proceeding painted a somber picture. "The conflict in Kosovo and the NATO air campaign have significantly debilitated the fragile and precarious state of the Federal Republic of Yugoslavia," the mission reported to the Security Council. "In addition to immediate humanitarian needs of the refugees, internally displaced and other civilian populations, the socioeconomic, environmental and physical toll of the conflict throughout the Federal Republic of Yugoslavia and beyond is immense and has created a new type of complex humanitarian emergency."[1] The mission noted that the impacts of the bombing overlaid an already distressed situation created by Milosevic government policies.

The UN mission helped focus international concern on needs within the FRY at a time when attention was riveted

on the refugee crisis in Macedonia and Albania. The "old caseload" of largely Serb refugees from earlier conflicts in the Balkans numbered some 565,000, making them the largest refugee population in Europe. They were settled among a population whose health, following the earlier conflict and years of economic sanctions, was itself precarious. The numbers in need were then swelled by the influx from Kosovo of Serbs and Roma during and after the bombing. These needs, like those of civilians displaced within Kosovo itself, were largely off the international screen at the time. To the extent that they remained unmet, the effectiveness and comprehensiveness of the world's humanitarian apparatus was called into question.

The humanitarian consequences of Operation Allied Force need to be set in a wider political context, where their relative importance is a matter of debate. NATO holds that substantial refugee flows predated the bombing and that NATO initiatives eventually halted a policy of ethnic cleansing, returning people safely to their homes. "NATO has led and won a war for human rights," say its defenders.[2] Critics contend that NATO bombing gave President Milosevic implicit permission to carry out "ethnic cleansing," which already had been planned but not yet seriously launched. "NATO has won the war against the government of Serbia," two analysts wrote, "but it failed utterly to achieve the aim for which the war was launched: to protect the ethnic Albanians of Kosovo."[3] Some also point out that while Kosovar Albanians were more secure, minorities within Kosovo still required more effective protection than they were receiving.

The costs of the war and of rebuilding in its aftermath have also been the focus of much debate. "The war against Serbia was a success from the point of view of U.S. military technology and NATO unity," said one commentator. "But the military victory will proved to be a catastrophe for Serbia, Kosovo, and the Balkans as a whole. The final bill for the NATO victory in Kosovo will be staggering, and it is unlikely that the winners will be willing to add to their

burden by paying the prices necessary to reconstruct Kosovo and Yugoslavia."[4] While the humanitarian balance sheet and its relation to the attainment of stated political objectives remain a matter of some contention, there is no dispute that the humanitarian challenge was deepened by the conflict.

Increased Obstacles

NATO action also made it more difficult for humanitarian actors to meet that challenge, and military actors were, in the circumstances, not available for much of the task. NATO bombing led to the decision to evaculate international personnel who had played a useful role in monitoring and ministering activities during the months (in some cases, years) preceding the bombing. The bombing was a factor in the departure of OSCE's Kosovo Verification Mission, made up predominantly of military personnel functioning as unarmed civilians, that was credited with having monitored and mitigated human rights abuses from the time of its deployment in late October 1998 until its evacuation just prior to the bombing. Thereafter the KVM continued to assist military and humanitarian organizations from temporary quarters in Skopje.

Another casualty was the work of international aid organizations, much of it among some 500,000-plus refugees in the FRY from recent conflicts in Bosnia-Herzegovina and Croatia prior to the bombing. UN humanitarian organizations, bilateral aid agencies, and NGOs also removed their expatriate personnel from Kosovo in advance of the bombing. Even before such departures, however, aid operations and personnel were in considerable jeopardy as a result of actions by FRY regular and irregular forces, and the situation was becoming untenable for many expatriates.

The ICRC remained in Kosovo until March 29, when its premises in Pristina were ransacked by irregular Yugoslav forces. However, it maintained and reinforced its presence

in Serbia proper and in Montenegro during the bombing, although it withdrew staff of NATO nationality. The IFRC maintained expatriate presence in Serbia throughout the bombing but also withdrew staff persons of NATO nationality. The Office of the High Commissioner for Human Rights closed its offices in Kosovo and Serbia but remained on hand in Montenegro. Some NGOs that left Belgrade were able to maintain their presence in Podgorica and their operations in Montenegro. After expatriate departures, programs were sustained to the extent possible by local staff. In late May, while the bombing still continued, the ICRC became the first international humanitarian organization to reestablish expatriate presence in Kosovo.

The arrest shortly after the bombing began of three CARE workers in Serbia, two of whom were being evacuated for security reasons, brought CARE's activities to a halt and sent a cautionary message to other aid groups. The three were convicted of espionage by a military court on May 30. The two Australian expatriates were later released. The Yugoslav aid worker was released on New Year's Eve by President Milosevic in an act of clemency. In the wake of that incident, several agencies urged field staff to avoid activities that might arouse suspicions.

A Variety of Responses

A number of initiatives were undertaken to provide assistance and protection within the FRY, including Kosovo, during the bombing and before most resident expatriate staff could be reinstalled. Of particular concern were internally displaced persons, said to number in the hundreds of thousands, who were uprooted in Kosovo and in need of the basics of food, shelter, and protection. In the end, the number turned out to be far lower and many returned quickly to their homes, although the homes themselves were badly damaged.

Agencies that sought to assist and protect persons in Kosovo during the bombing and in the rest of the FRY during and after Operation Allied Force encountered major

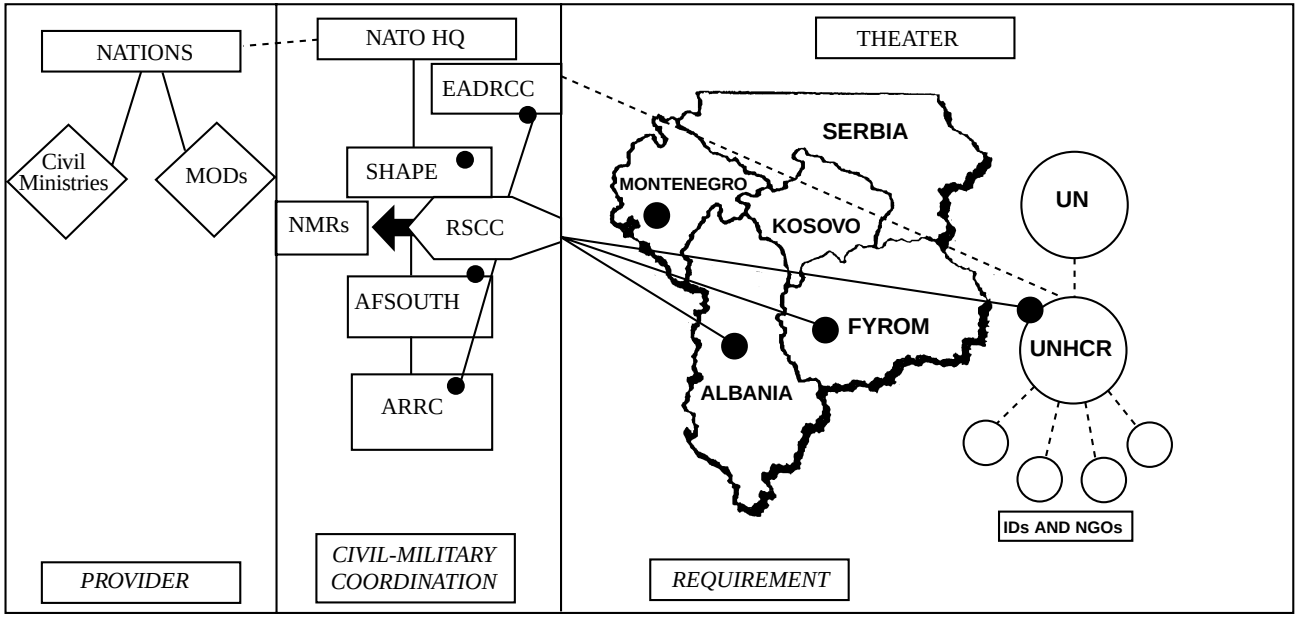
obstacles. Some were a direct result of NATO's bombing campaign; others were a function of actions by the FRY authorities before, during, and after the campaign. Divergent views and strategies among the agencies regarding NATO policy also produced divisiveness within the humanitarian community.

In April, the Focus Humanitarian Initiative was launched by the Swiss, Greek, and Russian governments, later joined by Austria, to provide assistance to persons throughout the FRY. Greece is a full NATO member; Austria and Switzerland are Partnership for Peace (PfP) countries; and Russia is a PfP member that had temporarily suspended its participation. Focus was reportedly encouraged by several major NATO governments as well. The first of about 10 convoys of relief supplies arrived in Pristina on May 13. The emergency effort was later expanded to include activities in other sectors such as education, public health, shelter, ecology, heating/power supply, and humanitarian demining. Its budget of $3.5 million was contributed from the bilateral resources of the sponsoring governments and Canada.

Begun during the bombing, Focus was committed to providing relief to all the victims of the conflict throughout the FRY and to establishing "a visible presence in the Province of Kosovo in order to provide passive protection to the civilian population there." Contributing governments saw themselves filling a gap left by the departure of the ICRC and other aid organizations and helping open the field once again to international humanitarian agencies. The scale of the undertaking was less important, in their view, than the symbolic value of restarting international humanitarian work. While several of the governments involved had responded to such crises in the past through bilateral operational activities, the concerted effort was unique to the situation.

The ICRC viewed the initiative as lacking essential safeguards in terms of access and distribution that the ICRC, in its own discussions with the FRY authorities, was

Figure 3: Civil-Military Coordination Mechanism



Adapted from Information Provided by SHAPE

insisting upon, at the time still unsuccessfully. Others felt that the involvement of the Russian government through the Ministry of Russian Federation for Civil Defense, Emergencies and Elimination of Consequences of Natural Disasters (EMERCOM) signaled an unspoken political agenda. Whatever the truth of the situation, the Focus initiative exemplified the politicization surrounding humanitarian issues during the conflict and provoked heated public and private disputes between and within governments, NGOs, and the Red Cross movement. The involvement of MSF-Greece is reported to have played a role in its expulsion from the MSF family.

Other well-publicized efforts, too, sought to step into the humanitarian breach. One involved airdrops of food aid for a two-week period beginning June 3 by a U.S. NGO, the International Rescue Committee. The initiative provided more than 60,000 humanitarian daily rations and 10,000 high-protein biscuits to people in remote areas of Kosovo and drew attention to the unmet need of internally displaced persons (IDPs) at a time when the needs of refugees were the center of attention. Beyond those who directly benefited, the airdrops had clear symbolic value, even coming late in the bombing period. While those involved view the effort as a worthwhile one, the particulars (including the time and energy necessary to organize the airdrops) limited their potential for replication.

Other less-publicized efforts sought to sustain or mount activities in the FRY during the bombing. One was undertaken by Action by Churches Together (ACT), an international network of Christian aid organizations which assisted in the FRY as well as in Macedonia and Albania. In both Montenegro and Serbia, ACT and one of its members, the International Orthodox Christian Charities, assisted Serb civilians during the bombing through local parishes. The coalition, which had provided food and sanitation inside the no-man's land at the Macedonian border earlier in the crisis, also had distributed aid to refugees in Montenegro beginning in October 1998. Another faith-

based group, the Order of St. John, was reportedly able to maintain relief supply lines into Kosovo throughout the bombing and to work with the Montenegrin authorities and with the German troop contingent in northern Macedonia.

During the bombing, NATO sought to minimize the hazards to humanitarian personnel by setting up a system of pre-notification by agencies undertaking activities within the FRY. By the end of the bombing, NATO was reportedly receiving scores of such notifications. Some organizations, complying with NATO's request, found their work inhibited by the need not to deviate from announced plans. One agency submitted the requested information but then did not follow through on the specified activities, having little faith in NATO's ability to avoid mistakes from the air.

The UN needs-assessment mission described earlier also cleared its movements on a daily basis with NATO. Some NATO officials, donor government officials, and aid personnel took a dim view of the mission, whether because of its inherent risks or because it was seen as geared more toward making a political statement (which would be seized upon by the FRY authorities) than toward laying the groundwork for future aid efforts.

For a balanced humanitarian effort to reach those in need within the FRY, the continued presence of international organizations and personnel was critical. Yet for agencies such as United Nations Children's Fund (UNICEF), which had been present in Belgrade since 1992, NATO's war against the FRY created serious difficulties. UNICEF was able to sustain expatriate presence throughout the peak of the bombing but was concerned that the authorities would curtail essential humanitarian activities. Other agencies, too, viewed maintenance of some distance from NATO military activities as essential to their continued work. Donor governments themselves would have difficulty in continuing to underwrite aid activities in countries against which they were waging war.[5]

Following the signing of the Military Technical Agree-

ment between KFOR and the FRY and Serbian governments on June 9, aid agencies experienced difficulty in restarting humanitarian operations in the FRY outside of Kosovo**.** As they approached the authorities for visas, they found that the nationalities of their expatriate staffs were more of an issue than previously. However, officials were hard-pressed to establish whether their specific NATO connection, or lack of it, had a bearing on their difficulties.

In fact, agencies that had publicly maintained their distance from NATO as well as those that had cooperated closely with it experienced difficulties. MSF, which refused to accept direct funding from NATO member countries, was turned down in its many attempts to receive FRY visas for expatriate aid workers, even of non-NATO nationalities. Some agencies concluded that the political backlash was affecting the humanitarian enterprise as a whole, rather than carefully selected component parts. Some felt that FRY policy was itself capricious, lacking written formulation as well as basic consistency.

There are also indications—although the evidence is not conclusive—that some agencies working with Kosovar refugees in Macedonia and Albania experienced greater difficulties with their activities in the FRY. At least they took precautions to avoid behavior that would be seen as provocative. "As an aid agency with its head office in a NATO-based country," said one senior official, "[we found that] Serb authorities were hostile and our expatriate staff was at considerable risk." The visits of U.K. Prime Minister Tony Blair and U.S. President Bill Clinton to camps in Macedonia occasioned schizophrenic reactions from their humanitarian hosts. Most NGOs welcomed the media attention that accompanied such visits, spurring interest and contributions back home. Yet some were concerned lest TV pictures beamed into Serbia endanger their own personnel, working under the same logos there.

"In the complicated politics of the Balkans," one NGO country representative observed, "everything is interrelated. What we're doing in Kosovo is known in Belgrade,

and vice versa." In deference to Serb sensitivities, one NGO described its Pristina-based work as taking place in "Kosovo" rather than "Kosova," (the latter is the Albanian pronunciation). Throughout the period under review, the high political profile of the Kosovo crisis meant that aid agency headquarters were much more involved in decisionmaking on operational matters that might under normal circumstances be left to field personnel. The impacts of heightened scrutiny and diminished flexibility on program quality were not clear.

Over the years, humanitarian organizations typically have had difficulty positioning their activities in relation to political authorities, whether in host countries where humanitarian access is required or in donor countries from which aid resources are received. The higher political quotient in the Kosovo crisis exacerbated those difficulties.

Agencies experienced and expressed ambivalence about their association with the prevailing international political / military strategy. Some sought to keep their distance: as, for example, by reportedly refusing to take seriously reports from the Kosovo Verification Mission about human rights abuses in Kosovo simply because of their KVM origin. Others were more forthright in acknowledging the political context within which their activities were set.

A number of agencies sought to limit the inroads of politicization by introducing safeguards in how they administered their programs. Some established offices with region-wide responsibilities in an effort to achieve and convey greater even-handedness in working with civilians on both sides of the conflict. Others dispensed with the normal regional office approach, instead setting up subregional offices that reported directly to headquarters where the key decisions were made. Whether NGOs moved to increase their level of privately funded activities among Serbs in order to offset the reduced resources available from donor governments is not clear.

Politicization was an issue not simply in Serb-majority areas in the FRY outside Kosovo but, following the bomb-

ing, in Kosovo itself. "Why should we trust you," one NGO worker reports Serb villagers having said, "if you were just bombing us and working with NATO?" For their part, the worker continued, "Albanians think that if we cleared the territory for them, why would we want any Serbs here? Our best protection," she asserted, "is to provide assistance to anyone who meets needs-based criteria. We don't want to be too closely associated with KFOR because if the security situation deteriorates, we don't want to be targeted."

The extent of politicization, however, remains unclear. Aid workers interviewed in Leposevac, Mitrovica, Orahovac, and Prizren did not view it as a major issue. Their colleagues with country-wide or region-wide responsibilities tended to describe the problem in more serious terms.

Agencies mounting assistance and protection activities under the KFOR security umbrella were wary of too close an association because of the importance of their credibility among minority Serb and Roma populations and even among Kosovar Albanians. While NATO and UNMIK were certainly welcome in mid-1999, aid groups feared that once the "honeymoon" between Kosovars on the one hand and NATO and the UN on the other was over, shifts in public attitudes might endanger their own activities as well.

It is difficult to determine the extent to which KFOR in Kosovo was simply bearing the brunt of pent-up interethnic animosities or instead was reaping the fruits of its perceived association during the war with Kosovar Albanian aspirations. Whichever was the case, some humanitarian personnel voiced a concern that given NATO's expressed objective of preserving a multiethnic Kosovo, its high-profile involvement in assistance efforts might reduce its capacity to meet the protection needs of Kosovar Serbs and Romas. Despite such difficulties, activities by KFOR and humanitarian agencies proceeded in Serb-held areas of Kosovo, as for example those conducted by the French contingent around Mitrovica and the Belgian troops around Leposevac.

If the political parameters within which they worked

disquieted some humanitarian personnel, many in the military and among political officers in NATO member governments did not share, and had little patience for, their discomfort. "Humanitarian organizations can't on the one hand be a beneficiary of military support," said a senior ministry of defense official, "and on the other hand keep a posture of studied independence." As noted Chapter 4, cooperation with the military was most active on the part of humanitarian organizations who found ways of living with their discomfort.

While politicization of humanitarian action is a danger affecting many international interventions in civil wars, there is evidence to suggest that in the Kosovo crisis the high-profile nature of NATO involvement deepened the degree of politicization. Aid groups felt that such efforts as they made to distinguish themselves and their mandate from the perceived partiality of NATO's military presence were of limited utility. Particularly troubling were the deep-seated hatreds encountered when they sought in their own personnel practices to maintain local staffs of mixed ethnicities. As in other conflicts, tensions also developed between expatriates employed in different locations by the same agency. Some stationed in Kosovo came to be viewed as "pro-Albanian" by FRY colleagues, who themselves came across as "pro-Serb" to their counterparts working in Kosovo.

In the view of a number of those interviewed, the media served as a major instrument of politicization. Human rights workers were struck by the fact that two member states of NATO were quick to describe the actions of FRY authorities as involving genocide based on what human rights groups at the time still considered inconclusive data. The work of the International Criminal Tribunal for the former Yugoslavia (ICTY) was drawn into the fray by statements —erroneous in the view of the ICTY—that the Tribunal had received evidence from those two governments on which their claims of genocide were based.

Similarly, relief groups felt that NATO was playing fast

and loose with displacement data to serve its political/military agenda. "We never could get them to document their claims of 500,000 to 800,000 internally displaced persons within Kosovo," said one UN official, "and these people were never found when we finally got access back [inside]."

As in other crises, politicization fed on itself as time went by. Outsiders viewed actions of FRY authorities that frustrated humanitarian access as clear evidence of a political backlash. For their part, the authorities acknowledged the need for humanitarian agencies to assist Kosovar Albanians as well as Serbs and denied that they were penalizing NATO-associated agencies. For the authorities in Belgrade, the key issue was not their own perceived lack of receptivity to international assistance but the attempt of key donor states to restrict aid flows by artificial distinctions between humanitarian and development assistance. That would indeed become a major issue which donor states themselves would find divisive.[6]

If politicization was a more obvious issue in the FRY, it was a reality in Macedonia and Albania as well. Many NGOs in Macedonia during Operation Allied Harbor appeared to overlook the implications of their work with NATO. They viewed the relationship in pragmatic terms as a connection that enabled them to get the humanitarian job done, benefiting at the same time from the enhanced media exposure accompanying the troops. Similarly, NGOs in Albania tended to minimize how extensively they functioned within a political framework imposed by NATO with the consent of the Tirana authorities. One NGO official expressed the view that his agency was not affected by politicization in the Kosovo crisis because it had chosen up sides and had fortunately picked the winner in the war. Clearly, humanitarian actors had difficulty coming to terms with the political dimensions of their activities.

Yet the relationship of humanitarian organizations with the military proved to be a double-edged sword. While NATO's participation in humanitarian work intensified the

media attention aid groups received, the media often heroized NATO's contribution, an issue of particular irritation for many UNHCR officials interviewed. In addition to the real or perceived benefits that NATO's involvement in humanitarian work provided, it also made significant inroads into the neutrality of humanitarian activities.

Summary

Politicization infiltrated the neutrality of humanitarian activities in the various theaters and periods of the Kosovo crisis. In the FRY, the interplay between NATO military action and military / paramilitary activities on the ground meant that virtually the entire humanitarian community left the battlefield on the eve of the battle. After the battle, reconstituting humanitarian operations became more subject to political considerations by host and donors alike.

In Macedonia and Albania and in Kosovo after the bombing, the efforts of some humanitarian agencies to insulate themselves from the political context of NATO's involvement were largely unsuccessful. Others simply accepted the NATO association and mounted programs wherever possible. Had the bombing and the military contingents in such a crisis come from another quarter than NATO, aid agencies public and private would doubtless not have moved with such alacrity to respond. That fact in and of itself suggests a highly political dimension to their engagement.

CHAPTER 4

TENSIONS BETWEEN CULTURES

Discussion of division of labor and politicization issues in Chapters 2 and 3 has provided glimpses of the sometimes marked divergence between the cultures of military and humanitarian institutions. This section examines several areas of tension and how extensively they inhibited productive interaction during the Kosovo crisis. As noted earlier, the terms "military" and "humanitarian" are used as shorthand for two sets of institutions, each diverse.

In the course of some 200 interviews with military and humanitarian aid officials, major differences in institutional cultures emerged. Western militaries are paid, trained, and equipped to use organized and regulated violence to accomplish objectives set by democratic governments. Military culture places high value on command-and-control, including top-down organizational structure, clear lines of authority, discipline, and accountability.

The military gives high priority to logistics: that is, guaranteed functioning under the most adverse circumstances, with the necessary "force protection" to carry out tasks. The military invests heavily in human resources management, including training at all levels, leadership, redundancy of staff, and lessons-learning exercises. Troops often have little patience for agencies that march to different drummers. In dealing with aid workers, said one senior NATO planner with annoyance, "You first have to think as a human being, and then as an officer."

Humanitarian organizations tend to be less hierarchical and more participatory in their style of decisionmaking and operations. Practically inclined like the military, they accord higher priority than does the military to how things are accomplished: that is, to process. They attach more importance to long-term than short-term impacts. Humanitarian groups take a "no-frills" approach to investments that do not directly aid beneficiaries (e.g., staff training and

evaluation), view redundancy as needless duplication rather than necessary reinforcement, and pay less structured attention to the lessons-learning process. Humanitarians often have little patience for the more coercive and directive approach of the military.

Such differences in institutional culture were exemplified by, and played themselves out in, five specific respects: expectations, perceptions, resources, missions, and values.

Expectations

Two vignettes suggest the wide disparities in mutual expectations between the two sets of institutions. One aid official spoke with some amusement of the formal handover ceremony from the military of a camp in Albania. The 600-strong Italian military contingent that had built the facility and got it up and running assumed that there had been some mistake when only a handful of UNHCR officials showed up for the much-publicized handover event.

Conversely, humanitarians, hearing that KFOR troops in theater numbered 45,000, expected them to render whatever kind of assistance they needed whenever it was needed anywhere in Kosovo. The reality was quite different: many KFOR troops had administrative and logistical duties that rendered them unavailable for humanitarian tasks. Moreover, aid workers wanted to press into immediate use the "idle capacity" that the military treats as a necessary reserve for unexpected emergencies. In circumstances in which both sets of institutions were hard-pressed to function effectively, unrealistic expectations resulted in major frictions and undercut effective action.

Perceptions

Perceptions of the military-humanitarian relationship were also a source of tension. Many NATO contingents were eager to be identified with assistance activities, both as a bridge to local communities and for good publicity at

home. At the same time, some feared that getting caught up in aid work would undercut their readiness to respond to an eventual military threat. Others in NATO downplayed the humanitarian aspects of their activities. "We don't make people love each other," a NATO public information officer told a university audience on the second day of the bombing. That, he went on to suggest, is the task of the United Nations and the ICRC.[1]

For their part, some aid organizations sought to place a certain distance between themselves and the military. One reported a sharp exchange at a briefing for a senior KFOR officer. "Gentlemen," said an NGO official with provocation aforethought, "I'm not in your chain of command." "Then you're out of control," shot back one of the officers. "No, I'm a humanitarian professional," countered the NGO. That difference in viewpoint was reconfirmed in day-to-day experience. "Nobody can tell an NGO what to do," lamented a KFOR official, whereas in a military operation "the highest needs would have the highest priority and would be addressed first."

There were also tensions pertaining to perceptions at the operational level. In one example, the presence of several combat helicopters with UNHCR painted on the sides created discomfort for humanitarian personnel, particularly when pictured in the international media. In another example, one NGO welcomed the offer of help of several doctors from a nearby Belgian troop encampment but requested that they not carry weapons. A compromise was worked out with their commanding officer that was hardly satisfactory for humanitarian purists: the doctors came unarmed but were accompanied by their own armed security personnel. The doctors' own request of their superiors to be allowed to wear civilian clothes was turned down. Meanwhile, the Austrian Red Cross, wearing its own uniforms, worked comfortably within a camp managed by the Austrian military.

Humanitarians insist on distinctions between and among themselves. They are critical of the military for

failing to understand that OCHA is not an operational agency, that the World Food Programme is not an NGO, the GTZ is a bilateral aid agency, and that the ICRC is none of the above. Yet distinctions that are equally important for the military—for example, between ARRC and AFOR—are often lost on humanitarians.

Perceptions, of course, varied according to institution and individual. UN agencies seemed to have a more informed picture of NATO military structures and greater willingness to collaborate than did some NGOs. "My general message," said Kenro Oshidari, WFP's special representative and regional manager for the Balkans, "is that humanitarian organizations have to work much more like the military." NGOs that were operational partners of UN agencies were generally more comfortable with military culture than other NGOs. For example, some of the larger NGOs with worldwide programs and histories of UN collaboration interacted with greater ease than did smaller and more crisis-specific relief groups.

Conversely, some national military approaches to civil-military cooperation were more conducive to collaboration than others. The presence in some units of civilians or reservists with civilian skills made collaboration easier. And, although some aid workers saw "the global image of being linked with the military" as problematic, others felt that collaboration could extend their own limited reach to serve vulnerable populations.

Resources

The Kosovo experience also demonstrated wide divergence in the levels of available resources. The ability of the military to mobilize resources overnight was the envy of aid groups, which, even as the weeks went by after the March eruption of the refugee crisis, had difficulty finding the necessary numbers of seasoned staff to deploy. They noted the ease with which the military deployed significant numbers of new personnel in response to the evolving

crisis. NATO criticisms of aid agencies for their slowness to respond and their lack of coordination seemed to ignore the evident disproportionality in resources. The apparently limitless availability of resources to the military, sometimes in direct competition with the funding of aid agencies, led to the disparities in camps cited earlier and to levels of services begun by the military that were unsustainable by aid professionals to whom they were sooner or later handed over.

Emergency relief and human rights organizations also were alarmed by the scale of resources poured into the Kosovo response to the detriment of a more proportional and balanced approach to other crises. Many aid workers were uncomfortable with the reality that the small area represented by Kosovo enjoyed the highest ratio of aid workers to civilian population of any humanitarian theater in the world. One worker transferred from Sierra Leone to the Albanian theater could scarcely believe the largesse of the camps and the creature comforts provided to refugees by the military. She described being viewed as a "pariah" by her colleagues upon her return to Freetown. The levels of assistance lavished on Kosovo and the lack of proportionality with other crises were simply not issues of concern for the troops serving in the Kosovo crisis.

Missions

There were also tensions between the respective missions of military and humanitarian actors. Reflecting concerns such as security and logistics—political factors appear also to have played a role—KFOR was organized in the Kosovo theater into five AORs. Reflecting its own mission, UNHCR efforts were organized into seven AORs. The absence of corresponding boundaries complicated matters in the two areas added by UNHCR where large concentrations of refugees and major destruction of infrastructure posed a particular humanitarian challenge. To complicate matters further, other humanitarian organizations had AORs

that differed in one respect or another with those of KFOR and UNHCR, as did UNMIK and the OSCE.

The problem was not that one approach was necessarily right and the other wrong but rather that different missions created different geographical organization and problems of coordination. As a result, one UNHCR suboffice head needed to consult with military liaison officers in two separate KFOR AORs. The disconnects, pointed out one UN aid worker, "cost you enormous amounts of time," recalling that a similar problem had dogged UN efforts in relating to the NATO Stabilization Force in Bosnia.

A similar tension existed around repatriation. UNHCR was committed to ensure the voluntary, safe, and dignified return of refugees, which required sensitivity to the situations and decisions of individuals. For KFOR, security and logistical concerns loomed larger. Following the repatriation of refugees to Kosovo, UNHCR felt compelled to highlight the vulnerability of minority populations while KFOR had an interest in demonstrating that the security situation was under control. The different mandates of UNHCR and KFOR troops vis-à-vis protection needs and accountability for war crimes of Serb populations were noted earlier. There were also variations in the approaches taken by national contingents on such issues.

Values

It was at the level of values, however, that the most serious culture clash emerged. There was broad convergence, as noted earlier, between the stated objectives of NATO and aid agencies. In fact, NATO's solicitousness of UNHCR's need to provide civilian direction over NATO's assets while keeping its distance from the military was a recurring feature of NATO circulars. Yet many humanitarian officials sensed a fundamental disjuncture between NATO military action, which during the period under review to one extent or another embraced the Kosovar Albanian cause, and the neutrality central to humanitarian

action. Some independent commentators themselves viewed NATO's bombing campaign as providing the KLA with an airforce.

Many humanitarian officials privately, and some of their agencies publicly, welcomed military action taken in support of humanitarian objectives. Indeed, many had long urged such action. Working through their professional association InterAction, a group of U.S. NGOs had written to the U.S. National Security Council as early as June 1998, encouraging a military response to the threats against Kosovar civilians. In early April 1999 NGO executives met with President and Mrs. Clinton to press their concerns.

Many aid officials interviewed for this study welcomed AFOR's humanitarian terms of reference and referred to its contingents as "our troops." Many felt equally positive about the early assistance received in Macedonia, where, as described earlier, military leaders stretched the mandate of the Extraction Force (later KFOR) in order to build camps and provide other assistance. Brigadier General Timothy Cross was mentioned with appreciation by many for having set up the Stenkovac 1 refugee camp overnight.

Yet on three particular matters the tensions in the area of values were palpable: the perceived multiplicity of NATO objectives; the tensions between secrecy and transparency; and the patently negative impacts of NATO strategy over time on humanitarian interests in the region.

Ambiguities in Objectives

While the humanitarian objectives of NATO activities in the various theaters were clearly stated, the realities were far more complex. With respect to Albania, for example, AFOR, although humanitarian in purpose, was only one of several NATO operations. NATO was also planning a ground assault, should the bombing not produce the desired result. AFOR planes at the Tirana airport (at the request of the authorities, NATO had taken over control of the airport and of Albanian airspace as well) shared the

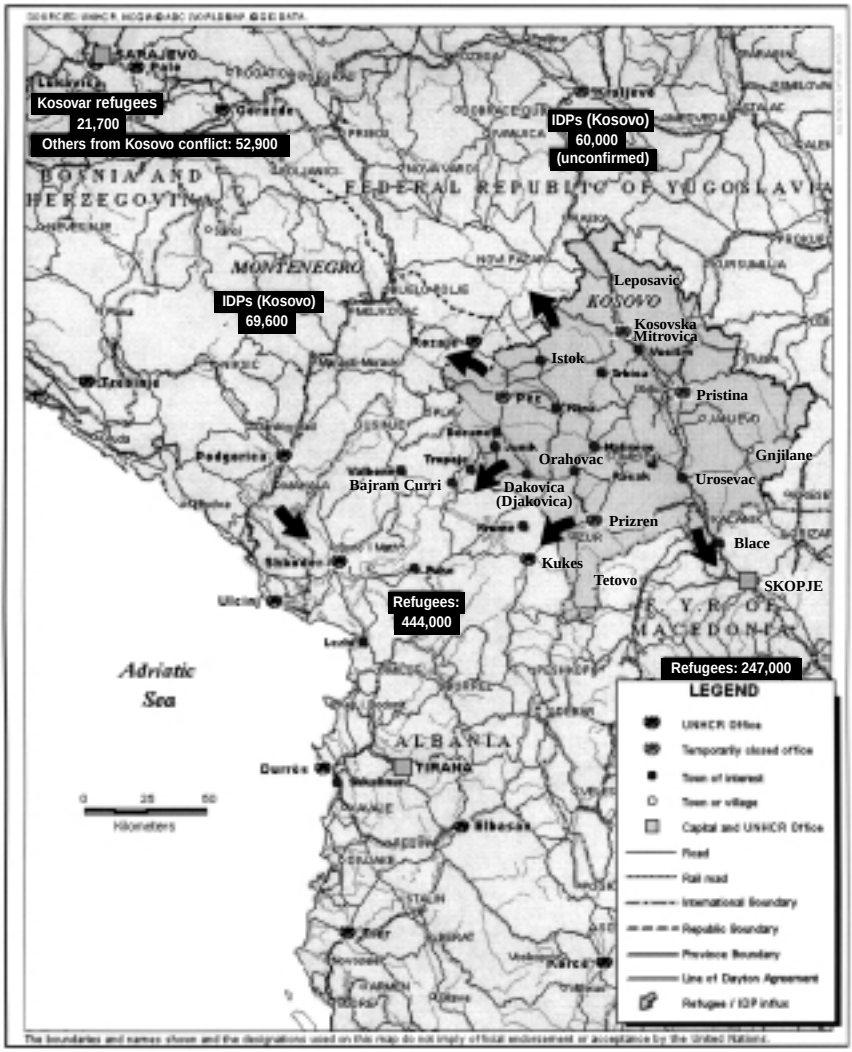
tarmac with 24 U.S. Apache combat helicopters requested by Gen. Wesley Clark, acting in his NATO / SACEUR capacity, in preparation of a possible ground offensive. Taskforce Hawk, of which they were a part, consisted of over 3,000 troops, with no humanitarian duties.

AFOR itself was indeed humanitarian in expressed purpose. However, its leaders directed that "All activities undertaken by AFOR should contribute to the enhancement of NATO's public image and the undermining of critics of the NATO air campaign."[2] The CIMIC "hinge" which brokered relationships with civilian actors in each theater itself served NATO's military objectives. NATO's working definition of CIMIC, applicable to Kosovo and beyond, is "A military operation, the primary intention and effect of which is to support a civilian authority, population, international or non-governmental organisation, the effect of which is to assist in the pursuit of a military objective."[3]

If the sense that humanitarian activities were providing cover for other objectives was disquieting to many, still another source of uneasiness was speculation that as it moved into its second half century, NATO was eyeing the humanitarian sphere in its search for a new reason for being. One reality that particularly rankled was the sense that NATO had preempted humanitarian principles and was using them for its own ends. "NATO's military action will be directed towards halting the violent attacks being committed [by regular and irregular Yugoslav forces] and disrupting their ability to conduct future attacks against the population of Kosovo," said a press release of March 23 as the bombing commenced, "thereby supporting international efforts to secure FRY agreement to an interim political settlement."[4]

By April 1, however, political objectives were already ceding top billing to humanitarian ones. NATO sought to stop the killing in Kosovo and to "put an end to the appalling humanitarian situation that is now unfolding in Kosovo and create the conditions for the refugees to be able to

Figure 4: Displacement in the Kosovo Crisis as of June 8, 1999



*Adapted from original UNHCR map.

return." Within the space of a week, creation of conditions for a political solution to the crisis in Kosovo based on the Rambouillet agreement had become the third of three objectives.[5] By April 12 it had become the fifth of five.[6]

Many aid groups welcomed the increased prominence attached over time to NATO's humanitarian objectives and chores. Yet some had their doubts. "NATO language says all the right things," said one aid worker serving as a liaison to the military, "yet the military machine on the ground is so overwhelming in relation to the humanitarian that it is almost impossible to maintain the perception of a civilian lead."

In a broader sense, the fundamental meaning of "humanitarianism" was tested by the Kosovo crisis. One aid official wryly noted a KFOR counterpart's description of UNHCR as a "civilian humanitarian organization." From NATO's standpoint, he said with evident discomfort, the idea of military humanitarianism was not an oxymoron. In an effort to preserve what they considered essential distinctions, some aid agencies were at pains to speak of "military intervention in support of humanitarian objectives" rather than the more widely used "humanitarian intervention." Human rights organizations had fewer difficulties with the concept of a war waged for humanitarian values.

The concept of "war" was also a matter of contention. NATO was reluctant to use the term, preferring to speak instead of an "air campaign" and seeking to spare its member nations the label of belligerents. For the ICRC, the laws of war as reflected in the Geneva Conventions were clearly applicable to the armed conflict in Kosovo regardless of NATO's reluctance to use the term "war."

Secrecy versus Transparency

Reinforcing the perceived disconnect between NATO's stated objectives and its real purposes was a second set of tensions, between military secrecy and humanitarian transparency. NATO did not consult humanitarian actors on

matters of contingency planning during the pre-bombing period. "Why launch a major humanitarian intervention without planning and strategy meetings with the major humanitarian actors?" asked one of the agencies that felt left out of the loop. During the bombing period itself, there was more consultation, as described below. In fact, some military planners felt there may have been too much. One of those familiar with the process noted that humanitarian interests had, in his judgment, been allowed to exercise "a positive interference in air combat operations."

Some aid agencies viewed the sharing of information by NATO about possible strategies as essential to their ability to respond to the humanitarian consequences of whatever option was selected by the military. When faulted for underestimating the scale of the exodus produced by the bombing, they defended themselves by saying that they could hardly be held accountable in the absence of any sharing of information from NATO, which itself was surprised by the magnitude of the dislocation. One agency indicated that had it known in advance about the likely extent of the bombing, it would have worked harder to keep its Belgrade office open in order to have been better able to respond to the need across the FRY. The International Organization for Migration reported that close collaboration with NATO facilitated its movement of Serbs from Serbia into Hungary.

Quite apart from the programmatic side, some aid and human rights personnel felt obliged as a matter of principle to engage with those planning diplomatic or military initiatives with humanitarian consequences. One suggested that even if NATO had not consulted humanitarian organizations, the agencies should have taken the initiative to approach military planners with information regarding the likely effects of military action on civilian populations. Otherwise they, too, would have "blood on their hands."

By contrast, however, some humanitarian agencies and personnel wanted no part whatsoever in NATO's military or contingency planning. Governments have their own

intelligence sources, they pointed out, and aid groups were well-advised to focus on their own bread-and-butter activities rather than taking on intelligence-sharing functions. One aid official refused an invitation to meet with visiting U.S. Ambassador Richard C. Holbrooke at the time the Rambouillet process was floundering, fearing that such prior consultation would be invoked in justifying an eventual NATO decision to bomb.

During the bombing, tensions developed between military and humanitarian authorities over sharing information from overflights by satellites and unmanned drone aircraft. The agencies believed that such data might help provide real-time information about where displaced populations were located, allowing assistance operations to move from a reactive to a proactive mode.

NATO, which gave priority to battle damage assessments, provided satellite photos to UNHCR that contained less precise information on population displacement and required precious time for interpretation before being shared. More useful information to aid groups would have required a different allocation of military assets, some of which were controlled not by NATO but by its member national militaries.

Tensions existed at the very local level as well. The Saudis opened a hospital for treatment of civilians but, on grounds of military secrecy, refused to share epidemiological data with health care professionals in aid organizations. One health worker complained that military facilities whose doctors had taken blood samples to check for contagious diseases refused to share the results on grounds of military secrecy. Another lamented that since the hospital assets of the military were classified, aid groups had to guess at how extensively military services could be assured for use by civilians.

Considerations of secrecy also affected the research conducted for this study, which encountered serious difficulty in getting essential information from military personnel in NATO and individual member governments. Even

though one of the researchers had security clearance, NATO denied his formal request for the declassification of materials related to Operation Allied Harbor and other humanitarian activities. Although the nature of military operations undoubtedly reduces the availability of some kinds of information, the absence of basic data about humanitarian activities by the military poses serious problems on the research side.

Perhaps more important, secrecy undercuts collaboration by heightening suspicions among humanitarian personnel. While aid groups, too, have some reluctance to share sensitive information, the difference in the accessibility of the two cultures to outside inquiry is substantial. As noted earlier, the lack of availability of information from the military regarding the costs of its humanitarian activities renders serious cost-effectiveness discussions moot.[7] Some aid personnel believe that if the true costs of harnessing the military for humanitarian work was known, the comparative advantages of aid organizations would be demonstrated beyond dispute.

The issue of classified information also relates to conflicting approaches to accountability. NGOs view themselves as independent entities, accountable to donors, private constituents, and their beneficiaries. They believe they must behave with transparency in relation to belligerents as well. For the military, while transparency is limited by national security interests, accountability to their defense ministries and thence to parliaments is rigorous and beyond question. Once again, clashes at the level of values have serious operational consequences.

Rhetoric versus Reality

A final point of tension between the two cultures involved what humanitarian organizations considered the blatant disparity between political rhetoric from Washington, London, and Brussels and the hard realities on the ground. “It seemed for a time, the violence applied by

NATO was effective in uniting much of the world, since it was seen as acceptable violence, to end the unacceptable violence of the Serbs," noted one aid worker whose agency had worked in the former Yugoslavia for decades. "In fact, it is impossible to hide the impact of the NATO violence in terms of destruction and death. Then too, the violence by NATO was not effective in stopping, let alone preventing, the awful violence of the Serbs. The carnage in Kosova went right on while Serbia was being bombed."

Sentiments such as these reflected a widespread but ultimately minority view among aid workers that the humanitarian consequences of NATO's "humanitarian war" were more negative than positive. The frustration of aid workers, dismissed by many in the military as whining, was increased by a second frustration: that the framing of NATO's initiative in humanitarian terms made it more difficult for humanitarian agencies to challenge NATO policies publicly. Some agencies thus felt their work co-opted and their voices stilled.

Responses

How effectively did the actors deal with these clashes between military and humanitarian cultures in expectations, perceptions, resources, missions, and values? First, the frequent use of liaison officers, a practice begun in Bosnia but more thoroughly institutionalized in Kosovo, contributed to efforts to bridge the cultural divide and promote understanding and coordinated action. Liaison officers did their best to manage the interaction, although they were not always able to orchestrate the elements effectively. The operational benefits resulting from the use of personnel for bridging purposes who had made a career in the other culture requires further study. The practice could well be expected to break down some of the existing barriers.

Second, personnel serving in the Kosovo crisis had greater familiarity with each other across the existing cul-

tural divides. These days, fewer military personnel are heard to ask, "What's an NGO?" and fewer NGO workers wonder, "What's a lieutenant colonel?" The greater level of mutual understanding in Kosovo also reflected the fact that many of those who served in the Kosovo theater had gotten acquainted with each other in earlier phases of the crisis in Macedonia and Albania. A number of senior KFOR personnel had also served together in Bosnia. UNHCR recruited personnel with previous CIMIC experience for military liaison functions, and CIMIC itself had precedents in earlier crises.

Many of those deployed in the Kosovo crisis also had experience in other emergencies, most frequently in Bosnia. Instructors and graduates from the Pearson Peacekeeping Institute in Nova Scotia who found themselves serving in different capacities in Pristina were able to put into practice their interpretive skills in day-to-day interactions between UNMIK, UNHCR, and the OSCE. "The odds are," said one veteran of other crises, "that people will have already worked together" in other settings.

Third, despite best efforts to bridge the cultural divides and the increasing success in doing so over time, serious obstacles remained. In the words of a retired military officer now in the employ of an aid agency, "Many in the military feel, 'If you're not in uniform, you don't count.' Meanwhile, many aid officials feel that 'If you're in uniform, you're disqualified from being part of the help.'" Noting that many senior U.S. military officials had not yet focused in any depth on issues related to humanitarian activities by American troops, one U.S. official expressed the hope that the Kosovo crisis will come to represent a "watershed experience" for senior American military leadership. The fact that the United States had not committed troops to a number of major peacekeeping missions was seen as having limited the exposure of the U.S. military to humanitarian issues and actors.

Reflecting the higher political profile of the crisis and its

response, the stakes were major for the individual institutions involved. They created a premium on preserving rather than harmonizing divergent strategies. Strong-willed and forceful personalities in key leadership positions sometimes accentuated institutional differences rather than compromising them. In view of the competition between military and humanitarian agencies described earlier, it would be surprising if cultural differences had disappeared altogether.

Given the reality that the differences encountered here were not new,[8] to what extent were they better managed than in earlier crises? The data on this point are mixed. On the positive side, military doctrine seemed clearer, humanitarian principles and organizations were better known among the troops, and the interaction engaged a more seasoned breed of humanitarian personnel that harbored fewer ideological preconceptions about the military. The use of liaison officers by both sets of institutions and frequent and structured consultations at every level played a constructive role.

At the same time, interviewers asked in vain for specific institutional changes implemented in the Kosovo crisis that reflected lessons learned from previous emergencies. As noted earlier, the Bosnia and northern Iraq interventions were the most often cited, but respondents had difficulty naming changes in policies or operations that reflected earlier experience. Recent innovations such as "service packages" and personnel rosters played, at best, a limited role in the Kosovo crisis.

One UNHCR veteran of Bosnia found the military's perception of its humanitarian counterparts in Kosovo as uninformed and uncollegial—"bleak" was his term—as in the old UNPROFOR days. He believed that for effective lessons-learning to be reflected in practice, the entire cast of military and humanitarian actors would need to be transferred en bloc from the last emergency to the next one. There was confirming evidence to suggest that however improved the state of humanitarian literacy among the military and

military literacy among humanitarians, both sets of institutions and their staffs still have considerable distance to go.

Summary

Significant tensions exist between military and humanitarian institutions. These are reflected in their expectations, perceptions, resources, missions, and, most important, values. The tensions have a decided, if indeterminate, impact on the abilities of the institutions to accomplish their stated objectives, particularly those that are shared. No major recent studies, however, have examined issues of military and humanitarian ethics at the operational level, with the exception of the role of military medical services.

The positive message of the Kosovo crisis is that the tensions are increasingly recognized as fundamental, with efforts underway to understand and, to the extent possible, bridge the differences. Better management of differences can be expected to yield benefits, although the challenge of sensitizing each side to the other's culture is ongoing and fundamental tensions can be expected to remain.

CHAPTER 5

THE FUTURE

The examination of the issues of division of labor, politicization, and cultural differences in Chapters 2, 3, and 4 sets the stage for a review of broad policy options for the future. The Kosovo experience suggests that the international community is at something of a crossroads, with fundamental choices to make as it constructs a humanitarian architecture for the future.

The first choice is to establish the relative importance of military as opposed to humanitarian institutions in the humanitarian sphere. The second involves determining the relative priority of multilateral as against bilateral humanitarian mechanisms. The Kosovo experience may be read in a positive sense as validating the priority given to military and bilateral mechanisms or, more negatively, as underscoring the need for strengthened humanitarian and multilateral instruments. Each approach has associated benefits and costs.

The international community also needs to determine the process for constructing the necessary architecture for future crises. Will it rely on the improvisational and pragmatic tack taken in the Kosovo emergency and in others before it, or choose a more strategic and structured approach with a more clearly delineated division of tasks? In either scenario, what sort of accountability will be required of military and humanitarian actors?

The Kosovo Balance Sheet

The overarching meaning of the Kosovo experience as reflected in the interviews conducted for this study is essentially positive. Military assets were pressed into the service of humanitarian objectives more promptly and assertively than in earlier crises. This was done to good

effect: few of those displaced by the conflict lost their lives, epidemics of the sort associated with other mass displacement were avoided, and arrangements were put in place for rebuilding Kosovo. NATO troops exercising a "surge protector" function reinforced the capacity of aid agencies in Macedonia and Albania and provided a security umbrella for repatriation and reconstruction in Kosovo. Whatever the reconstruction results in the coming years, the emergency response itself—so the majority sentiment goes—was positive.

The problems identified by respondents were, by contrast, relatively minor. They involved an excess of energy and zeal and a lack of discipline rather than a structural incompatibility of the military to assume functions in the humanitarian sphere. In each of the three theaters and periods, finding the proper center of gravity took time, but necessary adjustments eventually were made. More serious than the failure to respect comparative advantages or to cope with cultural differences between the two sets of institutions was the undermining by NATO's high-profile political / military strategy of the neutrality of the humanitarian response mounted by a diminished UN system and associated nongovernmental actors.

With most respondents viewing the experience as more positive than negative, retrospective analysis of a too critical bent, carried out at a distance from the actual events and pressures, risks minimizing achievements and second-guessing institutions which, operating under duress, made the best possible decisions at the time. If the patient survived, why fault the staff and management of the operating theater?

Even boosters of international performance in Kosovo, however, are nervous about how the response to the emergency will bear up over time. Already there is widespread reluctance to write the Kosovo experience large, given the role played by accidental and incidental factors, including good luck. Determining benchmarks for success will influence judgments about outcomes. If the ultimate test for the military will be the preservation of a multiethnic society in

Kosovo, as General Michael Jackson proposed, perhaps for humanitarians the ultimate test should be having done its part to ensure effective region-wide protection and assistance for the civilian population. With the jury still deadlocked on the results of the Bosnia response four years after the Dayton Accords, the jury may well remain sequestered for some time on both the military and humanitarian dimensions of the Kosovo experience.

The availability of massive assets, political and diplomatic as well as military and humanitarian, made the Kosovo crisis more manageable than others that preceded it or may follow. "In many respects," one analyst said as early as August in a judgment confirmed by some officials interviewed later, "while Kosovo poses an unprecedented case of peace building for the international community, it should, at the same time, be one of the easiest operations ever conducted." Unlike Bosnia, the reasoning went, the UN was facilitating the return of refugees to areas where they constituted a majority. Unlike Cambodia, the UN had "a resilient, energetic and determined local partner." Unlike lower-profile settings, the UN had massive military and humanitarian assets at its disposal. "If the UN cannot get it right with assets like these," concluded the analysis, "there would seem to be little hope for it in the future."[1] For better or worse, the must-win military initiative of NATO had been transformed into a must-succeed challenge to the United Nations, to the evident discomfort of the UN itself.

Most of those interviewed accentuated the positive aspects of the experience and viewed the military as an indispensable element in humanitarian action in situations such as this. A comment by General Jackson to the interviewers on military/humanitarian collaboration in the Kosovo theater conveys a view held at all levels of KFOR. "We're all going down the same road," he said. "We are not rivals or competitors. There's a single mission, with military and humanitarian dimensions." In a broader sense, humanitarian tasks have been under discussion as a new post-Cold War mission for NATO, resisted by some and

embraced by others. Since the Kosovo emergency, NATO has also played a role in the international humanitarian response to the crisis in the Ukraine.

The view that closer collaboration between military and humanitarian actors is warranted is shared on the civilian side of the Kosovo ledger as well. "I'm not for corralling the army into being humanitarian," said UNMIK head Bernard Kouchner, "yet victims never refuse the hand of someone helping them." Kouchner's own roots in the ICRC and MSF afford the Special Representative of the UN Secretary-General personal and professional familiarity with the deep reservations of others about the dangers involved in the militarization of humanitarian action. Yet in his view, the refusal to provide assistance simply because the military is doing the providing would do violence to the humanitarian imperative.

The views of KFOR and UNMIK leadership about the compatibility and complementarity of the two sets of missions have considerable resonance among humanitarians as they reflect about the Kosovo crisis. Yet the acquiesence by many aid officials in a major future role for the military in the humanitarian sphere is accompanied more by resignation than enthusiasm. "If you can't beat them, join them," said one UN aid official when asked about the wider meaning of the Kosovo experience for future cooperation with the military. Some of his colleagues were more enthusiastic about the potential for positive synergies, although a number who had applauded the early accomplishments of the troops in all three theaters during the Kosovo crisis were later having second thoughts.

These views held by the major players provide the context in which choices will be made by their financial and political patrons.

Military Roles

The conventional wisdom is that the military stepped into the humanitarian breach in both Macedonia and Alba-

nia, saving lives through its extraordinarily rapid response. But this judgment needs to be carefully contextualized. The military was able to play a constructive role in Macedonia in part because it happened to be present on the ground for other reasons, in part because of the political aspirations of the government regarding membership in NATO and the European Union, and in part because of the weakness of UNHCR. Similarly, the fact that the Albanian government urged NATO to take over the humanitarian operation was an indicator of perceived NATO strength and UN weakness, not necessarily an endorsement of the military as a permanent partner in all humanitarian crises.

While a detailed review of UNHCR's specific role in the crisis is the subject of a separate study that the agency itself has commissioned, the relevant point here is that UN humanitarian organizations are what UN member states and donor governments wish them to be. One does not have to exonerate UNHCR's performance to agree with its observation that "some of the perceived shortcoming in the discharge of UNHCR's lead agency responsibilities were the result of, not the reason for, such bilateral initiatives" as were mounted by governments and their militaries.

UNHCR appeared ill-prepared for the crisis that evolved. Indeed, there was a widespread perception in the Macedonian and Albanian theaters that in the period before March 1999, UNHCR had proved inadequate and that the agency's credibility with the authorities had already been seriously eroded. Some AFOR contingents are said to have capitalized on that weakness and sidelined UNHCR in order to get their own work started. That said, there are limits to which aid agencies should be expected—or donors would wish them—to be prepared for massive population displacement, like a town purchasing snowplows in readiness for "the storm of the century." Similarly, the fact that UNHCR was not in NATO's contingency planning loop points to a structural problem that goes deeper than the individual humanitarian agency involved.

What should be the relative importance of the military

in the humanitarian sphere? "The key issue," said one seasoned NGO official who manages activities throughout the region, "is how to retain humanitarian control over military assets. Yes, we appreciate the military's logistic support, but the leadership needs to be in international humanitarian hands." The fact that KFOR affirms its subsidiarity to UNHCR is a positive one, even though the politicization of humanitarian action flowing in part from NATO involvement and the tensions between cultures made mutuality, not to say subsidiarity, difficult to achieve.

Multilateral Roles

Donors expressed a clear and generally consistent preference for NATO and the heavily bilateral member state military contingents over the United Nations and its multilateral agencies. Massive resources were invested through bilateral military and bilateral humanitarian channels, while donor contributions to multilateral agencies were buffeted by heavy bilateral political pressure and conditionality.

Once again, intergovernmental institutions reflect the policy and political choices of their member state stakeholders. The masters of the NATO military are also the masters of the UN and its agencies. They have options regarding the resources they allocate through multilateral channels and the political support they provide to multilateral actors. "If Britain can secund thousands of personnel to NATO forces," asked one aid worker with evident frustration, "why can't we secund a few top-flight civil servants to UNHCR?" While NATO members were ferrying 8,500 soldiers to Albania overnight, reinforcement of UNHCR ranks proceeded by dribs and drabs.

Architectural Options

The Kosovo crisis was not the first emergency, and will doubtless not be the last, in which "a multitude of practical, protection, and political problems had to be addressed in a

highly-charged political environment, where the stakes for the governments concerned were very high indeed."[2] In preparing for and functioning in such environments, however, there are still choices to be made.

The improvisational and pragmatic approach that evolved during the Kosovo emergency has definite merit and appeal. Crises of this magnitude can be handled, some say, only on an ad hoc basis. Each such crisis turns out to be "occasion-specific and circumstances-specific," said one UN aid veteran. Thus there will be and should be other Ogata / Solana-type exchanges of letters as need arises, each reflecting the particular circumstances.

In this approach, activities should be undertaken by military and / or humanitarian actors according to the peculiarities of the political and military situation in-theater and the levels of resources available and committed from outside. Activities should be devised, vetted, and adjusted over time through consultative mechanisms such as CIMICs. Training would continue to prepare actors for their responsibilities, sensitizing each to the other.

While lessons-learning would be important, the perceived uniqueness of each situation would limit the replicability of strategies and place a premium on improvisation. The reality that humanitarian action is politicized would be acknowledged and accepted matter of factly, rather than representing a source of continuing anguish for aid groups. Military leadership, too, would have to accept its own set of constraints, with troops on a short tether and decisions constrained to the detriment of what military leaders themselves may consider essential for effective military action. "Humanitarian space" and "military space" alike would be tailored to the circumstances.

By contrast, a more strategic and structured approach would involve a division of labor carefully constructed in advance according to the comparative advantages of the two sets of institutions. Acknowledging that short-term political objectives extraneous to human need will often conflict with humanitarian goals, this approach would

nevertheless seek to ensure that humanitarian values are taken more seriously. The primary task of the military would be the provision of security, with support for the work of humanitarian organizations of next—but lower—priority. The third function, that of hands-on assistance to civilian populations, would be de-emphasized further still.

Prototype Memoranda of Understanding (MOUs) could be devised in advance and implemented as appropriate, specifying the division of labor regarding such recurring and troublesome challenges as the provision of security in refugee camps, humanitarian demining, ground logistics, and airlifts. Safeguards could be created to protect the specificities of the tasks of both sets of actors, with mechanisms established to ensure accountability. This more systematic approach would address one of the weaknesses identified by humanitarian personnel in the largely ad hoc arrangements in the Kosovo crisis. While aid agencies were grateful for the help they "sometimes" received from this battalion or that for this task or that, many would instead prefer ground rules that promised "always" or, if need be, "never."

One element in such an alternative strategy would be to make arrangements for ensuring continued humanitarian activities in areas likely to be closed to international humanitarian organizations associated with one or another side in the conflict. In the Kosovo instance, that would apply to the FRY during the bombing and to Serbia thereafter. Steps would be taken to ensure that large areas of human need were not effectively beyond the humanitarian reach of the international community.

To avoid confusion between offensive military operations and military providers of humanitarian assistance, thought might be given to restricting nations to *either* offensive military *or* humanitarian support roles. This would revisit a recommendation by Dag Hammarskjöld that the Permanent Five members of the Security Council not be allowed to provide UN peacekeeping troops. Some of those interviewed dismissed this suggestion as impractical and

of cosmetic value only. However, the proposal might take seriously the confusion—some would say contradiction—that, in the words of one aid official, "the same people on the one hand are providing the humanitarian assistance and on the other hand are bombing the enemy."

A higher priority to separating military from humanitarian tasks might have led, in the Kosovo crisis, to staffing the OSCE's Kosovo Verification Mission with more personnel from non-NATO countries and, likewise, the ICTY's Disaster Victim Identification Teams with more personnel of non-Western nationalities. In a broader sense, greater attention might be given to the nationalities of members of international teams, whether military or humanitarian. While a premium on multi-national staffing could be continued in order to avoid politicizing the personnel process, care could also be taken to avoid the inclusion of persons from major countries directly involved in the conflict.

If regional and subregional intergovernmental organizations such as NATO, the Organization of American States, and the Economic Community of West African States are to play an ongoing role in the global humanitarian architecture of the future, a host of political and financial, legal and accountability issues will require attention.[3] The needs of persons in crises to which no international military troops are committed should also be anticipated.

Rather than delimiting the role of the military, an alternative approach could commission troops to perform the full range of humanitarian tasks during active conflicts. As one military adviser to an aid agency suggested, the military is better equipped to provide humanitarian assistance for the initial month or two of an emergency. A special cadre of military personnel might be trained specifically to assume such functions, with deployment of civilian agencies coming later and restricted to post-conflict settings. A similar suggestion growing out of an earlier study by one of the authors was resisted by aid agencies. They contended that their institutional mandates as well as their desire to be engaged wherever there is serious human need argued

against having to wait until hot wars had given way to post-conflict peace.[4]

An additional suggestion may be worth consideration: that a special international force be constituted to undertake future military / humanitarian initiatives. Its creation would recognize that political will does not exist in many potential troop-contributing countries to commit national contingents while at the same time the humanitarian challenges in hot-war settings are often beyond the capacity of aid agencies to cope. This standing unit could be dispatched to settings that, while lacking the political profile of the Balkans, demonstrate serious need.

In this context, it is noteworthy that a UN Stand-by Forces High Readiness Brigade (SHIRBRIG) has recently been created pursuant to a Danish government initiative and is based in Copenhagen. This multinational unit will deploy in 15 to 30 days for peacekeeping duties, including humanitarian operations, under Chapter VI of the UN Charter for a period of up to six months.

Additional Issues

A series of issues raised by the research needs more attention than received in these chapters.

- To what extent do tensions in military and humanitarian relationships reflect a lack of coherence between military and humanitarian structures in national capitals?
- How can situations of humanitarian extremity with lesser perceived political importance retain their visibility in the face of high-profile political emergencies such as Kosovo?
- Rather than assuming that crises such as this will divert funds from other emergencies, is there a way of building on Kosovo-type situations to generate broader public concern for emergencies in less high-profile settings?
- To what extent could the political will reflected in the

commitment of troops be more effectively harnessed for addressing the underlying causes of crises and for mobilizing additional humanitarian (as distinct from military) resources?

- Since most NGOs involved in such emergencies now accept resources from governments and intergovernmental agencies, is neutrality a possibility only for private agencies that are independently wealthy?
- To what extent should future military undertakings with avowed humanitarian rationales be expected or required to pursue strategies and tactics that involve less damage to civilian interests than was the case in the Kosovo crisis? How should issues of proportionality be monitored?

Summary

The Kosovo crisis may offer lessons for the future in terms of the relative importance of military and humanitarian institutions and of bilateral as against multilateral instruments. Based on the prevailing assessment given to the Kosovo experience, the preference demonstrated for military and bilateral institutions may or may not be emulated. Discussion is also needed about whether the arrangements of the future should depend on ad hoc responses of the Kosovo sort or should rely on a more structured division of labor reflecting the comparative advantages of the respective actors. An ad hoc approach would likely entail greater utilization of the military. Major institutional innovations may also be called for.

CHAPTER 6

THE WORKSHOP DISCUSSION

The research summarized in Chapters 1 through 5 was prepared for discussion at a workshop convened by the Netherlands Foreign Ministry in The Hague on November 15-16, 1999. This chapter recaps major themes of that session, identifies a number of issues that remained unresolved, and sketches an agenda for future action that emerged.

The Setting

The workshop drew together a diverse group of 35 participants for a two-day discussion of the interaction of NATO-related military forces with humanitarian actors in the Kosovo crisis. Invited by the government of the Netherlands, workshop participants brought to the table a richness of experience shaped by personal involvement in the crisis. About one-third had military or political portfolios; the others had humanitarian responsibilities. The group was about evenly divided between officials from international organizations, governments, and private organizations. The list of participants, all of them practitioners, is provided in Appendix II.

The discussion reflected the experience of those present. There were lively exchanges both around the table and in the corridors. While the sparks sometimes flew, the mood was one of shared purposes rather than testy polemics. The off-the-record nature of the gathering, combined with invitations to people in their personal capacities, contributed to the candid exchange of views. While positions were clearly presented and forcefully defended, people genuinely tried to understand each other's perspectives and to overcome identified differences. The absence of several invited participants from intergovernmental organizations such as the UN secretariat, donor governments, and human rights

groups reduced the articulation of those viewpoints.

Participants kept in mind the many other current discussions of the Kosovo crisis. There are now some 25 lessons-learning exercises underway, one speaker noted, and numerous other gatherings before and after The Hague workshop would debate the issues further. Rather than recapitulating other discussions, the group put a premium on a focused exchange leading to specific steps to improve military / humanitarian interaction. This chapter recapitulates the exchange without attributing particular positions or suggestions to individual participants.

In keeping with the emphasis on pragmatism rather than ideology and on collaboration rather than turf protection, one military official suggested that the military's first order of business should be to improve "multicultural military coordination under the NATO umbrella." This, he said, should be viewed as a precursor to, rather than a precondition for, asking humanitarian groups to tighten up their own coordination structures.

In the same spirit, one NGO official said his agency might cede its own premier sectoral specialization in emergencies if the military could deliver the same services better and less expensively. Putting aside envy regarding the military's ability to command aid resources and media attention, relief officials expressed the hope that the involvement of national militaries in global crises might help win support for the humanitarian endeavor from increasingly isolationist domestic constituencies.

A Discussion Note circulated in advance served as a springboard for exploring a variety of views and concerns. The workshop was not so much an issue-by-issue review as it was an exploration of the contribution of the Kosovo crisis to the evolving use of military assets for humanitarian purposes. While participants felt that the issues were generally well-framed by the Discussion Note, they provided additional data and perspectives which have been incorporated into Chapters 1 through 5.

Following a welcome by Susan Blankhart on behalf of

the Ministry of Foreign Affairs, the workshop began with a moment of silence in remembrance of the 21 passengers and three crew members whose lives had been lost three days earlier in the crash near Mitrovica of a World Food Programme aircraft. The accident served as "a tragic and timely reminder," observed workshop Chair Philip Alston, "of the stakes in the work that you all undertake." None of the victims had been en route to the workshop, although one regional WFP official who had planned to attend was unable to participate as a result of the crash.

The opening presentation by Professor Adam Roberts of Oxford University recapped his recent article, "NATO's 'Humanitarian War' over Kosovo." (The article is reproduced in Chapter 8.) It was impossible, Roberts told the group, to address the issues of NATO / humanitarian cooperation apart from the larger political / military context in which that interaction took place. He identified a number of issues that would resurface in one way or another throughout the discussion:

- The role played by humanitarian issues, norms, institutions, and even individuals in triggering military intervention;
- The multiplicity of actors, humanitarian and military, involved in the humanitarian sphere, each with different approaches to neutrality and impartiality;
- The impact of NATO military strategy on the pace of civilian displacement;
- The difficulty of constructing a coherent doctrine of humanitarian intervention on the basis of the numerous cases of intervention in the 1990s, including, most recently, East Timor; and
- The ways that the Kosovo crisis and response are both typical of post-Cold War conflicts and highly idiosyncratic.

The final point became a leitmotiv of the workshop. The crisis was unique, Roberts pointed out, given the proximity

of Kosovo to Western Europe and the perceived security interests of major states. The international response, he said, involved "the first major bombing campaign intended to bring a halt to crimes against humanity being committed by a state within its own borders." The scale of military assets committed also set the crisis apart. Yet in Roberts' view, the Kosovo crisis was not unique. It was typical of a series of post-Cold War emergencies, each of them a variation on the theme of military force and humanitarian action.

During the course of the discussion, various participants expressed the view that the Kosovo crisis was one of a kind in nature and thus an uncertain harbinger of global trends. Despite such differences of view over whether closer military engagement in the humanitarian sphere constituted "the wave of the future," there was general agreement that military / humanitarian relationships should be more carefully structured and better managed.

Recurring Themes

During the two days of discussion, a number of themes recurred. Four are identified here: evolving collaboration, institutional diversity, differentiation of tasks, and structures versus personalities.

Evolving Collaboration

There was broad consensus that the Kosovo crisis has contributed to and accelerated the use of international military forces for humanitarian tasks. That trend reflects a number of realities in military affairs at the end of the millennium. These include the military's search for a new global role with the passing of the Cold War, the availability of massive underused military assets (some of them, in the Kosovo crisis, already on site), a reduction (albeit selective) in concerns among political leaders about "force protection," and the experience of more troops in peace support operations. One participant noted that at the Summit of the

EuroAtlantic Partnership Council last summer, NATO member states approved a document on the humanitarian aspects of peacekeeping that asserts an ongoing institutional interest for NATO in crises such as Kosovo.

The increased availability of the military is reinforced by the perceived need among donor governments for quicker and higher-profile national action than the traditional humanitarian apparatus has provided. Humanitarian organizations themselves sense that the insecurity of their activities may benefit from military presence and that the scale of quick onset emergencies may require the military to exercise a "surge protector" function on occasions in which aid groups are overwhelmed. There is also a widespread sense that humanitarian values are undercut when military forces are not pressed into service simply because they lack the status of full-fledged humanitarian actors.

In fact, one participant criticized the research findings for presenting the use of the military as merely one of several options rather than as a foregone conclusion. The research findings, he said, failed to recognize "the wish of donors to use the evident capability of the military." That predilection, he said, renders "academic" any discussion of whether or not such use is desirable. There was a sense, too, that however supportive in principle governments might be of multilateral institutions, a preference for bilateralism was a basic fact of life for the present and into the foreseeable future.

The implicit message of the meeting on this point was that since multilateral and civilian institutions will never command the resources needed to meet the global humanitarian challenge, the best strategy is to construct an apparatus that gives an established and prominent but delimited place to military and bilateral components. While participants differed among themselves over where the balance should be struck between military and humanitarian and between bilateral and multilateral elements, their emphasis was on finding ways of meeting a common challenge more effectively.

From the Kosovo experience, it was clear to the group

that military collaboration with humanitarian organizations is still very much a work in progress. Basically a reasonable fit, the puzzle's rough edges are still being honed. Each new emergency and, in the Kosovo crisis itself, each new interagency collaboration is solidifying the growing partnership. Progress was even noted between the free-for-all spirit in Albania, where national military contingents marched to their separate drummers, and the more systematic and studied cooperation that emerged over time in Kosovo. The Macedonia experience was somewhere in between, involving more mutuality by the military in its dealings with humanitarian agencies than in Albania. However, this mutuality often was a function of the orientation of individual military officers rather than the result of institutional mandates.

Institutional Diversity

The overarching theme of the workshop was that of improving the practical collaboration between military and humanitarian actors. But basic differences between the two sets of institutions and within each set were highlighted throughout. "Military missions are, by definition, driven by politics," pointed out one senior military officer, although in the process these missions can make a substantial contribution in the humanitarian sphere. By contrast, noted a senior aid official, humanitarian organizations do not have a political agenda, although their success is influenced by political factors and their activities have political repercussions.

Fundamental distinctions of this nature should be recognized and accepted, the group felt, rather than sidestepped or ignored. The way forward is not to amalgamate the two sets of institutions, for example, converting troops into humanitarians. While troop contingents may on occasion take on selected tasks in protecting and assisting civilians, the military will always be a combat force, trained to use organized but controlled violence. Some aid officials

therefore expressed profound uneasiness at what they considered the "growing camaraderie" of aid agencies with the military. Given the fundamental differences between military and humanitarian institutions, the way forward, it was suggested, should be to identify "points of contact" at which the interaction may be improved, while preserving the institutions' respective specificities.

Many participants pointed out—and by their own experience in the Kosovo crisis illustrated—that the differences among military institutions as a group and among humanitarian organizations as a group are as great as those between the two groups. In fact, "the military" doesn't exist as such. The wide variety in end-products of assistance from the military (e.g., camps constructed by different national contingents in Albania) reflected an equally wide variety in the terms of reference, legal frameworks, skills, and leadership of individual national battalions. Humanitarians are an equally diverse lot. Some are seasoned; others are neophytes. Some are seriously committed over the longer haul; others are ambulance chasers. Some are highly professional; others embrace political and / or religious agendas.

As a result, both NATO and the United Nations face similar problems in achieving coordination and consistency of operations within their own respective ranks. Even in the reasonably settled situation in Kosovo, KFOR is discovering that clear command and control over tactical military operations is not enough. Issues like maintaining law and order, protecting the rights of minorities, and assisting in relief and rehabilitation work do not fall under KFOR command and control or are not supported by military doctrine that ensures a unified approach among the various national military battalions. To complicate matters further, the civic action activities of several such units is underwritten not by ministries of defense or NATO but by overseas development ministries that are outside of NATO's coordinating efforts.

UN organizations, too, are having problems coordinating efforts in the face of divergent agendas and funding

patterns among bilateral aid donors. Governments emphasize the need for humanitarian efforts to be coordinated—the UN is usually viewed as the nexus—while at the same time rendering coordination difficult by their own aid allocations and conditionality. In this context, the viewpoint that was expressed so routinely in the early phases of the Kosovo crisis—that multilateral agencies couldn't do the job and therefore resources should be channeled to bilateral institutions—was, one senior UN official said, a self-fulfilling prophecy.

While both military and humanitarian actors see the need for greater consistency within their respective families of institutions, neither expressed particular optimism at the workshop that the prevailing diversity could somehow be moderated. "This is how nations want to raise their flag," one military officer said of the preference for military and bilateral activities. His comment was echoed by UN aid officials. The consensus was that both sets of actors need to strive for greater consistency, although the results of doing so may be disappointing.

Troops and aid workers also experience a common threat to their professionalism. The ability of both institutions to function with integrity is constrained by the short leash on which they are tethered by politicians. Both soldiers and succorers have proved vulnerable in the Kosovo crisis to what was going on "outside the small bubble of civilian / military cooperation," in the words of one military officer. Both also feel they are "set up" as substitutes for tough political action and then scapegoated for failures often beyond their control. Participants differed, however, on how extensively military and humanitarian actors should work to influence political decisions in national capitals that have effect on their activities.

Differentiation of Tasks

The challenge of preserving rather than merging differences between military and humanitarian institutions led to a

more-detailed discussion of operational tasks. Most participants accepted the need for a clear division of labor, although one expressed reluctance lest such arrangements cede a permanent role to the military in the humanitarian sphere. Many seemed comfortable with a "gap-filling" role for the military, geared to specific tasks clearly identified to ensure that troops complement rather than preempt their humanitarian counterparts.

Yet even the gap-filling approach was challenged. In an attempt to narrow the scope of military collaboration, one aid agency suggested that, based on the Kosovo experience, the military would be welcome to help with four tasks: security, demining, logistics, and transport. (The Javier Solana-Sadako Ogata correspondence, which is included in Chapter 10 also identifies four areas in which the military could assist.)

Others, however, were reluctant to limit the tasks to four. In some circumstances, they pointed out, other functions, such as monitoring of human rights abuses and policing, might exercise a legitimate claim on military actors. One participant also noted that even the quartet of proposed tasks would require situational refinement. With regard to transport, for example, while the military might have a comparative advantage in moving relief supplies, aid agencies have a demonstrated edge in the movement of people.

Perhaps most telling, one participant noted that the gaps that the military are asked to fill reflect an absence of resources committed by donors to humanitarian agencies. Governments, in effect, create gaps by making choices that favor military over civilian institutions. From a military standpoint, too, the gap-filling rubric raised problems. Gap-filling, one participant noted, is simply another name for "mission creep."

Reservations notwithstanding, there was a general sense that careful differentiation of tasks between military and humanitarian actors was important, that tasks in the humanitarian sphere were generic enough to lend themselves to

advance planning, and that comparative advantages of the two sets of institutions should be better reflected in the agreed-upon division of labor.

Structures versus Personalities

In reviewing the Kosovo experience, participants noted several variations on the theme of the relative importance of structures vs. personalities. The common experience of all theaters was that people in positions of authority made the management of the military / humanitarian interface either effective or dysfunctional.

Some military contingents went well beyond the limitations of their formal mandates to provide support to humanitarian operations, while others turned down requests that may have fallen somewhat outside their approved terms of reference. Often the key element was the choices made by particular individuals. "We have doctrine and definitions," said one senior officer, "but ultimately it is personality that is key." Realizing this from earlier experience, WFP redeployed its most seasoned personnel from programs around the world to the region as soon as the Kosovo crisis erupted.

The group felt that despite the indispensability of creative leadership by persons willing to stretch mandates and take risks, it was important to put into place in Kosovo and other crises a clear statement of mission and responsibilities of all actors. A supportive framework of doctrine and accountability, reinforced by training, can constrain individuals who would otherwise take such relationships into their own hands. Such a framework also provides support to those predisposed to "do the right thing."

If the military is to play an integral part in the world's humanitarian system, mutually agreed terms of reference are essential. The stakes are too high to be left to the efforts of well-intentioned individuals.

Unresolved Issues

A number of the issues that were discussed remained unresolved. Several are summarized here.

Definitional Matters

Beneath the emphasis on structuring more effective ways to collaborate lurked some fundamental and perplexing issues. Framed in the research findings, these included the basic understandings of the concepts of humanitarianism and of civil / military cooperation.

The findings defined "humanitarian" as applying "only to activities carried out by civilian organizations." The opening comment in the general discussion, however, suggested that the narrow framing of the concept reflected a clear bias against the military. Indeed, international humanitarian law does not exclude the military from humanitarian activities. Medical activities carried out by the military medical services on behalf of all victims of armed conflict are a deeply rooted tradition.

The group discussed whether the requisite element of civilian control was present by virtue of the fact that NATO militaries report to civilian authorities in democratic states. In her correspondence with the NATO Secretary General, it was recalled, UN High Commissioner for Refugees Sadako Ogata had stressed "the importance of retaining the civilian and humanitarian nature of the aid operation." Several humanitarian personnel at the workshop pressed the point further still. Rather than civilian control in distant national capitals or formal agreements at headquarters, they said, civilian management of military assets in-theater was crucial. For their part, military officials discouraged any thought of their troops' being directed by humanitarian agencies in their conduct of aid activities. They said military assets in crisis regions would necessarily remain under military command and control.

The consensus that emerged was that the qualifying

element in humanitarian action was not whether it was carried out by civilian or military personnel, but whether it was neutral and impartial in character. The importance of neutrality, however, was itself disputed. Some participants viewed it as the hallmark of authentic humanitarian action while others countered that an overemphasis on neutrality could be the enemy of humanitarian response. Governments that were party to the Kosovo conflict, it was pointed out, had provided useful assistance, even if it had been disproportionately directed to civilians on the Kosovar Albanian side.

Despite objections to the nomenclature, the workshop and the findings in Chapter 1 through 5 continued to speak of "humanitarian actors" as exclusively those institutions whose sole functions are humanitarian. While military institutions and their members were not referred to as humanitarian "actors," they were understood to be capable of carrying out important activities in the humanitarian sphere.

The definition of civil / military coordination (CIMIC) proved to be equally fundamental and no less troublesome. One participant pointed out that, according to NATO doctrine, CIMIC is a "combat support operation" with a military aim, although many aid agencies remain unaware of that fact. That is, the framework through which NATO militaries interface with humanitarian organizations remains essentially military in character, even in the absence of active combat. Thus, in the case of AFOR, which was frequently described as thoroughly humanitarian in mission, humanitarian activities took place within a specific political / military context. One participant urged development of a CIMIC for UN peace support operations, perhaps along lines different from the current NATO model.

Some humanitarian officials, acknowledging that participation in CIMICs represented a threat to agency neutrality and independence, suggested that the Oslo guidelines on the use of military / civil defense assets in natural disasters provided a more appropriate and less political frame-

work. Indeed, OCHA's Military Civil Defense Unit now plays a role in the training of CIMIC personnel. While these guidelines may lack the CIMIC political/military framework, they were drafted for natural disasters and have less clear and more dubious relevance in complex emergencies, which are inherently more political in nature.

Apart from probing the importance of fundamental issues such as the meaning of terms like humanitarian and CIMIC, the workshop did not spend time refining definitions or elaborating constructs. More work is clearly needed on such matters if the closer collaboration encouraged by many participants is to have a firm conceptual foundation.

Politicization

Discussion of the politicization issue was perhaps the least satisfying subject tackled at the workshop. It was unclear, however, whether this was the case because the time allowed for the topic was too short, the introduction of the issue too sketchy, the concept too amorphous, the complexities too daunting, or the implications too sensitive. One participant indicated privately that politicization was perhaps the most pivotal of all the issues because it had a direct influence on such matters as division of labor, cultural differences, and future directions. Others dismissed politicization as inevitable in the real-world settings of complex emergencies. They urged that it be taken in stride rather than debated to death.

The perspectives of many military and humanitarian personnel seemed quite divergent on politicization. Military officials were at pains to emphasize their constructive and humane purposes. As indicated in Chapters 1 through 5, they spoke consistently of supporting the humanitarian effort and filling the gaps. Yet comments from military personnel also downplayed the political/military framework within which they functioned, even when tackling humanitarian tasks. "NATO was not a belligerent in Kosovo," observed one military official who served in

Pristina from July onwards; NATO was there for the sole purpose of "supporting humanitarian operations." The military sees no particular problem, said another, with simultaneously bombing and assisting. In fact, the military may have a comparative advantage over aid groups that are paralyzed by the necessity of using force.

In their effort to depoliticize their involvement, some in the military seemed to demonstrate the kind of naïveté for which humanitarians are often lampooned. In a statement quoted earlier, a senior defense official observed that "Humanitarian organizations can't on the one hand be a beneficiary of military support and on the other hand keep a posture of studied independence." The workshop discussion suggested that while NATO militaries may have a role to play in the humanitarian sphere, it should not be based on an assumed posture of studied independence from political/military objectives or of disinterested benevolence.

For their part, humanitarian personnel acknowledged the inroads that politicization had made on their work throughout the region. Some put great emphasis on their separation from the political/military sphere, noting that in every such crisis they had to create a "mechanism for distance" from other such actors. One agency viewed "aggressive military operations" as antithetical to its own work. Another noted that one result of the politicization in this crisis was that the NGOs with best access in Serbia were now Greek, Russian, and Polish. (He conceded, however, that agencies that had refused to accept NATO-origin resources during the war were not enjoying greater welcome as a result.) Other aid officials accepted politicization, in the words of one, as "a fact of life: we have no choice."

Again, issues of politicization were left largely unresolved. The reality that NATO action had seriously complicated humanitarian work in the Federal Republic of Yugoslavia—work in which the troops themselves could not participate—was not addressed. While some suggested accepting politicization as part of the terrain in crises such

as Kosovo, others were clearly committed to delimit its incursions on humanitarian space. One participant observed that a certain tension existed between the increased political will needed to respond to such crises and the politicization that results from the excessive intrusion of political considerations into the functioning of humanitarian actors.

Protection

A number of persons pointed out that protection of the human rights of civilian populations involved a different set of challenges and a different role for the NATO military than did the provision of emergency relief assistance. Can troops make a clearer contribution to relief delivery than to protecting civilians? Or does the Kosovo crisis, which was first and foremost a protection emergency, require an expanded and indispensable role for the military?

The workshop discussed differing although not necessarily contradictory views of protection. The first, used by the ICRC and UNHCR, refers to guarantees of the legal status and claims of civilians, prisoners of war, and other protected persons. Exercising this mandate requires the confidence of all parties and thus some distance from NATO activities. A second understanding refers more broadly to physically protecting civilian populations from harm. In this latter sense, NATO troops enhanced security in all three theaters — for example, through the provision of basic law and order — although in Kosovo they had difficulty protecting Serbs and other minorities. If the military were to undertake a serious protection role, it was suggested, troops would need training in human rights law, monitoring, and understanding of other human rights actors.

The group did not reach agreement on the appropriate role for NATO troops in protection, however defined. The discussion recalled the observation in the research findings that human rights actors by and large seemed less concerned about an intrusion of the military and more open to collaboration. However, perhaps because of absences of

several invited participants from the workshop, human rights concerns may have been relatively understated.

Cost and Cost-Effectiveness

Cost issues were identified by participants, and indeed by the Netherlands government in commissioning the research, as a major item of concern. Yet a number of obstacles inhibited reaching useful conclusions on the comparative cost-effectiveness of military and humanitarian activities in the humanitarian sphere. These included the lack of available data from the military on the costs of their involvement and the lack of an accepted methodology for determining what costs should and should not be included in such calculations. Whether for reasons of security or due to a lack of information, data on aggregate activities and costs of the various military contingents was not accessible to the researchers.

As a result, it was not possible to specify that some humanitarian tasks in certain circumstances can be provided more cheaply by the military than by humanitarian organizations, or, for that matter, by bilateral rather than multilateral actors. Such difficulties flowing from a paucity of essential data have been flagged in earlier studies. The discussions also raised some additional questions to be pursued: for example, whether in some circumstances, a higher cost might be justified by some of the associated benefits (e.g., construction of local infrastructure).

Accountability

Although the issue of accountability was identified by the workshop as needing careful examination, the group did not break any new ground in its discussion. Some suggested that given the wide variation of services provided by different military contingents in the Kosovo crisis, greater accountability would have been forthcoming if NATO militaries had adopted the NGO Sphere standards of performance. These

standards might be welcomed by the military, which are disposed to having clear benchmarks of performance. However, doubt was expressed that, framed in terms of specified sectoral minimums, they could be used to prevent the obvious excesses on the high end. A more fundamental point was made by one aid agency official: that standards existed, but were simply ignored during the crisis.

The group also noted that different cultures of accountability exist. While both military and humanitarian institutions are accountable, the nature and transparency of that accountability differs. Troops have more clear-cut lines of authority than, for example, NGOs. However, one participant suggested, humanitarian organization accountability may be more "direct and rigorous" than their military counterparts, for whom aid work is a secondary function. The issue of whether the military benefits from the resulting implicit double standard was touched upon but not explored.

An Agenda for Future Action

The overarching theme of the workshop was that the international response to the Kosovo crisis marks another important stage in an ongoing post-Cold War evolution toward the fuller integration of international military assets into the global humanitarian system. While the Kosovo crisis had a number of highly idiosyncratic elements that are unlikely to be repeated, international military forces in general and NATO militaries in particular are likely again to play a key role in major humanitarian responses. Military and humanitarian actors should therefore lay the groundwork for responding to similar recurring crises by learning from the Kosovo experience.

The humanitarian architecture of the future would accordingly involve elements such as the following:

- Clearer and more effective coordination and division of labor between military and humanitarian actors;

- Strengthened coordination among military actors, addressing the unevenness and inconsistencies among NATO contingents; and
- Improved coordination and division of labor among humanitarian actors, addressing issues of inconsistant programming and uneven professionalism.

Improved coordination is important to achieve in its own right among the NATO military contingents and among humanitarian organizations, quite apart from the interactions of these two sets of institutions with each other. That is, each must put its respective house in order. Just as the NATO military must deal with the problem of consistency among its contingents, the UN and associated agencies must find a way of achieving more effective coordination within the humanitarian ranks. In settings where collaboration with the military is involved, the traditional "coordination by default" or "coordination by consensus" among humanitarian agencies may need to be replaced by "coordination by command."[1]

While the quality and assertiveness of coordination on both sides of the relationship require attention over the longer term, incremental change is the best that can be hoped for in the foreseeable future. It would be helpful for NATO purposes for the UN to identify a lead humanitarian agency. Yet the diversity of humanitarian institutions is so great that such an agency can hardly represent NATO's sole point of contact. Conversely, the confusion experienced by humanitarian agencies in seeking access to NATO assets is likely to continue unless NATO is willing to be more assertive over national contingents. A new seriousness about coordination by all parties is likely to be the test of whether a serviceable humanitarian architecture can be designed and implemented.

In addition to finding ways of achieving closer coordination, a future architecture will need to respect the specificities of individual institutions and types of institutions. Greater interaction will need to be matched by greater discipline on all

sides. Workshop participants had a clear sense of the distinctive mandates and methodologies of all the actors. Yet the group did not spell out ways in which established comparative advantages could be better orchestrated.

On the military side, for example, it would be worthwhile to explore the greater use of specialized contingents (e.g., engineers or medical personnel) or military contingents with a major civilian element (e.g., civil protection units or reservists) that could be dedicated to humanitarian tasks. On the humanitarian side, the greater access and credibility of the ICRC in the FRY may represent an asset that requires better protection and fuller utilization. A larger role may also be in order for national Red Cross and Red Crescent societies in highly bilateralized settings such as Macedonia and Albania.

In the context of respecting the specificities of the major players, a number of humanitarian agencies described the need for establishing and maintaining distance from the military in such settings. While the military personnel present in The Hague understood the rationale for a certain separation, there was little concrete discussion about safeguards that might be developed to help ensure it. Rather than structuring the distance necessary to satisfy some of the actors, the focus of the discussion was on pressing ahead to refine the collaboration. As evident from the research findings, the problem of politicization was far more serious than many around the table conceded. Once again, the way forward will require significant institutional changes rather than business as usual.

Three items in the research findings that received only passing attention at the workshop require identification here. First, during the Kosovo crisis, humanitarian actors welcomed the contribution of the military in providing security and in supporting humanitarian operations, the first two military functions in the humanitarian sphere. Yet they expressed concern about “seepage” of the military in its third function: the hands-on provision of assistance to civilian populations.

Although some contingents quickly handed over the camps they had constructed in Macedonia and Albania to aid agencies, there was no indication in the workshop that NATO militaries would be willing to scale back ongoing civic action efforts in the interest of a more effective division of labor. While it seemed eminently logical for underused troops to perform such activities, an architecture that assumes unrestrained civic action work will fail to address a major point of friction with humanitarian groups.

Second, the research findings raise a number of suggestions for insulating the humanitarian activities by the military from offensive military action. One is a variation of the longstanding proposal mentioned earlier to prevent the Permanent Five UN Security Council members from providing troops in peace support operations. Would it be possible to use for humanitarian tasks troops only from nations that are not belligerents in a given military action? This might reduce the confusion that developed in Albania and Macedonia between the humanitarian and military / political objectives of the various contingents involved.

Third, the research flagged the minimal extent that lessons from previous recent emergencies had influenced the planning and implementation of the international response to the Kosovo crisis. Practitioners, it seems, are more seized with the idiosyncrasies of each crisis than they are prepared to identify challenges common to all such emergencies. An architecture for the future will require greater attention to pinpointing and implementing lessons from one crisis to the next. Thus as descriptions of the international response to the East Timor emergency become available, it seems that use by military and humanitarian actors of essentially the same institutional structures of coordination for managing their interaction encountered some of the same problems identified in the Kosovo study. In this instance, the military from the lead nation had less CIMIC experience while the CIMIC team from the humanitarian side drew on earlier experience, including Kosovo. [2]

Policies

An agenda for follow-up work along lines suggested at the workshop might be organized according to policies, practices, and procedures.

The previous discussion of coordination raises a number of fundamental policy issues. It is evident that states during the emergency relief phase of the Kosovo crisis expressed a clear preference for military and bilateral agencies over humanitarian and multilateral ones. Yet there was no consensus among participants that suiting up those institutions for similar tasks in the future would represent the best route to go. Should military and / or civilian standby capacities be strengthened, and in what relative balance? Are bilateral mechanisms better suited than multilateral ones to anticipated future needs? The absence of comparative cost-effectiveness data noted earlier complicated the effort to find the best balance.[3]

By the same token, attention is needed to some of the basic definitional and conceptual matters noted earlier. There is a clear premium on doing such policy work — be it on the neutrality of the UN's humanitarian organizations, the conceptual framework of CIMIC, or the applicability of Military and Civil Defense Assets (MCDA) guidelines to complex emergencies — in forums that involve both military and civilian institutions. A serviceable architecture needs a strong and agreed-upon conceptual foundation.

Practices

Moving from the level of policies to practices, the discussion identified a number of follow-up priorities. Strong support for joint training and lessons-learning exercises across military and humanitarian lines reflected the perception that, to a greater extent than in earlier emergencies, the Kosovo crisis had enlisted the services of people who understood each other better and had more experience working with each other. Some of the cultural differences

that had interfered with effective collaboration in the past seemed to be lessening over time.

Yet some of the more fundamental differences in the areas of values remained. There is more to effective collaboration, to use one example cited, than for a commanding officer to erect a UNHCR Field Office sign outside his contingents' barracks. In fact, some aid organizations refused to provide medical services in facilities where a national flag was flying. Operational issues as these merit discussion in joint training courses. UNHCR is currently sampling training options available during the 2000-2001 period with an eye to enrolling its key staff.

Looking to the future, the fact that before deployment to East Timor, a senior International Force for East Timor (INTERFET) military official and the UN humanitarian coordinator met to discuss military / humanitarian coordination issues is described as a promising spin-off of the Kosovo experience. Contingency planning currently underway in national capitals for places such as North Korea or Colombia is a logical arena where the groundwork may be laid for better practices. One suggestion is that before military and humanitarian assets are deployed in a future crisis, they might be subjected to intensive collaborative training. Personnel cycled out of a crisis theater also should be debriefed, again across military and humanitarian lines.

Procedures

Finally, policies and practices need to be reflected in revisions of specific procedures followed by individual agencies. Here a variety of spin-offs from the Kosovo crisis were mentioned. A protocol developed between KFOR and UNHCR and implemented in the Kosovo theater was presented as an example of the way forward. (See Chapter 10.) The protocol takes a more assertive approach to coordination by insisting that every request from any humanitarian organization seeking assistance from the military be channeled through the field offices of UNHCR. In a future

crisis, the agency referenced might be changed: for example, to OCHA or WFP. Similarly, the specific areas of collaboration might be altered to suit the particular circumstances. However, the basic framework would be retained.

Participants suggested that in the same way, the framework that emerged from the Solana-Ogata exchanges of correspondence (see Chapter 10) offers an approach that could be adapted in future crises. For reasons noted earlier, greater specificity might be useful in terms of the support services the military will provide, as well as attention to the nature of the claims that humanitarian agencies will have on military assets.

Clarification of the responsibilities of a lead humanitarian agency is also needed. This could be formalized in a prototype mission description, again for adaptation to individual circumstances. The perceived interest of individual agencies — whether UN organizations, NGOs, or the ICRC — of having their own channels to the military would need to be addressed. Now that liaison officers between military and humanitarian institutions have become more standard, prototype job descriptions for that function might also be useful.

A more-detailed approach to procedural matters such as these should contribute to regularizing and standardizing future military / humanitarian interaction. Mutual agreement on such procedures would respond to the need expressed by humanitarian agencies for greater certainty regarding services the military may be relied upon to provide. As noted earlier, some aid workers expressed a preference for having fewer services more uniformly available rather than a larger array of less dependable support.

Participants mentioned a number of meetings already on the calendar at which issues of policy, practices, and procedures can be further addressed. The workshop expressed the hope that The Hague discussions could inform those discussions rather than being duplicated by them. Gatherings mentioned included:

- A meeting convened on December 2 by OCHA's Mili-

tary and Civil Defense Unit of an open-ended forum of governments and humanitarian agencies interested in the use of military assets in humanitarian operations;

- A February 1 conference at SHAPE on joint military / humanitarian planning that will involve representation from 19 NATO states, international organizations, NGOs, and the ICRC; and
- A Fribourg Forum, to be held June 15-16 under the sponsorship of NATO and OCHA and hosted by the Swiss Foreign Minister on regional cooperation and coordination in humanitarian crisis management for NATO members, including Partnership for Peace states.

As hoped, The Hague discussions treated the research findings as a point of departure, devoting little time to parsing the background document or contesting its framing of this issue or that. As a result, however, a number of policy concerns identified and experiences described in Chapters 1 through 5 did not get adequate attention during the two brief days of discussion. It is therefore hoped that the findings themselves, as well as the workshop discussion summarized here, will provide a resource as a humanitarian architecture for the future takes shape. The recommendations by the researchers themselves, the subject of Chapter 7, may also be useful.

CHAPTER 7

RECOMMENDATIONS BY THE RESEARCHERS

In this chapter the three authors offer their own conclusions and recommendations based on interviews with over 200 officials involved in the international humanitarian response to the Kosovo crisis. We do so with a certain reluctance since an uncertain fate awaits them. We found few traces that lessons from previous crises had guided the international response to the Kosovo emergency, despite many similar challenges to humanitarian actors. One welcome exception was the close cooperation instituted between KFOR and the International Criminal Tribunal.

That said, we were deeply impressed by the dedication of many individuals, military and humanitarian alike, who worked energetically and creatively to alleviate suffering and who saved many lives. We also believe that the high-profile nature of the Kosovo response and its wide-ranging implications for future humanitarian action lends added urgency to recommendations for action and enhances the possibility of implementation. Our recommendations are grouped according to actors and issues.

The United Nations

The Kosovo experience revealed a crisis of confidence in the United Nations system. In reality, the international humanitarian community, led by the UN, was insufficiently prepared to cope with the flow of refugees crossing into Macedonia and Albania during late March and early April. The absence of contingency planning using realistic estimates of probable forced displacement represented the abject failure of an early warning system that had also been found lacking in previous such emergencies.

If the UN is expected to exercise leadership in the humanitarian sphere, a serious reassessment is called for.

Current evaluations taking place within the UN should therefore be frank and their results taken very seriously. UNHCR needs to rethink how it evaluates and responds to crises. This would include major additional commitments in the area of personnel resources and training. If the UN system had been in a position to exercise leadership from the outset of the refugee emergency in Macedonia and Albania, the role of NATO, a belligerent party, could have been more circumscribed, less politicized, and more effective.

The marginalization of the UN also reflected disagreements within the Security Council. The decision not to extend the mandate of UNPREDEP in February 1999, barely one month before the crisis erupted, exacerbated the crisis of confidence. When the humanitarian community needed help only a few weeks later in dealing with massive refugee influx, assistance from a UN peacekeeping force would have threatened the neutrality of the effort less than did support from NATO. For their own reasons, the governments of Macedonia and Albania had a clear preference for NATO over the UN.

NATO

Many member states of NATO were reluctant to place their national contingents under integrated NATO command and control in the conduct of humanitarian-related activities. As a result, unnecessary problems occurred in the areas of coordination, logistics, maintenance of uniform camp standards, and the handover of camp management to aid groups. A number of refugee camps built at considerable expense by NATO troops in Albania remained empty or only partially filled. Similarly in Kosovo after the ceasefire came into effect, differences emerged among national contingents on issues such as maintaining security, demining, the safety of the minority Serbs and Roma, and, in a broader sense, the division of labor in the relief and reconstruction effort.

A more coordinated and disciplined NATO response could have avoided the unfortunate unevenness in humanitarian activities. If and when the humanitarian community calls upon NATO troops to assist in a similar future effort, NATO should operate under unified command and control, observing accepted humanitarian standards and avoiding the wide disparities that undercut the consistency needed in humanitarian operations.

A genuine humanitarian operation must meet the criterion of transparency. The Kosovo experience demonstrated the reluctance of the military to share information essential to the conduct of humanitarian operations. Information about the military's own activities in the humanitarian sphere often was not available. If and when the military are called upon to contribute to a humanitarian effort, it should not be permissible for such support to be removed from public evaluation and analysis for reasons of perceived national security military secrecy.

UNHCR/NATO Cooperation

The authors were struck by the heated arguments which, depending on the period and the theater, bedeviled UNHCR / NATO cooperation, both at the headquarters level and in the region. Whatever the rights and wrongs on this issue or that, it is clear that cooperation in such a complicated setting as a refugee crisis cannot be successful without careful preparation, including the elaboration in advance of Standard Operational Procedures (SOPs) and the conduct of interagency training to minimize the risk of misunderstandings.

The correspondence between Sadako Ogata and Javier Solana (reprinted in Chapter 10) offers a prototype that should be refined in order to structure—and circumscribe—military support of humanitarian activities in a given crisis. NATO involvement in support of UNHCR became a dominant factor influencing not only the lead agency's agenda but also the activities of other humanitarian organizations.

Yet they were not consulted by UNHCR prior to the exchange of letters but were confronted instead with a fait accompli. In a refined prototype, key aspects of military support, including the operational division of labor with humanitarian agencies and modalities for command and control, should be specified in advance. The UNHCR/KFOR memorandum (also in Chapter 10) provides another useful prototype for operational level interaction, to be adjusted also to the circumstances.[1]

Donor Governments

The international response to the Kosovo crisis began on a heavily bilateral footing and preserved that quality throughout the emergency phase. Yet bilateralism is particularly ill-suited to humanitarian action in a setting where the main donors to the humanitarian effort are also belligerents in the conflict. The value of quick reactions in the form of assistance and of engaging the governments and publics of NATO member states was offset by the lack of consistency and accountability of various national initiatives and the injection of national political agendas into the international response.

The Kosovo experience documented the weakness of the UN's humanitarian institutions on the frontlines of the crisis. That weakness was underscored by the scale of the resources these institutions were entrusted with and the conditionality attached to their use. Yet such weakness represented, in part, conscious choices by donor governments over an extended period of time. For the most part, donors get what they pay for. Given the indispensability of multilateral activities and the need for UN leadership, UN organizations need to be more fully supported, both politically and financially. More principled and longer term support of multilateral agencies would position governments to respond to such crises more effectively.

Specific safeguards should be explored to limit inroads of excessive bilateralism. One might be an agreement among

donor governments acting through the Development Assistance Committee of the OECD to discourage channeling of resources for humanitarian purposes bilaterally through national military contingents. Instead, donors should give preference to multilateral organizations of the UN system or families of NGOs such as the Red Cross Federation. While pairing up national military contingents of a given country with NGOs from that country has a certain logic for donors and their publics, the demonstrated risks inherent in doing so should discourage that approach.

NGOs

Our generally positive reading of the dedication of nongovernmental organizations and personnel was undercut by recurring questions about their numbers, their lack of discipline and professionalism, and, in a few cases, their political agendas. Their difficulties in achieving a coordinated international response in the various theaters were exacerbated markedly by pressures from donor governments and militaries to nationalize humanitarian action.

NGOs themselves are increasingly persuaded that, given the difficulties to humanitarian action posed by complex emergencies, fewer agencies should be involved on the ground in such crises. While that conclusion may seem self-serving, the underlying rationale seems sensible: that the chances of achieving reasonable levels of professionalism and coordination are greater when fewer agencies are involved. How such a reduction in players can be accomplished, however, raises difficult questions.[2]

More effective coordination is imperative in its own right as well as for better interactions with the military. The experience during the repatriation period of the Kosovo crisis suggests that more serious efforts at sectoral and geographical coordination among the major players, reinforced by donor governments, will improve the quality of the overall response. In funding NGOs, donor governments should insist on effective coordination among them

while at the same time allowing them the necessary space to function.

Humanitarian Coordination

We recommend that the United Nations system urgently consider a more assertive approach to coordination in insecure settings. The time is ripe for the UN, with the strong insistence of donor governments, to stop talking about coordination and move to a system of coordination by command like that examined in an earlier study rather than retain the current system of coordination, by consensus or default.[3] Aid agencies cannot expect military institutions to share assets unless they exhibit greater coordination and discipline among themselves.

The United Nations also should devise standard terms of reference for the responsibilities of a lead agency, if that is to be the primary coordination vehicle employed, and the obligations of associated agencies. However, given the recurring problems of lead UN agencies in exercising a broader coordination role vis-à-vis other operational agencies, the UN, again backed by donors, should consider strengthening the coordination mandate and resources of OCHA.

Division of Labor

The Kosovo experience demonstrated, as had an earlier review of the 1994 crisis in Rwanda, that the military is often reluctant to take on the task of providing security for civilian populations.[4] The Kosovo crisis demonstrated that highest priority should to be given to providing security, the clear preference of humanitarian organizations. As traditional concerns about force protection dissipate, security also falls increasingly with the framework of what the military itself is willing to provide.

The point of maximum friction between humanitarian organizations and the military pertains to the hands-on provision of assistance by the troops, which encroaches on an area

of perceived comparative advantage. There may be specific circumstances in which civic action by the miltary is essential, and the political attractiveness of such work makes it unrealistic for the military to be barred from it altogether. However, if the highest priority is given to security functions and the next-highest to supporting the work of humanitarian organizations, direct aid by the military to persons in need may be expected to diminish.

The Contribution of the Military

Military assets used during the Kosovo crisis to serve humanitarian purposes played an important surge protection function at a time when humanitarian organizations themselves were overwhelmed by the scale of the refugee crisis. Their intervention is widely credited with mitigating suffering and avoiding loss of life. In a severe emergency such as this, the humanitarian imperative is not served by denying assistance or protection to those in need simply because the necessary resources are of military rather than humanitarian origin.

Yet military assets, even when deployed for humanitarian support functions, advance a political / military agenda. Therefore, we recommend that the areas of convergence be narrowly and sharply demarcated so as to delimit the intrusion of the military into the humanitarian sphere. Unlike many of those interviewed, we see the future role of the military in the humanitarian arena as exceptional rather than routine. That is, the military should be granted a recognized niche in the humanitarian architecture of the future but be activated only in rare instances. The newly created SHIRBRIG mentioned earlier provides an initial such niche.

Command and Control

The main question concerning future cooperation between humanitarian organizations and foreign military

assets centers on the following simple question: who is in charge? In Kosovo, as in other crises, it was understood that the price of having assistance from the military was that the military was in charge, although NATO acknowledged the primacy of the lead UN humanitarian agency. We recommend studying the feasibility of temporarily placing a peacekeeping contingent under the control, but not the command, of the UN lead humanitarian agency.

In reviewing the Bosnia experience, where differences in authority and mandate between UNHCR and UNPROFOR erupted into a highly visible public dispute, a report by then-UN Secretary-General Boutros Boutros-Ghali made an implicit distinction between command, which the military can never relinquish, and control, which could be subordinated to civil and humanitarian considerations. UNPROFOR's tasks

> "... would be to support UNHCR's efforts to deliver humanitarian relief throughout Bosnia and Herzegovina, and in particular to provide protection, at UNHCR's request, where and when UNHCR considered such protection necessary. It would remain UNHCR's responsibility, as at present, to determine the priorities and schedules for the delivery of such relief, to organize the relief convoys, to negotiate safe passage along the intended routes, with UNPROFOR's assistance as required, and to co-ordinate requests from non-governmental organizations (...) "

The report added that "Operational decisions relating to a protected convoy, including action to be taken in the event that the convoy encountered obstacles, would be the responsibility of the commander of the UNPROFOR escort, who would, where possible, consult a senior UNHCR representative in the convoy before taking such decisions."[5]

This recommendation, reinforced by the Kosovo expe-

rience, provides a point of entry for exploring the issue of civilian control of military assets, both in-theater and at the headquarters level. In-theater control of military assets would help protect the neutrality of humanitarian action. The newly constituted SHIRBRIG offers a promising innovation in this area.

Neutrality

The international response to the Kosovo crisis demonstrates that humanitarian action associated with military operations or belligerent governments runs a clear risk of compromising fundamental principles such as neutrality, impartiality, and independence. If, in a given crisis, military capabilities are required to take on assistance and protection activities, such support should be carefully circumscribed and should meet a number of criteria. We recommend that the criteria articulated in a proposal by then-UN Secretary-General Dag Hammarskjöld be reviewed and adapted as necessary.[6]

His proposal would exclude military support to a humanitarian effort using assets from belligerent parties, from Permanent Members of the Security Council, or "from any country which, because of its geographical position or other reasons, might be considered as possibly having a special interest in the situation."[7] Although Hammarskjöld drafted his idea during the Cold War when the Security Council was at an impasse, many UN member states remain reluctant to receive troops from permanent Council members. The Hammarskjöld criteria would not necessarily exclude the use of the logistical capabilities of one of the Permanent Five to deploy troops quickly into a humanitarian theatre.

Given the need for rigorous delimitation of support for humanitarian action by military forces, we recommend further study of specific areas in which such support may be appropriate. These include demining, the distribution of slots for relief flights, air traffic control, logistical support, secunding military medical services to civil field hospitals,

and the provision of security, including perimeter security to investigations carried out by the prosecutor of the international criminal tribunals.

Each of these contributions could be the subject of an agreement drafted in advance of the next major crisis and fine-tuned in the form of SOPs according to the circumstances that present themselves. With respect to the policing of refugee camps in areas which are insecure as a result of banditry, a possible SOP prototype exists in the "Draft Agreement relating to Hospital Zones" appended to the First Geneva Convention. In such a SOP, the activities of the military would be carefully circumscribed in order to retain the neutral status of such zones.

CHAPTER 8

NATO'S 'HUMANITARIAN WAR' OVER KOSOVO

BY ADAM ROBERTS

The 11-week bombing campaign conducted by NATO in spring 1999 against the Federal Republic of Yugoslavia (FRY) has many claims to uniqueness. It was the first sustained use of armed force by the NATO alliance in its 50-year existence; the first time a major use of destructive armed force had been undertaken with the stated purpose of implementing UN Security Council resolutions but without Security Council authorisation; the first major bombing campaign intended to bring a halt to crimes against humanity being committed by a state within its own borders; and the first bombing campaign of which it could be claimed that it had on its own, and without sustained land operations, brought about a major change of policy by the target government.

NATO leaders were reluctant to call their action 'war'. However, it was war—albeit war of a peculiarly asymmetric kind. It indisputably involved large-scale and opposed use of force against a foreign state and its armed forces. Because it was justified principally in terms of stopping actual and anticipated Serb killings and expulsions in the Serbian province of Kosovo, the campaign was sometimes

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colloquially called a 'humanitarian war'. Whatever the nomenclature, *Operation Allied Force* marked a high point in the increasing emphasis on human rights and humanitarian issues which has been a striking feature of international relations in the post-1945 era. For theoreticians of international relations it represented a further remarkable twist in the strange and long-running association between the supposedly hard-nosed and 'realist' factor of force, and the supposedly soft and 'idealist' factor of international humanitarian and human-rights norms.

The date of 24 March 1999 was doubly significant for human rights in international relations. It was the day when the Appeal Chamber of the UK House of Lords, following a second hearing of the matter, announced its decision that, in principle, Chilean ex-President Augusto Pinochet could be extradited to Spain. This ruling was a landmark in the evolution of the idea that there are some crimes so extreme that a leader responsible for them, despite the principle of sovereign immunity, can be extradited and tried in foreign courts. NATO's *Operation Allied Force* was also launched on 24 March. The operation was announced at the start as based on the idea (closely related to the one advanced in the Pinochet decision) that there are some crimes so extreme that a state responsible for them, despite the principle of sovereignty, may properly be the subject of military intervention.

The international human-rights movement—a huge array of individuals, non-governmental organisations (NGOs), inter-governmental bodies and more—was deeply divided over *Operation Allied Force.* This reaction was not surprising: the human-rights movement was naturally unhappy to see human rights and international humanitarian law become a basis for initiating war. In particular it was doubtful about the air campaign, because in the short term it failed to stop, and probably even exacerbated, extreme violence against Kosovars.

Throughout the air campaign, NATO leaders repeatedly emphasised five objectives which Yugoslav President

Slobodan Milosevic was required to accept: a verifiable cessation of all combat activities and killings; withdrawal of Serb military, police and paramilitary forces from Kosovo; the deployment of an international military force; the return of all refugees and unimpeded access for humanitarian aid; and a political framework for Kosovo building on the Rambouillet Accords.[1]

The set of agreements concluded on 3-10 June under which Yugoslav forces left Kosovo reflected the main NATO demands. It could easily be interpreted as a triumph for bombing as a means of opposing extreme human-rights violations. However, such a judgement may be premature. There is intense debate about what constituted the effective elements of the military campaign. Further, its final outcome as regards the political future of Kosovo and the FRY is not clear. What can now be done is to identify, and begin to explore, some of the difficult questions arising from the campaign. Six are considered here.

- Why did NATO embark on the use of force, and was it legitimate under international law?
- Why was such reliance placed on air-power?
- Did the NATO air campaign lead to an intensification of Serb atrocities in Kosovo?
- What problems *vis-à-vis* the laws of war were posed by the air campaign?
- What factors led to the settlement of 10 June?
- What can be learned about international decision-making on the use of force, and on responding to massive human-rights violations?

NATO's resort to force

The bombing campaign, which had many causes, marked a significant break from NATO's previous policy and practice. The world's most effective military alliance, with a successful record of helping to maintain peace in Europe for half a century through deterrence and defence,

committed its forces and prestige to a major exercise in strategic coercion, seeking to influence the outcome of a largely civil war within one Balkan state. Even more remarkable, it did so without the explicit approval of the UN Security Council.

The main underlying explanation for the willingness of NATO's 19 member states to take action over Kosovo is not their interpretations of particular events, such as the failure of the negotiations over the province at Rambouillet and Paris in February and March 1999. Nor was it a shared vision as to what the future of the province should be. Rather, the NATO states were united by a sense of shame that, in the first four years of atrocious wars in the former Yugoslavia (1991-95), they had failed, individually and collectively, to devise coherent policies and to engage in decisive actions. In the last months of 1998 and the first months of 1999 it became evident that the bitter war between the Kosovo Liberation Army (KLA) and the Yugoslav army was at risk of developing into wholesale 'ethnic cleansing' of the Kosovar Albanians, who constituted over 80% of the province's population.[2] Further, it became increasingly clear that the recommendations, resolutions and roles of outside institutions—the European Union (EU), NATO, the Organisation for Security and Cooperation in Europe (OSCE) and UN—were being ignored or violated, especially by the Yugoslav authorities. In these circumstances, whatever doubts existed in individual NATO member states about the wisdom of the diplomatic and military policies pursued by NATO, there was no obvious alternative course of action. Furthermore, because of the alliance's chequered previous record in Yugoslavia, and also because of an appreciation of the inherent value of sticking together, no NATO state wanted to be the first to step out of line.

The absence of UN Security Council authorisation for the use of force against Yugoslavia was always going to be a difficult problem for NATO. From the early stages of the deterioration of the situation in Kosovo in early 1998, the Security Council had been willing to impose an arms em-

bargo on Yugoslavia in respect of Kosovo, and also to exert other pressure on Belgrade to moderate its policies in the province.[3] However, Russia and China had consistently made it clear that they would veto any proposal for military action against Yugoslavia regarding its conduct in its own territory. Equally consistently they stressed the importance of the non-intervention norm as the essential basis of the UN and of the present system of international security.

Was NATO right to launch *Operation Allied Force* without at least making an attempt to get authorisation from the Security Council? The argument for having at least tried is that the effort would have shown respect for the UN, and would have enabled people around the world to see exactly which states were refusing to authorise action to stop atrocities. However, the argument against seeking authorisation weighed more heavily with NATO governments: it could have been more difficult to get public support for a military action which had actually been vetoed in the UN, and the whole process might expose divisions in the alliance.

Thus NATO's first major military campaign took place in circumstances where there was significant scope for disagreement about the legality of the operation. Lawyers tend to like a world of clarity, where an action can be distinctly categorised as legal or illegal. Politicians and members of the public around the world look to law to provide clear guidance, or at least a verbal bludgeon with which to assault their opponents. In reality, because contradictory principles were inescapably at the heart of this crisis, there was no definitive legal answer that could satisfy a convincing majority of the world's peoples, governments or even international lawyers. Law can provide principles, guidelines, procedures, but not always absolute answers. UN Secretary-General Kofi Annan showed awareness of this when, at the beginning of the bombing campaign, he issued a statement which recognised that there were occasions when force might be necessary, but also referred to the importance of Security Council authorisation.[4]

Although NATO's decision to use armed force in the form of air-power did not have as clear a legal endorsement as its governments might have wished, it was far from being in unambiguous violation of international law. Two main legal arguments were used in support, the first based on UN Security Council resolutions, the second on general international law.

UN Security Council resolutions

Resolution 1199 of 23 September 1998, in particular, had demanded that Yugoslavia *inter alia* 'cease all action by the security forces affecting the civilian population', and had referred to possible 'further action' if measures demanded in the resolution were not taken. In addition, Resolution 1203 of 24 October 1998, by demanding Serb compliance with a number of key provisions of accords concluded in Belgrade on 15-16 October (including with the NATO Air Verification Mission over Kosovo), accepted that the Alliance had a direct standing and interest in the Kosovo issue. An argument can be made that, even if the Security Council was not able to follow these resolutions on Kosovo with a specific authority to use force, they provided some legal basis for military action.

On 26 March 1999, two days after the bombing began, the Security Council did, in a curious way, give at least a crumb of legal comfort to the NATO cause. A draft resolution sponsored by Russia (and supported by two non-Council members, India and Belarus) called for 'an immediate cessation of the use of force against the Federal Republic of Yugoslavia'. Only three states (Russia, China and Namibia) voted in favour, and 12 against. In the debate, the speeches in support of the resolution did not address in any detail the question of what to do about Kosovo. The representative of Slovenia, which was among the states opposing the resolution, made the key point that the Security Council does not have a monopoly on decision-making regarding the use of force. It has 'the primary, but not

exclusive, responsibility for maintaining international peace and security'.[5] While this debate confirmed that the NATO action was not considered manifestly illegal, a failed draft resolution is not a strong basis for arguing the legality of a military action, and this episode was rarely mentioned in statements by NATO leaders.

General international law

Several NATO governments put forward an argument that military intervention against another state could be justified in cases of overwhelming humanitarian necessity. The main basis for such an argument is general international law, but there may also be some element of reliance on the UN Charter or on Security Council resolutions.

A UK Foreign and Commonwealth Office note of October 1998, circulated to NATO allies, suggests elements of both these approaches:

Security Council authorisation to use force for humanitarian purposes is now widely accepted (Bosnia and Somalia provided firm legal precedents). A UNSCR would give a clear legal base for NATO action, as well as being politically desirable.

But force can also be justified on the grounds of overwhelming humanitarian necessity without a UNSCR. The following criteria would need to be applied.

(a) that there is convincing evidence, generally accepted by the international community as a whole, of extreme humanitarian distress on a large scale, requiring immediate and urgent relief;

(b) that it is objectively clear that there is no practicable alternative to the use of force if lives are to be saved;

(c) that the proposed use of force is necessary and proportionate to the aim (the relief of humanitarian need) and is strictly limited in time and scope to this aim - i.e. it is the minimum necessary to achieve that end. It would also be necessary at the appropriate stage to assess the targets against this criterion.

There is convincing evidence of an impending humanitarian catastrophe (SCR 1199 and the UNSG's and UNHCR's reports). We judge on the evidence of FRY handling of Kosovo throughout this year that a humanitarian catastrophe cannot be averted unless Milosevic is dissuaded from further repressive acts, and that only the proposed threat of force will achieve this objective. The UK's view is therefore that, as matters now stand and if action through the Security Council is not possible, military intervention by NATO is lawful on grounds of overwhelming humanitarian necessity.[6]

The argument that general international law provides a basis for military intervention can be reinforced by reference to bodies of law which have developed considerably since the UN Charter was drawn up in 1945. In particular, crimes against humanity, violations of the 1948 Genocide Convention, and violations of the 1949 Geneva Conventions may all constitute grounds for intervention, even though these and related agreements do not provide explicitly for military preventive measures against states violating their provisions. In this perspective, it cannot be right to tolerate acts which violate widely supported legal norms just because the Charter does not explicitly provide for military action in such circumstances, or because a veto on the Security Council makes UN-authorised action impossible.

The NATO governments, although not all justifying the military action in quite the same terms, generally concentrated on these two main arguments. They eschewed detail in their statements, and made little reference to the long tradition of legal writing about humanitarian intervention.[7] They also said little or nothing about arguably relevant state practice, such as India's war against Pakistan in 1971, which had enabled refugees to return to what became Bangladesh, or the US-led and UN-authorised intervention in Haiti in 1994 which had led to the capitulation of the military regime there.[8] In April and May, 1999, after Yugoslavia brought a case in the International Court of Justice

against certain NATO states, accusing them of illegal use of force, the NATO governments involved generally eschewed the opportunity to make a ringing legal defence of their actions, and largely confined themselves to technical and procedural issues.[9] The simple and general statements made by NATO governments in 1998-99, such as that by the UK, were for the most part based on the proposition that the situation faced in Kosovo was exceptional.

Additional arguments, overlapping with the two main arguments indicated above, were occasionally used in support of the legitimacy of military action. The most important was that the situation in Kosovo was indeed a threat to international peace and security. Both President Bill Clinton and Prime Minister Tony Blair, in their major speeches on the war, put emphasis on the proposition that a large new wave of refugees from Kosovo could destabilise neighbouring countries and lead to an expansion of the war.[10]

The fact that there was massive multilateral support within NATO (an organisation in which all 19 member states have in theory the power of veto) confirms that this military action did represent an international-community interest, and not just the interests of one single state. A further element was sometimes woven into the argument, namely the claim that democratic states have a greater right to engage in military interventions than do autocracies; or at least have a greater claim to international support when they do so. The fact that 19 states with multi-party democratic systems did act collectively is impressive, and the democratic nature of their systems may have helped to place certain restraints on the means used and on the goals of the military operation. However, existing international law relating to the legitimacy of resort to force does not depend to any significant degree on the fundamental distinction between democratic and autocratic states. In UN-based as well as European institutions, democracy may be emerging as an important criterion whereby a state's claims to be a legitimate member of international

society are judged, but this has yet to be reflected in the body of international law relating to intervention.

In summary, there was an international legal basis for the action taken by NATO over Kosovo. The two main planks of the legal basis (one consisting of requirements in Security Council resolutions, the other drawing on general international law), both placed central emphasis on the protection of the inhabitants of Kosovo. However, any justification of 'humanitarian intervention' along these lines is subject to four important caveats.

- Since no existing international legal instrument provides explicitly for forcible military intervention within a state on humanitarian grounds, neither of the main arguments indicated above gives an incontestable basis for the NATO action. It is thus in the nature of things that different individuals and states see the matter differently.
- The question of the military means pursued by NATO to secure the proclaimed political and humanitarian ends was bound to affect judgements about the legality of the operation. NATO's reliance on bombing did give rise to questions (discussed further below) about its appropriateness so far as protecting the inhabitants of Kosovo was concerned, and about its conformity with the laws of war.
- The argument that a regional alliance has a general right and even a duty to act as vigilante for UN Security Council resolutions, while it may have the considerable merit of ensuring that such resolutions are taken seriously, could also create a risk of undermining international inhibitions against the use of force.

Questions were inevitably raised about the selectivity of the action taken by NATO. The obvious question raised by Serbs was why NATO had acted over Kosovo when nothing had been done to stop the Croatian government's ethnic cleansing of Serbs from the Krajina in 1995: that

episode has been conveniently expunged from Western collective memories, but it is not forgotten in Belgrade, where the refugees from Croatia are still a conspicuous presence. There were many other equally pertinent questions, not least why NATO had not acted with equal resolve against the FRY when Yugoslav forces had attacked Dubrovnik and Vukovar in Croatia in 1991-92.

The motives for the NATO military action included many elements which were not purely humanitarian, and not exclusively concerned with Kosovo. Apart from elements already mentioned (guilt over past inaction regarding Bosnia, and concern over peace and security in the region generally), factors influencing the decisions of NATO states included their reluctance to accept large numbers of refugees on a permanent basis. A further key element was NATO's credibility: having become deeply involved in 1998 in international diplomacy regarding Kosovo, particularly in making military threats to Belgrade and in underwriting agreements, NATO would indeed have lost credibility had it not acted after it became apparent that agreements were not being observed. Needless to say, other more sinister motives were attributed to NATO. One of the more outlandish theories purporting to explain *Operation Allied Force* was that the Western states had failed to solve the 'Millennium Bug' problem in the computer programmes of their cruise missiles and other 'smart weapons': thus, in a new version of 'use it or lose it', the weapons had to be used in 1999.

The available evidence suggests that the critical considerations impelling NATO to take action were those of humanity and credibility. An amalgam of these factors was apparent in the justification for the use of force made by UK Foreign Secretary Robin Cook in a House of Commons debate on 25 March 1999:

> Since March last year, well over 400,000 people in Kosovo have at some point been driven from their homes. This is about a

fifth of the total population. In Britain the equivalent would be over ten million people.

I defy any Hon. Member to meet the Kosovar Albanians, to whom I have talked repeatedly over the past three months, and tell them that we know what is being done to their families, that we see it every night on the television in our own homes, that in the region we have a powerful fleet of allied planes; and yet that, although we know what is happening and have the power to intervene, we have chosen not to do so. Not to have acted, when we knew the atrocities that were being committed, would have made us complicit in their repression ...

The first reason why we took action was that we were aware of the atrocities that had been carried out and we had the capacity to intervene, but that is not the only reason. Our confidence in our peace and security depends on the credibility of NATO. Last October, NATO guaranteed the cease-fire that President Milosevic signed. He has comprehensively shattered that cease-fire. What possible credibility would NATO have next time that our security was challenged if we did not honour that guarantee? The consequences of NATO inaction would be far worse than the result of NATO action.[11]

The decision to take action was a step into the unknown for an organisation which had spent its first 50 years carefully crafting military threats which did not in the event have to be executed. At least until the failure at Rambouillet in February, it had been quite commonly assumed in NATO capitals that the threats against Yugoslavia would not actually have to be implemented. However, the NATO decision to use force was facilitated by the belief, widely but not

universally held at NATO headquarters and among member governments, that bombing would achieve results in a short time.

The reliance on air-power

The NATO campaign was overwhelmingly in the air. Allied pilots flew 37,465 sorties, of which over 14,006 were strike missions. As the campaign progressed, it grew in intensity. By the time the air campaign was suspended on 10 June, *Operation Allied Force* had 912 aircraft and 35 ships—almost triple the forces that the campaign started with.[12]

How did it happen that the ancient and ever-contested idea of 'humanitarian intervention' came to be associated with bombing? Why did Robin Cook refer to that 'powerful fleet of allied planes'? In the long history of legal-debates about humanitarian intervention, there has been a consistent failure to address directly the question of the methods used in such interventions. It is almost as if the labelling of an intervention as 'humanitarian' provides sufficient justification in itself, and there is no need to think further about the aims of the operation or the means employed—or indeed to understand the society in which the intervention occurs. In the 1990s, a high price has been paid for the failure to address seriously the questions of means and purposes in several interventions, including in Somalia.

The idea that air-power can be the means of implementing the decisions of the international community is not new. In 1944-45, when the UN Charter was being drawn up, and before sobering truths had emerged about the limited effectiveness of strategic bombing in the Second World War, both the Western Allies and the Soviet Union had a vision of the will of the international community being imposed by air-power. One result was the little-known Article 45 of the UN Charter, which states that 'Members shall hold immediately available national air-force contingents for combined international enforcement action'. Belatedly, and

without UN blessing, that vision was implemented over Kosovo. There were two principal explanations for this high degree of reliance on air-power.

First, the NATO member states were not willing to risk lives in this operation. A problem which has stalked all interventions with a basically humanitarian purpose in the 1990s is that the Western powers that are willing to intervene militarily are reluctant to accept the risk of casualties. This leads to particular modes of operation, such as hesitant and temporary military involvements, and reliance on air-power, that may conflict with the supposed humanitarian aims of the operation. Air-power, such as that used over Iraq in 1991 and subsequently, can be relatively risk-free. Nonetheless, in Kosovo it was an astonishing achievement to engage in acts of war against a well-armed sovereign state for 11 weeks and not incur a single combat casualty.

The second reason for the degree of reliance on air-power was a questionable reading of the history of the Bosnian war. It is perfectly possible that the NATO bombing campaign, *Operation Deliberate Force,* which began at the end of August 1995 and attacked Serb targets in Bosnia, contributed something to Serb weakness and eventual acceptance of a cease-fire; and it may also have contributed to Serb willingness to agree to a less-than-ideal solution in the subsequent negotiations at Dayton.[13] However, the mythologising about that campaign ignored one inconvenient fact: that it followed a period of sharp Serb military reverses on the ground, including the mass expulsion of the Serbs from the Croatian Krajina. Also the 1995 bombing was not against Serbia proper, and thus did not arouse the same nationalist response as would the bombing in 1999. The real lesson of those 1995 events might be a very different one: that if NATO wants to have some effect, including through air-power, it needs to have allies among the local belligerents, and a credible land-force component to its strategy. That conclusion takes one off the high moral pedestal associated with the idea of humanitarian intervention, and involves messy bargaining and compromise, but

does point to mechanisms for achieving results.

The false analogy with the bombing in Bosnia in 1995 appears to have played a significant part in leading to the most extraordinary miscalculation of the whole Kosovo campaign: namely that Belgrade would be likely to give in after a short period, perhaps only a few days, of bombing. This illusion appears to have been widely held in NATO headquarters and national capitals.[14]

Western statements about this military action showed remarkably little understanding of the way Serbs think about their country and its defence. It is true that Serbia has for some years been deeply demoralised and divided, that its citizens were not all equally attached to Kosovo, and that its capacity to withstand the opposition of 19 NATO member states was limited. Yet many Serbs, steeped in a martial tradition, have held a heroic, xenophobic and dated view of their place in the world, according to which Serbia faced off the Ottomans in the early nineteenth century and the Austrians in the First World War, and Yugoslavia stood alone against Hitler in 1941 and Stalin in 1948-53. A people with the image of themselves as suffering courageously in a deeply hostile world, and as having a personal obligation to defence, was never likely to make a simple cost-benefit analysis of bombing, or to crumple quickly in face of a bombing campaign alone. The problem was not simply President Milosevic, but the mentality of many Serbs.

The bombing campaign had twin but distinct aims, which can be roughly summarised as reducing Serb military capacity (including capacity for repression) in Kosovo; and putting pressure on the Yugoslav regime to modify or abandon its policies there. In the October 1998 crisis over Kosovo, the threat of air-power was explicitly made to Milosevic as a means of inducing him to comply with the demands of the Contact Group and the UN Security Council. Yet when *Operation Allied Force* began, it was widely presented as having the purpose of reducing Serb military capacity there.

Certain UK official statements illustrate the emphasis

initially placed on reducing Serb repressive capacity in Kosovo, and doing so through bombing alone. On 24 March, hours before the first attacks took place, Defence Minister George Robertson reminded the House of Commons Select Committee on Defence that in October, when the OSCE Verification Mission had been established, Serb forces in Kosovo were to be reduced to roughly 10,000 internal security and 12,000 Yugoslav army troops; and that, by now, there were 16,000 internal security and 20,000 Yugoslav army troops, plus 8,000 reinforcements just over the border. He then stated: 'Our military objective—our clear, simple military objective—will be to reduce the Serbs' capacity to repress the Albanian population and thus to avert a humanitarian disaster'.[15]

Robertson did state that the refugee problem would grow. But then he was asked specifically by a member of the Select Committee on Defence: 'With 50,000 Serbian soldiers either in or around Kosovo, once we attack the opportunity for them to give instant payback to the Kosovars is obviously a very great incentive on their part. They will be able to dish out an awful lot of punishment very quickly. What is the plan to safeguard the interest of those Kosovars?' There was no answer, and when the question was repeated George Robertson stated: 'We would clearly take that into account if that was the situation'.[16] Another member of the Select Committee who warned that the NATO action might make the clearance more bloody got equally short shrift.[17]

On targeting, Robertson said: 'Our targets are military and do not involve civilian or urban targets. That is a message that will get through despite the fact that the media is state owned and controlled ... If military action has to be taken ... it will be taken with precision-guided weapons, and it will be taken against only military targets with a very clear objective, not to bomb common sense or even self-interest into the mind of President Milosevic, but to reduce the military capability that is being used against a civilian population'.[18]

Shortly afterwards, the chairman said: 'Having clari-

fied their legal status, I presume there will be no formal declaration of war'. Robertson replied, 'It is not a war'. He indicated, as did Clinton and others that day, that there was no plan for a land / air campaign over Kosovo: `NATO has ruled that out'.[19]

Much that Robertson said on that day was sensible, and his recognition that 'we cannot have a casualty-free war' was an implicit acceptance that NATO was getting into something very like war. He correctly recognised that the laws of armed conflict would apply. Nothing that he said was egregious by the standards of the NATO countries at the time. Yet it is hard to avoid the judgement that the campaign began in an atmosphere of unwarranted official optimism about both the capacity of bombing to reduce the Serb military threat to the Kosovars and the probability that the bombing would stay limited.

The initial exclusion of the option of a land invasion was the most extraordinary aspect of NATO's resort to force. It resulted from the inherent difficulties of such an action, nervousness in many capitals about public support for a land war, and from a failure of imagination and strategic thinking in NATO and in national capitals. The initial exclusion of even the threat of a land option had adverse effects: in Kosovo, the FRY forces could concentrate on killing and concealment rather than defence, while in Belgrade the Yugoslav government could hope simply to sit out the bombing. Within the Alliance, creating at least a credible threat of a land option proved to be one of the most important and difficult tasks of the war.

The Serb atrocities in Kosovo

From February 1998 onwards, the conflict between the KLA and the Yugoslav forces in Kosovo had degenerated into a war of atrocities and ethnic cleansing. The fierce Serb offensive of summer 1998 had left an estimated 1,500 Kosovar Albanians dead, and 300,000 had fled their homes to hide in the mountains and forests. These events led to the adoption

of UN Security Council Resolution 1199 of 23 September 1998, and also to the threat of NATO air strikes in October to force Belgrade to retreat from its extreme actions. The result was the agreements of 15-18 October 1998, brokered by US Balkan envoy Richard Holbrooke with Milosevic over the heads of the ethnic Albanians and the KLA. Those agreements had brought a partial withdrawal of Serbian security forces, and had provided both for the deployment of up to 2,000 unarmed OSCE monitors in Kosovo and for NATO-led aerial verification. There was widespread scepticism as to whether they would bring a lasting end to the mass murder and expulsions.

The killing on 15 January 1999 of at least 45 ethnic Albanians in the village of Recak, 18 miles south-west of the regional capital of Pristina, became the symbol of the breakdown of the October agreement. The Yugoslav authorities blocked numerous requests to allow investigators from the International Criminal Tribunal for the Former Yugoslavia to look into these and other killings. All this led to a hardening of the NATO member states' view that no political settlement for Kosovo would work unless it allowed for deployment of a substantial NATO-led force.

By the time the NATO offensive began on 24 March, further Serb killings of Kosovars had occurred, as well as new displacements of population. The UN High Commissioner for Refugees (UNHCR) Special Envoy for the region stated a few weeks later: 'At the time UNHCR had to suspend its operations in Kosovo on 23 March 1999, there were thought to be over 260,000 internally displaced persons (IDPs) within Kosovo, over 100,000 IDPs or refugees in the region, and over 100,000 refugees and asylum seekers outside the region'.[20] Such figures for enforced population displacements, though very high, were not on the scale of what happened after 24 March. This raises the question of whether the bombing made things worse for the Albanian majority in Kosovo. It is not disputed that, in the words of a White House spokesman on 26 March, the situation in Kosovo took 'a dramatic and serious turn for the worse' in

the days after the bombing commenced.[21] Many refugees fleeing from Kosovo saw the Serb onslaught against them as a direct consequence of the NATO action. As one put it: 'The Serbs can't fight NATO, so now they are after us'.[22]

Within one month of the start of the bombing campaign, over half a million people had fled from Kosovo into neighbouring countries, and many thousands more were displaced within Kosovo itself.[23] During the whole period of the bombing, according to NATO figures, almost one million inhabitants left Kosovo, and half-a-million were internally displaced.[24] Thousands of Kosovar Albanians were killed. Although the degree of involvement was far from uniform, Serb police, military and paramilitary forces all took part in committing these atrocities.

NATO governments sometimes contended that such killings and expulsions had been imminent anyway, and that Belgrade had set in motion *Operation Horseshoe,* the plan for the systematic ethnic cleansing of Kosovo, even before the start of the NATO bombing. Whatever the strength of these contentions, which may well be vindicated as more information becomes available, there are grounds for doubting whether, in the absence of the NATO bombing, the ethnic cleansing would have proceeded with such speed and viciousness. All major cases of genocide and ethnic cleansing in the twentieth century have occurred during or immediately after major wars: the chaos and hatred unleashed in war, and the secrecy that wartime conditions engender, can provide the necessary conditions for such mass cruelty.

Any conclusion that NATO's military operations hastened the killings and expulsions of Kosovar Albanians would not mean that the NATO operation should be judged a failure. It may have been better to bring the crisis to a head than to let it fester on, albeit in a less intense form, for year after year; and there was evidently some diminution of the intensity of Serb repression around the end of April. As Jonathan Steele reported from Kosovo in July:

> If there was a plan to remove every last Albanian from Kosovo in a Nazi-style 'final solution', it was abandoned or at least relaxed about a month into the bombing campaign ... Whatever motive best explains the atrocities committed by the Serbs after Nato started its bombing, no Albanians say Nato was wrong. Those Western critics who condemn the bombing for turning a humanitarian crisis into a catastrophe get short shrift in Kosovo. Albanians were the primary victims and there is an almost universal feeling that, although the price was far bloodier than expected, it was worth paying for the sake of liberation from Serb rule.[25]

Even if NATO's bombing had unwittingly exacerbated it, the reign of terror against the Kosovar Albanians had the effect of shoring up NATO's unity and resolve. The huge refugee crisis meant that NATO governments and publics were reinforced in their determination not to allow the ethnic cleansing of Kosovo to stand. The indictment of Slobodan Milosevic and four of his senior colleagues by the Yugoslav war crimes tribunal, announced on 27 May, merely confirmed the strong sense in many countries that there was a fundamental moral difference between the two sides.

The laws of war

While most of the NATO bombing campaign was accurate and was directed at legitimate targets, certain actions did raise questions about whether NATO, in pursuing its humanitarian war, was observing all the requirements of the laws of war (international humanitarian law). These requirements overlap with, and are not necessarily antithetical to, those of military efficiency.

During the bombing campaign, questions relating to

the laws of war were raised most publicly by Mary Robinson, UN High Commissioner for Human Rights, but her speeches did not go into detail and did not have major impact. In her report of 30 April, for example, she said simply:

> In the NATO bombing of the Federal Republic of Yugoslavia, large numbers of civilians have incontestably been killed, civilian installations targeted on the basis that they are or could be of military application, and NATO remains the sole judge of what is or is not acceptable to bomb. In this situation, the principle of proportionality must be adhered to by those carrying out the bombing campaign.[26]

A strong defence can be made of the NATO air campaign. As General Wesley Clark has written:

> It was not a campaign against the Serbian people. It focused specifically on the forces of repression from top to bottom to coerce a change in their behaviour or, failing that, to degrade and ultimately destroy their means of repression. Allied planners, targeters and pilots worked diligently to prevent injuries and loss of life among the civilian population and to prevent collateral damage.[27]

The emphasis on air-power in this campaign, coupled with the reluctance to risk the lives of servicemen, exposed certain problems about the extent to which NATO was able to perform its military tasks effectively and to minimise damage to civilians. In particular, the use of smart weapons, and the practice of bombing from 15,000 feet, were associated with certain problems so far as the safety of civilians and of neutral states were concerned. These included:

- Collateral damage, for example in the cases in which passenger trains and buses were crossing bridges at the moment when bombs hit.
- Errors in identifying and attacking targets, including misidentification of the functions of particular buildings (for example, the Chinese embassy), and weapons going astray.
- Pressure to attack fixed targets such as buildings, bridges and electricity installations, because they are easier to identify and destroy by such means than are moving targets. Since most military assets are either mobile or capable of concealment and hardening, the pressure to attack fixed targets meant, in practice, pressure to attack targets whose destruction had a significant effect on the civilian population.

The damage to civilians and to neutral states which resulted from such problems do not begin to compare, in any grim comparison of losses, with the effects of the ethnic cleansing in Kosovo. Such damage may indeed be inevitable in war. Yet it is a salutary reminder that there are moral problems with the whole idea of the low-risk waging of war. A further difficulty arose from the possible environmental effects of certain NATO actions, including the release of chemicals resulting from certain air attacks, and the use of toxic materials (especially depleted uranium) in weapons and quantities of unexploded ordnance which was a serious hazard after the war.[28]

The underlying problem goes deeper than the particular requirements and incidents of the Kosovo campaign. The US, and with it NATO, have developed over recent decades a conception of how force can be applied, which involves putting military pressure not just on the armed forces of the adversary state but also on its government. Such an approach was evident in some official thinking about nuclear deterrence, and also in the conduct of certain operations in which NATO members have been involved, including aspects of the bombing campaign against Iraq in

1991. The approach is in tension with one underlying principle of the laws of war, as famously expressed in the 1868 St Petersburg Declaration, 'that the only legitimate object which States should endeavour to accomplish during war is to weaken the military forces of the enemy'. After this campaign, NATO members will, sooner or later, have to address the question of how their concept of war relates to the laws of war, and whether any modifications of either are suggested by this experience.

The most detailed international agreement bearing on military targeting, and placing limits on attacks on civilians and civilian installations, is the 1977 Geneva Protocol I. The FRY is a party to this agreement, as are all members of the NATO alliance except France, Turkey and the US. America, although unwilling to ratify it, has stated that it accepts and implements many of the Protocol's provisions. On becoming parties, several NATO members (Belgium, Canada, Germany, Italy, Netherlands, Spain and the UK) made declarations which implied recognition that, despite their best efforts, there could be many ways in which military activities would impinge seriously on the civilian population.

The NATO campaign is as much subject to consideration by the International Criminal Tribunal for the Former Yugoslavia as are any acts of the local parties to the conflicts. Indeed, it is ironic that the US—having devoted considerable diplomatic effort in 1998-99 to opposing certain provisions of the 1998 Rome Statute of the International Criminal Court (not yet in force) on the grounds that the prosecutor of such a court might have unwelcome powers to examine critically US military actions—then proceeded to go to war in 1999 in the former Yugoslavia, the only region of the world in respect of which there is an independent prosecutor for war crimes. Indeed, the Yugoslav Tribunal has considerably greater powers *vis-à-vis* national legal institutions than would the planned International Criminal Court. The Kosovo campaign may yet teach NATO member states that they can live with the existence of an

international criminal tribunal capable of considering their actions as well as those of their adversaries.

Factors leading to the settlement

Two months into the bombing campaign, the prospect was looming that it might have to continue over the summer, with serious risks that NATO's unity could not endure so long and inevitably controversial an operation. Then, to the relief (and, in some cases, scarcely concealed surprise) of NATO governments, on 3 June Milosevic formally accepted joint EU-Russian peace terms presented to him the previous day. This led, albeit with numerous difficulties on the way, to the military agreement signed at Kumanovo air base in Macedonia on 9 June, and to UN Security Council Resolution 1244 of the following day.[29]

The settlement of 3-10 June, the result of sustained diplomatic efforts which had continued throughout the air campaign, involved elements of compromise on the NATO side. Some were cosmetic, such as the avoidance of any specific mention of NATO's role in the Kosovo Force (KFOR) in Security Council Resolution 1244 and certain associated documents (though the NATO role had been mentioned in the paper agreed by the Yugoslav government on 3 June).

At least three concessions by NATO in the June settlement were of more substance. First, the UN was given a central role in the administration of Kosovo (a concession which had certain advantages for NATO in helping to bring its operations back within a clear mandate of the Security Council). Second, although it had always been envisaged, even at Rambouillet, that KFOR would be composed of forces from NATO and non-NATO countries, there was now a more definite prospect of Russian participation. Third, there was no longer any mention of the status-of-forces provisions in Appendix B of the Rambouillet Accord which would have accorded NATO personnel unimpeded access, including for training and for operations, throughout FRY territory.[30] These provisions, the subject of intense controversy during the war, went further than the equivalent

provisions in the status-of-forces agreement between NATO and the FRY which had constituted part of the 1995 Dayton Peace Accords.[31]

On the key issue of the political future of Kosovo, the June settlement terms remained as much of a fudge as the abortive Rambouillet terms of 23 February. Rambouillet had included repeated reference to 'the sovereignty and territorial integrity of the Federal Republic of Yugoslavia', and had envisaged that Kosovo would have a status in some respects akin to that accorded to Republics (Montenegro and Serbia) in the FRY Constitution.[32] In the June settlement, there was repeated reference to the Rambouillet Accords, and in particular to the principle that the people of Kosovo can enjoy 'substantial autonomy within the Federal Republic of Yugoslavia'. These words will be the subject of much debate and interpretation. However, the changed facts of power and demography following the war must mean that the prospects of substantial independence for Kosovo have increased.

Overall, the terms of the settlement represented a considerable concession by Yugoslavia from previous positions enunciated by its government and parliament. What led the Yugoslav authorities to make the critical concessions of 3 and 9 June?

Air-power clearly played a significant part, and advocates of air-power were not slow to claim a victory. However, as the Yugoslav forces withdrew from Kosovo in June and the NATO-led KFOR became established there, it became evident that the Yugoslav army in Kosovo had been much less seriously damaged than NATO had previously believed. Some 47,000 soldiers were reported as having left the province, several thousand more than intelligence reports had indicated were there at the height of the military campaign. At the same time, Yugoslavia as a whole, and in particular Serbia proper, 'clearly suffered enormous damage, particularly to its roads, bridges and industry after 11 weeks of increasingly intense bombing'.[33] If this view is correct, then the disturbing lesson of the air campaign may be that its most effective aspect involved hurting Serbia

proper (including its population and government) rather than directly attacking Serb forces in Kosovo and protecting the Kosovars.

While the pressure arising from air operations clearly influenced the Yugoslav government's decision to accept the settlement, the actuality and threat of land operations also played a part. In the last fortnight of the war, KLA operations near the Kosovo-Albanian border forced Yugoslav soldiers out into the open. This enabled NATO aircraft to attack them, causing what were probably the most substantial military casualties of the whole campaign. A NATO air attack on 7 June, in which US B-52s used cluster bombs against Yugoslav forces near Mount Pastrik, killing several hundred, appears to have put effective pressure on the Serb negotiators in the stalled talks at Kumanovo.[34]

Also in the last two weeks before the settlement of early June, NATO began to signal the prospect of a ground operation. During the whole campaign, the problem of getting agreement on land operations, with all their immense difficulties and risks, threatened to undermine NATO's hard-won unity, and stalked NATO's fiftieth-anniversary summit in Washington like a ghost on 23-24 April. At times it appeared that there might have to be a 'coalition of the willing' within NATO if any effective threat of a land intervention were to materialise. Only in late May was there any coherent action on the matter. On 25 May, NATO ambassadors approved a plan, KFOR-Plus, increasing the projected size of KFOR to 50,000 troops; and on 31 May, the US government finally gave Wesley Clark permission to strengthen and widen the road in Albania leading from the port of Durres to Kukes on the Kosovo border. These were ways of conveying to Milosevic that the invasion option was getting serious.[35]

The developments on the ground in Kosovo, and the evidence of NATO preparations for ground operations, influenced ongoing negotiations, including those held outside Moscow on 27 May 1999.[36] They also played a part in bringing Russia to recognise the need for a settlement along the lines which NATO had been demanding; and Russia's

change of direction was bound to have a serious impact in Belgrade. After the war, indeed, some Serbs started to attribute their defeat to an alleged Russian betrayal.[37]

Can a doctrine be developed from this case?

At the beginning of the air campaign, if NATO governments had known that it would have to last 11 weeks, would involve so many difficult issues and incidents, and would require a serious prospect of land war, it is far from certain that they would have embarked on it. Like a revolution, it marked a significant turning-point, but one that is in danger of being too much glorified.

The lessons of the revolution in warfare of which Kosovo is a symbol may bear resemblance to the lessons of the Yugoslav revolution as recollected by a principal participant, Milovan Djilas:

> Revolutions begin new epochs, whose direction no one can foresee, let alone determine. Would life be life if it had to conform to hypothesis? Revolutions must take place when the political forms are unable to develop reasonable and just solutions. Revolutions are justified as acts of life, acts of living. Their idealisation is a cover-up for the egotism and love of power of the new revolutionary masters. But efforts to restore pre-revolutionary forms are even more meaningless and unrealistic. I sensed all of this even then. But choice does not depend only on one's own outlook but also on reality. With my present outlook, I would not have been able to do what I had done then.[38]

Many lessons will be drawn from the Kosovo action, including some hard ones about the virtues, and limits, of

operating in a large and disparate alliance. At times, NATO showed the classic problem of a large international organisation in its inability to agree on more than a lowest common denominator. NATO also experienced tensions due to the fact that the US supplied about 85% of the effective power in the bombing campaign, a figure which demands reflection about European readiness for independent security policies. Only with the entry of KFOR into Kosovo in June was the imbalance in military burden-sharing visibly redressed.

During the war, the question was often raised as to whether a general doctrine justifying humanitarian intervention could be developed. As Blair said in his Chicago speech on 22 April:

> The most pressing foreign policy problem we face is to identify the circumstances in which we should get involved in other people's conflicts. Non-interference has long been considered an important principle of international order. And it is not one we would want to jettison too readily ... But the principle of non-interference must be qualified in important respects. Acts of genocide can never be a purely internal matter. When oppression produces massive flows of refugees which unsettle neighbouring countries they can properly be described as 'threats to international peace and security'.[39]

Blair went on to list five major considerations which might help in decisions on 'when and whether to intervene':

> First, are we sure of our case? War is an imperfect instrument of righting humanitarian distress; but armed force is some-

> times the only means of dealing with dictators. Second, have we exhausted all diplomatic options? We should always give peace every chance, as we have in the case of Kosovo. Third, on the basis of a practical assessment of the situation, are there military operations we can sensibly and prudently undertake? Fourth, are we prepared for the long term? In the past we talked too much of exit strategies. But having made a commitment we cannot simply walk away once the fight is over; better to stay with moderate numbers of troops than return for repeat performances with large numbers. And finally, do we have national interests involved? The mass expulsion of ethnic Albanians from Kosovo demanded the notice of the rest of the world. But it does make a difference that this is taking place in such a combustible part of Europe.

Subsequent attempts to develop any general doctrine regarding the circumstances in which humanitarian intervention may be justified have run into predictable difficulties. Two enduring and inescapable problems are: first, that most states in the international community are nervous about justifying in advance a type of operation which might further increase the power of major powers, and might be used against them; and second, NATO members and other states are uneasy about creating a doctrine which might oblige them to intervene in a situation where they were not keen to do so.

Operation Applied Force will contribute to a trend towards seeing certain humanitarian and legal norms inescapably bound up with conceptions of national interest.[40] It may occupy a modest place as one halting step in a developing but still contested practice of using force in defence of international norms.

However, the unique circumstances in which *Operation Allied Force* took place, and the problems which the campaign exposed, militate against drawing simple conclusions about humanitarian intervention or about the capacity of bombing alone to induce compliance. In the international community, the NATO campaign was the subject of deep differences of opinion, based on diverging perceptions and interests which are not going to change suddenly. The fact that the campaign failed in the intended manner to avert a humanitarian disaster in the short term, even though it did eventually stop it, makes it a questionable model of humanitarian intervention. The uncomfortable paradox involved—that a military campaign against ethnic cleansing culminated in a settlement in which the majority of Serbs resident in Kosovo departed—must reinforce the sense that humanitarian operations cannot suddenly transform a political landscape full of moral complexity. The advanced-weapons-systems bombing, although extraordinarily accurate, gave rise to serious questions about its effectiveness against armed forces and its impact on civilians. The reluctance of NATO governments to risk the lives of their forces, the difficulty in developing a credible threat of land operations and, above all, the narrowness of the line between success and failure, suggest that the many lessons to be drawn from these events should be on a more modest scale than any grand general doctrines of humanitarian intervention.

CHAPTER 9

MAJOR EVENTS IN THE KOSOVO CRISIS

1997

March 4—Reentry of ICRC into Albania in wake of breakdown of law and order following collapse of pyramid investment scheme.
March 27—OSCE decision to establish presence in Albania in response to breakdown of law and order; extended in December until June 30, 1998.
March 28—UNSC Res. 1101 authorizes dispatch under Chapter VII to Albania of Multilateral Protection Force (MPF).
March 28 ff.—MPF, operating in conjunction with OSCE, assists in delivery of relief in Albania.
April—Italian-led 7,000 person MPF with troops from 10 countries enters Albania to protect humanitarian aid, safeguard elections, and, unofficially, prevent refugees from reaching Italy.
April-December—UNSC alters MPF composition and strength to reflect changing security situation.
June 27—Parliamentary elections held in Albania with MPF/OSCE support.

1998

February—Clashes between Serb security forces and KLA take place.
March—Fighting in Kosovo begins, intensifying in the coming months; displaces some 350,000 people.
March 31—UNSC Res. 1160 imposes arms embargo against the FRY, including Kosovo.
March 31—OSCE decides to strengthen human rights monitoring activities in Kosovo.
June 1—UNSG's report on Kosovo notes uncertain situation and FYROM request to extend the mandate

and increase the strength of the UN Preventive Deployment Force (UNPREDEP), which had existed since March 1995. (As of June, 27 countries were contributing troops.)

June 1-6—FRY police deny UNHCR, WHO, and ICRC access to Djakovica, Decane, Pec, and Istok and confiscate WHO, MSF, and ICRC medical supplies.

June 9—UNHCR publicly expresses disappointment over continuing violence in Kosovo.

June 12—NATO defense ministers discuss airstrike options against FRY military targets.

June 15—NATO forces mount Operation Determined Falcon, patrolling Albania / Macedonia borders with Kosovo with 80 aircraft.

June 17—UN Consolidated Inter-Agency Flash Appeal issued for Kosovo crisis- related needs through August; 10,000 refugees have fled into northern Albania in recent weeks.

June 25—U.S. Ambassador Richard Holbrooke meets UCK leaders for first time, giving them new international legitimacy.

July—FRY security forces mount major offensive against KLA.

July 6—Kosovo Diplomatic Observer Mission established.

July 7—ICTY confirms conflict in Kosovo, an armed conflict within terms of its mandate.

July 21—UNSC resolution strengthens UNPREDEP to 1050 personnel and extends mandate through Feb. 99.

August 10-14—NATO ground exercise in Albania.

August 31—Reflecting the growing humanitarian crisis and lack of response to the June 17 appeal, UN Consolidated Appeal is issued to cover needs through year's end of 400,000 persons affected by the conflict in the FRY, including some 200,000 Kosovars.

August 25—Three humanitarian workers from Mother Theresa Society killed near Malisevo, as they provided assistance.

September 23—SC resolution 1199 under Chapter VII

orders the FRY, working with UNHCR and ICRC, to facilitate safe return of 50,000 refugees and IDPs.

October—Holbrooke / Milosevic negotiations on withdrawal of FRY troops from Kosovo.

October 3—UNSG report highlights massive human rights violations in Kosovo, annexes OSCE report expressing concern for the fate during coming winter of 14,000 refugees in Albania.

October 13—NATO Council of Ministers authorizes an activation order in support of efforts to force withdrawal of FRY forces from Kosovo; air strikes called off at the last minute.

October 24—Citing Chapter VII, UNSC Resolution 1203 endorses the OSCE / FRY agreement establishing KVM. NATO to establish 15,000-person Extraction Force should KVM need evacuation.

October 25—OSCE approves 2000 monitors for Kosovo.

October 27—Milosevic agrees to cease-fire and partial withdrawal of FRY forces; OSCE deploys KVM to monitor agreement.

November 5—Prosecutor Arbour of ICTY, following refusal of visa to enter Kosovo with investigation team, informs UNSC of FRY failure to meet its obligations under ICTY statute.

November 13—NATO authorizes Operation Joint Guarantor, under which French-led Extraction Force would evacuate KVM.

December 7—Diplomatic mission by U.S. Ambassador Christopher Hill fails to reach agreement on greater Kosovar autonomy.

December 24—Seven FRY troops carry out major exercise in northern Kosovo; UCK troops revoke cease-fire. Further displacement of civilians.

1999

January — Humanitarian organizations undertake planning for various contingencies.

January 7—NATO SG visits Macedonia.
January 15—Massacre of 45 ethnic Albanian civilians in town of Racak.
January 16—ICTY Prosecutor Louise Arbour announces investigation into Racak killings; later refused entry into Kosovo by FRY police.
January 18—FRY declares KVM head William Walker *non grata* following critical comments on the Racak massacre; he refuses to leave.
February-March—FRY troops reported gathering in Kosovo, violations of October cease-fire increasing, and growing tensions and displacement.
February 6-23—Talks held at Rambouillet, outside Paris, by six-nation Contact Group end without agreement.
February 25—China vetoes UNPREDEP extension through August 31; Russia abstains. (Macedonia had recently recognized Taiwan.)
March15-18—Negotiations resume outside Paris; Kosovar delegation sign peace agreement but FRY withholds consent.
March 20—Ambassador Holbrooke visits Belgrade in effort to avoid air strikes; OSCE evacuates 1400-person KVM; the FRY forces launch Operation Horseshoe in attempt to displace ethnic Albanian Kosovars.
March 23—NATO SG authorizes air operations against FRY targets.
March 24—NATO air attacks begin against FRY, last 77 days; UNSG stresses that the UNSC "should be involved in any decision to resort to the use of force."
March 24–June 7—During NATO bombing, an estimated 850,000 Albanian Kosovars fled Kosovo while an unknown number of Serbs and Roma were killed.
March 26—UNSC rejects resolution demanding immediate cessation of use of force, supported by only Russia, India, and Belarus.
March 26—Massive refugee flow into neighboring countries. By March 29, some 100,000 in Albania and in Macedonia or along its border.

March 28—NATO intensifies bombing in Phase 2 of campaign; stealth F-117 bomber shot down by Yugoslav troops.
March 29—ICRC withdraws from Kosovo for reasons of security.
March 30—UNSG appeals to countries in region to keep borders open to refugees fleeing "a vicious and systematic campaign of ethnic cleansing."
March 31—Three U.S. servicemen arrested near Macedonian border and held by FRY troops; shown on FRY television the following day.
March 31—Kosovar refugees approach 200,000, with 104,000 in Albania, 48,000 in Montenegro, 30,500 in Macedonia and 10,000 in Bosnia.
March 31—Three CARE workers arrested in Kosovo, tried for espionage; two expatriates released 5/30, third (a national staff person) remains in jail.
April 1 — OCHA issues Donor Alert requesting funding of $70.8 million for emergency needs over a three-month period, with addendums April 5 ($138 million) and April 21 ($265 million).
April 1—OSCE approves use of evacuated KVM members to assist Kosovar refugees, becoming only international organization with significant number of personnel on the ground.
April 2-3—First exchange of Solana-Ogata letters, inviting/accepting NATO assistance.
April 4—Macedonia agrees to admit refugees to camps to be built by NATO troops; Humanitarian Evacuation Program will move some to third countries.
April 4—U.K. government acknowledges not having foreseen ethnic cleansing now unleashed in Kosovo.
April 5—24 U.S. Apache helicopters deployed in Albania, initially without NATO authorization.
April 5—UNHCR reports Kosovar Albanian refugees numbering 855,400, or 42 percent of the population. 390,000 have fled since March 24.
April 5 ff.—Air bridge brings relief supplies into

Macedonia and Albania; recrimination against aid agencies for lack of preparedness (several apologize) and against Macedonia for barring refugee entry and aid agency access.

April 6—Macedonian authorities transport 14,000 refugees from Blace to southern Albania without UNHCR knowledge; 10,000 refugees first reported missing, casting doubts upon UNHCR data.

April 7—70,000 Kosovar Albanians waiting at Macedonian border missing, raising concerns of their use as human shields. UNHCR in Skopje declares it has capacity to receive 20,000 refugees daily.

April 9—Artillery exchanges across Albanian-Kosovo border in Tropoje region, where UCK operates rear bases.

April 9—MSF urges UNHCR to take full responsibility for Kosovar refugees, including those outside NATO refugee camps.

April 10—Ogata appeals to Gen. Michael Jackson, who wishes to redeploy troops, to maintain KFOR presence at refugee camps.

April 10—Humanitarian evacuation program under way; U.S. withdraws plans to house 20,000 refugees at Guantanamo base in Cuba.

April 11—NATO releases photos purportedly showing mass graves in Kosovo.

April 11—Serbian TV shows three captured CARE workers, one of whom admits having spied for NATO.

April 12—Albania cedes sovereignty over airports, ports, and borders to NATO. NATO bombs hit refugee convoy in Kosovo, killing civilians.

April 12—UNHCR reports interruption for unknown reasons of refugee flows at borders with Albania, Macedonia, and Montenegro. OSCE head of mission in Albania criticizes UNHCR for lack of preparedness and response.

April 13—FRY soliders cross into northern Albania in the Tropoje region and engage border guards.

April 14—NATO strikes passenger train, killing civilians, and offers apology.
April 15—NATO concedes hitting refugee column within Kosovo in bombing attack, a "tragic accident."
April 19—WFP reports temporary cessation of refugee flow across Kosovo's borders with Albania/ Macedonia.
April 20—Refugees in Neprostina and Stenkovac camps reported wary at approaching NATO handover of camps to aid agencies and of camp security to Macedonian police.
April 21-22—Second Ogata/ Solana exchange specifies division of labor between UN aid agencies and NATO troops.
April 22—Solana orders planning of NATO ground offensive against FRY troops in Kosovo.
April 22—UNHCR complains of diversion of funds by donors from Africa to Kosovo crisis.
April 23—NATO celebrates fiftieth anniversary in Washington, reaffirms objectives in Kosovo and adopts new strategic concept.
April 26—UCK attempts to take over relief distribution in northern Albania rebuffed by Albanian security services.
April 29—Ten belligerent NATO states served summons at request of the FRY to appear before International Court of Justice in The Hague.
May 1—NATO bomb hits civilian bus near Luzane, killing about 34 people.
May 2—Three U.S. POWs released by Belgrade during visit by the Rev. Jesse Jackson.
May 3—German Defense Minister announces 600,000-900,000 IDPs in Kosovo, based on drone-gathered data.
May 4—UNHCR says 675,000 refugees have fled Kosovo during bombing in contrast to 360,000 in previous 14 months.
May 6—G-8 foreign ministers adopt principles on a political solution of the crisis. FRY agrees to UN pres-

ence armed only for self-defense. UCK rejects principles the next day.

May 7—NATO bombs hit Chinese embassy in Belgrade; NATO offers apology.

May 13—First convoy in the Focus Humanitarian Initiative, undertaken by the Swiss, Greek, and Russian governments (later joined by the Austrians) reach FRY.

May 14—UNSC Resolution 1239 supports G-8 principles and invites UNHCR and other humanitarian agencies to extend aid to IDPs in FRY, including Kosovo and Montenegro.

May 16-27 — UN Inter-Agency Needs Assessment Mission conducts on-the-ground review in the FRY, including Kosovo.

May 22-23—UNHCR challenges Macedonian authorities regarding refugee treatment: UNHCR prevents Macedonian police from closing border, blocks road to prevent involuntary transfer of refugees to Albania.

May 25—Following an assessment mission in Kosovo, an ICRC delegation travels to Pristina to reopen its office and recommence activities.

May 25—NATO announces plans for Kosovo Force of 45,000-50,000; force currently at 14,000. The Reverend Jackson arranges release of three American POWs.

May 26—UNHCR notes accelerated Kosovo exodus in response to policy of “ethnic cleansing.”

May 27—ICTY indicts Milosevic and four others for war crimes and crimes against humanity.

June 2—ICJ refuses to adjudicate legality of use of force by NATO in case brought by FRY.

June 2—Finnish President Martti Ahtisaari negotiates agreement on cease-fire between FRY, Russia, and the EU.

June 3—FRY accepts agreement withdrawing its forces and allowing entry of UN peacekeeping forces. Serbian parliament approves G-8 plan.

June 3—President Clinton agrees to discuss ground offensive with Joint Chiefs of Staff. Russia insists on

separate NATO / Russian peacekeeping forces, each under UN flag.

June 3—ICTY prosecutor affirms jurisdiction over armed conflict in Kosovo, implying jurisdiction over military action by NATO. She discloses a secret indictment against Arkan, accused of war crimes in Bosnia and Kosovo.

June 3—IRC, a US NGO, begins two-week airdrop of food into Kosovo.

June 5—Tensions high in refugee camps, including Stenkovac I in Macedonia, where an incident involving a Roma family accused of collaborating with Serbs leads to violence. In Albania, refugees resist transfer from Kukes to safer areas, preparing instead for return to Kosovo.

June 6-8—Military-technical talks begin between NATO and FRY.

June 7—NATO bombers inflict major casualties on two FRY battalions.

June 7—Having suspended arrests during the bombing, SFOR arrests indicted war criminal in Bosnia.

June 8—G-8 foreign ministers agree on text of UNSC Res. on cease-fire. Last bombing runs in Operation Allied Force.

June 9—Military-technical agreement reached between NATO / FRY.

June 10—UNSC Res. 1244 authorizes international security and civilian presence in Kosovo. The former is to establish "a secure environment in which refugees and displaced persons can return home in safety. . . and humanitarian aid can be delivered."

June 10—At meeting in Cologne, governments endorse Stability Pact for Southeastern Europe.

June 10—NATO formally suspends air campaign after 35,219 sorties. FRY troops withdraw.

June 10—Refugee count stands at 840,733: 444,200 Albania; 245,100 Macedonia; 69,700 Montenegro; and 81,723 dispersed to other countries in the Humanitarian

Evacuation Program.

June 11—NATO negotiations with Russia over its role in KFOR fail; Russian troops seize Pristina airport, are eventually incorporated into KFOR following agreement June 18.

June 11—NATO troops under Operation Joint Guardian enter Kosovo.

June 12— UNHCR and other humanitarian agencies return to Kosovo. OCHA establishes Inter-Agency Coordination Unit in Pristina.

June 13— First UN humanitarian convoy enters Kosovo; OCHA sets up coordination unit within UNHCR/ Pristina. Major refugee repatriation to Kosovo begins.

June 15—Relief workers find 20,000 severely malnourished IDPs hiding in mountains; ICRC estimates that 11,000 Serbs have already fled Kosovo.

June 16—UNHCR estimates the return of 3,000 refugees from Macedonia and 18,000 from Albania. Exodus of Kosovar Serbs to Serbia continues; General Jackson urges them to remain.

June 20—UCK agrees to groundrules for demilitarization.

Mid-July—OCHA issues Consolidated Appeal for the Southeastern Europe Humanitarian Operation, including the FRY, totalling $939 million.

July 30—Sarajevo conference launches reconstruction program. UNHCR reports the return of 737,000 refugees to Kosovo.

Compiled from Relief Web, UNHCR, NATO, Network Bosnia, and other sources

CHAPTER 10

PROTOTYPE MATERIALS

Note: The following correspondence involves two exchanges between Javier Solana, Secretary General of NATO, and Sadako Ogata, UN High Commissioner for Refugees, on April 2-3 and April 21-22.

2 April 1999

Dear Mrs. Ogata,

At its meeting today, the North Atlantic Council discussed the rapidly worsening humanitarian situation resulting from the continuing violence and expulsion of civilians from Kosovo by forces of the Federal Republic of Yugoslavia. We greatly appreciate the tremendous ongoing efforts of UNHCR and other relief organizations to cope with the flood of refugees, under difficult circumstances. The Council has reaffirmed its willingness to contribute to these efforts.

Therefore, I have been invited to raise with you, as a matter of urgency, what possible measures the Alliance could take to assist the UNHCR at this time of great need. In particular, I would be grateful if you could let me know as soon as possible the most critical requirements now facing UNHCR, in particular in FYROM and Albania, and which could possibly be supported by the Alliance, including possible use of its civil and military assets. I understand that our staffs have already been actively discussing several possibilities in this regard.

I can assure you that the Alliance member states are prepared to make every possible effort in Albania and FYROM to assist you in addressing this current humanitarian emergency.

Yours sincerely,
Javier Solana

3 April 1999

Dear Mr. Secretary General,

Thank you very much for your letter of 2 April 1999. I very much appreciate your offer of support to assist us in coping with the heightened humanitarian emergency caused by the mass expulsions of civilians from Kosovo. In a public statement yesterday, I urged the Federal Republic of Yugoslavia (FRY) to bring an immediate halt to this forcible displacement.

Meanwhile, UNHCR and its UN and NGO partners, in collaboration with the local authorities in the receiving countries in the region, have been doing whatever possible to meet the most urgent shelter, food aid and health needs of the refugees. The scale of the crisis is such, however, that our capacity to respond has indeed been overwhelmed. This is particularly the case in Albania and the Former Yugoslav Republic of Macedonia (FYROM) where over 270,000 people have arrived since 24 March 1999 and where, as you know, arrivals are continuing on an hourly basis at alarming rates. We will continue to monitor the situation and provide the necessary support in other neighbouring areas, and notably Montenegro.

In these circumstances, any support from the Alliance Member States for the humanitarian operation that would enhance our efforts to save lives would be most welcome. I should like to suggest that this operation would focus on Albania and FYROM, where the requirements are greatest. It should cover the following four areas.

First, we would welcome continued assistance with the management of the airlift operation that we already established with your support to bring in relief supplies into the airports in Tirana and Skopje. Second, we would be grateful for support in offloading and immediate storage of aid arriving by sea or air into Albania and FYROM. The UN agencies would retain responsibility for onward distribution to the beneficiaries. Third, in response to the bilateral

requests already made by Albania and FYROM, Alliance Member States could provide logistical help in the setting up of refugee camp sites. Evidently, UNHCR would provide the necessary co-ordination, guidance and technical support. And four, there is an urgent need to relieve the pressure on FYROM, which otherwise risks destabilisation. I would therefore be grateful for your support to UNHCR in obtaining the agreement of Alliance Member States primarily in the region — and most notably Greece — to accept some of the refugees currently in FYROM on a temporary basis. Logistical support in transporting the refugees and accommodating them in receiving countries would also be required.

I am sure you will appreciate the importance of retaining the civilian and humanitarian nature of the aid operation in order not to unnecessarily expose the front-line States, the relief workers on the ground and the refugees themselves. UNHCR would therefore welcome your proposal that the support be provided by interested Alliance Member States through the Civil-Emergency Department at your Headquarters.

Should you agree, I would propose that further operational discussions take place on the ground between those responsible on your side and my staff, led by my Special Envoy, Mr. Nicholas Morris, who is currently in FYROM. The Focal point for all contacts at UNHCR Headquarters is Mr. Neill Wright, under my overall direction.

Let me also mention that I have welcomed the offer of the OSCE in Albania and the OSCE / KVM operation in FYROM to provide support to the humanitarian effort notably in processing the arrivals on the border entry points where the situation is right now the most acute and dramatic.

I should like to thank you most warmly in advance for your support.

Yours sincerely,
Sadako Ogata

21 April 1999

Dear Mrs. Ogata,

As follow-up to our very useful meeting of 14 April, a small NATO team visited your Headquarters last week to discuss NATO's Operation Plan "Allied Harbour" and how this NATO operation can best support UNHCR efforts to cope with the Kosovo refugee crisis.

NATO fully recognises the leading role of UNHCR, which is not only reflected throughout NATO's operation plan, but is currently being implemented as a working operational reality on the ground in Albania. Your emergency coordiator Mr. Jacques Mouchet, and COMAFOR Lt. Gen. J. Reith, have already met several times and are in close coordination with the Albanian authorities to determine priorities and precise areas where the government of Albania and UNHCR are seeking NATO assistance. While our meeting on Wednesday 14 April 1999 identified a number of potential areas where NATO could contribute to your efforts, our staffs agreed that the decision on what NATO support is needed should be based on the discussions between Lt. Gen. Reith and Mr. Mouchet.

Based on our meeting, the discussions between Lt. Gen. Reith and Mr. J. Mouchet, and our correspondence at the beginning of this month, NATO is prepared to undertake the following support tasks:

- Logistics (airlift coordination support; port and airport off-loading and warehousing including local area security);
- Shelter (refugee camp construction including water and sanitation);
- Transportation of refugees and relief supplies as organised and prioritised by UNHCR; and
- Road repairs / maintenance.

In addition, NATO is prepared to consider other tasks as identified by the Government of Albania and / or UNHCR,

within the means and capabilities of the force in theatre.

I look forward to your views on the exact requirements that you have for NATO support. I am confident that, with the good working relationships between our Organizations at Headquarters level as well as on the ground in Albania, our support to UNHCR-led efforts will make a major improvement in the international community's ability to meet the humanitarian challenge posed by the crisis in Kosovo.

Yours sincerely,
Javier Solana

22 April 1999

Dear Mr. Secretary General,

I should like to thank you for receiving me in Brussels on 14 April, and for your follow-up letter of 21 April explaining the support offered by NATO member states to the government and UNHCR in response to the humanitarian needs in Albania.

The areas identified in your letter are indeed those in which additional support from NATO member states is required — all the more urgently given the possibility of new, massive outflows from Kosovo, that will inevitably put the resources of the respective governments and of humanitarian agencies under severe strain.

I also fully concur with the field approach that you propose, and I agree that COMAFOR Lt. Gen. Reith and the UNHCR Emergency Coordinator for Albania, Jacques Mouchet, be our respective focal points to monitor, and if necessary review, our cooperation in Albania.

In this respect, you will already be aware of the urgent need for camp construction support, including water and sanitation, in central and southern Albania.

Let me take this opportunity to make one further point, that I consider very important.

UNHCR has received informal indications from NATO

that there could be up to some 840,000 internally displaced people in Kosovo. Some 270,000 of them are believed to be in the vicinity of the borders of The Former Yugoslav Republic of Macedonia and Albania, and of the Montenegro boundary. The reports about internally displaced people inside Kosovo are the first such information we have received since the beginning of NATO action in the Federal Republic of Yugoslavia. I welcome this type of information. The situation on the ground requires— increasingly—that we receive timely advance notice of population movements.

This information has—obviously—important implications for my Office, in terms of preparedness and planning. In this regard, I have a specific request. Could NATO regularly provide UNHCR with aerial reconnaissance or satellite imagery information relevant to pockets of internal displacement and / or population movements? This would be of great value to enable UNHCR and other humanitarian actors to better plan in advance for any further larger scale arrivals in countries and provinces surrounding Kosovo.

I hope this request can be accepted by NATO and I thank you again for your cooperation and support.

Yours sincerely,
Sadako Ogata

Memorandum on Strengthening Coordination between UNHCR and KFOR

Note: The memorandum reproduced below was an outgrowth of the joint UNHCR/KFOR field visits described in Figure 2. The visits took place during July-August. The memorandum, drafted in July , was signed in October. The NATO Support Request Form which NGOs seeking military support services were to submit to KFOR through the UNHCR field office in a given AOR is not reproduced here.

Background

1. This memorandum is intended to improve co-ordination between the brigades of KFOR and the Field Office of UNHCR, and to clarify KFOR's role in supporting the activities of the humanitarian community. Under the UNMIK structure set up by the UNSCR 1244 (1999), UNHCR is the lead agency for humanitarian assistance in Kosovo. It also has a special international protection mandate covering refugees, returnees and the internally displaced (including those from minority groups likely to face displacement). KFOR has the mandate and the responsibility for ensuring public order and security until UNMIK can take full responsibility for maintaining law and order.

Procedure

2. KFOR supports UNHCR by ensuring, amongst other things, that all requests for humanitarian operational support made to KFOR by any international, non-governmental or other humanitarian organisation is first channeled through the relevant field office of UNHCR. Where UNHCR in collaboration with its UN and non-governmental partners is not able to respond to such requests, it will liaise closely with KFOR at MNB level, or if necessary at HQ KFOR level, to determine ways that KFOR can assist. KFOR's response to UNHCR requests will take into account the availability of KFOR resources.

3. KFOR will facilitate co-ordination between the requesting organisation and the UNHCR field office by providing request forms that will be transmitted to UNHCR for the purpose of consultation and co-ordination. These forms will specify the type of assistance needed, the estimated assets required and the time frame in which action is to be taken (see Annex A—KFOR Support Request).

4. The role of UNHCR and KFOR in the movement of persons from minority groups is set out in Annex B to this memorandum. With regard to the protection of minorities,

UNHCR will alert KFOR to situations that may require special security arrangements. In consultation with UNMIK police, KFOR will decide upon the appropriate security measures required.

5. These common approaches will ensure the most efficient use of the capacities of UNHCR, it's associated partners and KFOR. It also underlines the common commitment of UNHCR and KFOR to provide humanitarian assistance and protection in the most effective way to the people of Kosovo.

6. Future collaborative agreements can be added as Annexes to this memorandum.

For COMKFOR	For UNHCR
Dr. Olshausen	Mr. D. McNamara
DCOMKFOR	Special Envoy
(Humanitarian Affairs)	
Major-General (GB A)	

NOTES

Chapter 1

1. The study does not review the interface between militaries from within the region such as the troops of the Federal Republic of Yugoslavia or the Kosovar Albanians, on the one hand, and international military and humanitarian institutions, on the other.

2. Larry Minear and Philippe Guillot, *Soldiers to the Rescue: Humanitarian Lessons from Rwanda* (Paris: Development Centre of the Organization for Economic Cooperation and Development, 1996).

3. Ted van Baarda, "Vredesmachten en humanitarie hulp: van improvisatie naar structuur. Een pleidooi voor een raamovereenkomst," in Brig. Gen. H.J. van der Graaf, ed., *Het vredesproces in beweging, Nieuwe uitdagingen voor vredesmachten* (Nijmegen: SVV [Catholic University], 1994): 126-168.

4. Cf. "Veto Ends UN Mission in Macedonia," *Peacekeeping & International Relations* (Cornwallis, Nova Scotia, Canada: Pearson Peacekeeping Institute, March-April 1999): 11.

Chapter 2

1. The quotation is from a letter by Javier Solana to Sadako Ogata dated April 21, 1999. The High Commissioner's response of the following day, along with the earlier exchange of April 2-3, is reprinted in Chapter 10.

2. Interview, NRC Handelsblad, April 12, 1999.

3. For a description by UNHCR of the circumstances and its response, see its submission to the U.K. House of Commons International Development Committee, reprinted in the Committee's Fourth Special Report on Kosovo, dated May 11, 1999. The quotations are taken from paras. 13-14.

4. David Rieff, "The Agency that's had a bad war," *The Guardian*, June 10, 1999.

5. Fons de Poel, a Dutch journalist, in comments on Dutch television program Netwerk during the second week of the bombing.

6. Annex W to NATO AFOR OP 0 001, April 17, 1 (unclassified).

7. The EMG's contribution to the humanitarian response is the subject of two separate studies.

8. The identification and roles of a UN coordinating agency have been a recurring problem. In the Kosovo crisis as in the Bosnia emergency before it, the designation of a lead agency with coordination responsibilities vis-à-vis operational partners created problems within the aid family. Yet deputizing the UN Office for the Coordination of Humanitarian Affairs (OCHA), or, before it, the Department of Humanitarian Affairs, to coordinate activities—an ostensibly better choice because of its nonoperational nature—has proved problematic given the limited authority and resources provided by the UN and donor governments.

9. UN Security Council Resolution 1244, (9)(e).

10. KFOR Press Information Center, Pristina, Notice of Multinational Brigade North event in the town of Novo Selo [near Mitrovica] on September 20, 1999.

11. Opening Statement by the High Commissioner at the Fiftieth Session of the Executive Committee, October 4, 1999.

12. Press Release SG / SM / 7006, May 26, 1999.

13. Barbara Borst, "Retired officers pushing to aid Serbian Cities: Group's project seen opposing U.S. policy," *Boston Globe,* October 19, 1999, A2.

14. For a review of the impacts in earlier crises, see Colin Scott, Larry Minear, and Thomas G. Weiss, *The News Media, Civil War, and Humanitarian Action* (Boulder, Colo.: Lynne Rienner, 1996).

Chapter 3

1. S / 1999 / 662, paras. 13, 7.

2. Javier Ruperez, president of the North Atlantic Council, quoted in Roman Berger, "das OSZE im Schatten von Uno und Nato," *Tages Anzeiger* (July 9, 1999): 4.

3. Roberta Cohen and David A. Korn, "Refugees and Internally Displaced: Some Lessons from the Kosovo Crisis," *Refuge* 18, no. 3 (August 1999): 37.

4. Marvin Zonis, "The Balkan War's High Cost," *Boston*

Globe (July 23, 1999): A23.

5. The challenge of maintaining requisite aid levels in countries under attack recalls similar problems that often accompany the imposition of economic sanctions. Thus, "Parliaments and publics have difficulty understanding how aid ministries can provide assistance while foreign ministries are promoting isolation." Thomas G. Weiss, David Cortright, George A. Lopez, and Larry Minear, *Political Gain and Civilian Pain: Humanitarian Impacts of Economic Sanctions* (Lanham, Md.: Rowman and Littlefield, 1997): 238.

6. See, for example, Douglas Hamilton, "'No-aid' policy on Serbia divides allies," Reuters (Oct. 27, 1999, dateline Brussels). Another example is the Italian government's proposal, in reaction to the Clinton administration's opposition to the reconstruction of bridges blocking transport on the Danube, that bridge repair be deemed humanitarian.

Chapter 4

1. NATO Briefing on Kosovo at Brown University by Jerome W. Church, George Homarsky, and Pavel Hosa, March 25, 1999.

2. Annex W To NATO AFOR OP 0 001, p. 5.

3. NATO Civil-Military Coordination (CIMIC) Doctrine, AJP-09 [draft].

4. "Political and Military Objectives of NATO Action with Regard to the Crisis in Kosovo," NATO Press Release (1999) 043.

5. "Statement to the Press by the Secretary General at News Conference," NATO Press Release (1999) 045, April 1, 1999.

6. Statement on NATO's objectives issued at the Extraordinary Meeting of the North Atlantic Council [April 12] and reaffirmed by Heads of State and Government in Washington [April 23]. http://www.nato.int/kosovo/history.htm#A

7. A similar problem was flagged in Minear and Guillot, *Soldiers to the Rescue*, 37-40 and 152-154.

8. See Minear and Guillot, *Soldiers to the Rescue*, 40-42 and 154-156.

Chapter 5

1. Iain Guest, "The Humanitarian Challenge of Rebuilding Kosovo," *Talkback* (The Monthly Newsletter of the International Council of Voluntary Agencies) 1, no. 5 (August 11, 1999).

2. UNHCR submission to the House of Commons International Development Committee, reprinted in the Committee's Fourth Special report on Kosovo, May 11, 1999.

3. See Thomas. G. Weiss, ed., *Beyond UN Subcontracting: Task-sharing with Regional Security Arrangements and Service-Providing NGOs*, *Third World Quarterly* [special issue] 18, no. 3 (1997).

4. Larry Minear, Jeffrey Clark, Roberta Cohen, Dennis Gallagher, Iain Guest, and Thomas G. Weiss, *Humanitarian Action in the Former Yugoslavia: The U.N.'s Role 1991-1993* (Providence, R.I.: Watson Institute Refugee Policy Group, 1994): 83-92 and 131-133.

Chapter 6

1. For an elaboration of typology of three approaches to coordination based on a review of recent experience, see Antonio Donini, *The Policies of Mercy: UN Coordination in Afghanistan, Mozambique, and Rwanda* (Providence: The Watson Institute, 1996), especially 7-19 and 117-133.

2. See, for example, "CIMIC in East Timor," by Michael Elmquist of OCHA / Geneva, available at elmquist@un.org

3.One participant suggested that the work of the Development Assistance Committee of the Organization for Economic Co-operation and Development be reviewed and expanded.

Chapter 7

1. For a review of different approaches to cooperation between military / humanitarian institutions, see Ted van Baarda, "Vredesmachten en humanitarie hulp: van improvisatie naar structuur. Een pleidooi voor een raamovereenkomst," 126-168, an earlier-cited work by one of the authors.

2. This idea was explored at a discussion among NGOs

convened in New York on Dec. 13, 1999 by the Humanitarianism and War Project at which the findings of the present Kosovo study were examined.

3. Mention was made in Chapter 6 of the three-part typology examined in Antonio Donini, *The Policies of Mercy: UN Coordination in Afghanistan, Mozambique, and Rwanda* (Providence, R.I.: Watson Institute, 1996).

4. Larry Minear and Philippe Guillot, *Soldiers to the Rescue* (Paris: Organization for Economic Co-operation and Development, 1996).

5. "Report of the Secretary-General on the Situation in Bosnia and Herzegovina," S/24540, 10 September 1992. Para. 8ff.

6. Document A/3934, October 9, 1958, para. 158 ff.

7. Jean Pictet, "Commentary on I Geneva Convention," 1952, p. 418.

Chapter 8

1. The five objectives appear in the Statement of Kosovo issued by the NATO summit in Washington, DC on 23-24 April 1999. This slightly abbreviated version from Tony Blair's speech in Chicago on 22 April 1999 ('Doctrine of the International Community'), is available at http://www.number-10.gov.uk/public/info/index.html.

2. According to incomplete Serbian statistics based on the census taken in the Federal Republic of Yugoslavia (FRY) in 1991 (boycotted by Kosovo Albanians), of 1,954,747 Kosovo inhabitants, 1,607,690 (82.2%) were Albanians, and 195,301 (10%) were Serbs. Between 1991 and 1997 up to 500,000 Kosovo Albanians left Kosovo for Turkey, Macedonia, Switzerland and EU countries: Stefan Troebst, *Conflict in Kosovo: Failure of Prevention? An Analytical Documentation, 1992-1998,* ECMI Working Paper no. 1 (Flensburg: European Centre for Minority Issues, 1998), p. 1n.

3. A comprehensive arms embargo was imposed on the FRY in respect of Kosovo by Security Council Resolution 1160 of 31 March 1998. This resolution also expressed support for OSCE efforts for a peaceful resolution of the crisis in Kosovo. Further pressure was reflected in resolutions on 23 September

and 24 October 1998 (mentioned below).

4. See also Kofi Annan's earlier exposition of the possible necessity for intervention, with particular reference to Kosovo, in his Ditchley Foundation Lecture, 'Intervention' Ditchley Park, England, 26 June 1998 (unpublished).

5. Account of the Security Council debate, UN Press Release SC / 6659, 26 March 1999.

6. One-page FCO note of 7 October 1998, 'FRY / Kosovo: The Way Ahead; UK View on Legal Base for Use of Force'. This note states that it was being circulated 'to all our NATO allies'. See also Baroness Symons of Vernham Dean, written answer to Lord Kennet, *Hansard,* 16 November 1998, col. WA 140 (see: http://www.parliament.the-stationery-offfice.co.uk/pa/cm/cmhansrd.htm). The same basic line of UK government thinking on legal authority for military action over Kosovo can also be found in an FCO memorandum of 22 January 1999 to House of Commons Select Committee on Foreign Affairs, which made brief additional reference to the possibility that circumstances could arise in which a use of force over Kosovo would be justified in terms of individual or collective self-defence. See also the Committee's examination of Tony Lloyd on 26 January 1999.

7. For a useful recent study see Fernando R. Tesón, *Humanitarian Intervention: An Inquiry into Law and Morality,* 2nd edn. (Irvington-on-Hudson, NY: Transnational Publishers, 1997). There was reference to some modern exponents of the legitimacy of humanitarian intervention in Catherine Guicherd, 'International Law and the War in Kosovo', *Survival* vol. 41, no. 2, Summer 1999, p. 24.

8. The authoritative account is David Malone, *Decision-Taking in the UN Security Council: The Case of Haiti, 1990–97* (Oxford: Oxford University Press, 1998).

9. The FRY's case in the ICJ is proceeding slowly. On 29 April 1999 the FRY instituted proceedings against ten NATO member states, accusing them of bombing Yugoslav territory in violation of their obligation not to use force against another state. After hearings on provisional measures were held on 10-12 May, the Court handed down its decision in each of the ten cases on 2 June. It threw out two cases (those against Spain and the US) on the grounds that it manifestly lacked jurisdiction. In the eight other cases (those against Belgium, Canada, France,

Germany, Italy, Netherlands, Portugal and UK) the Court found that it lacked *prima facie* jurisdiction and could therefore not order provisional measures; but it remained seised of those cases. On 30 June, the Court decided that FRY should submit a Memorial in each of the eight cases by 5 January 2000, and the eight should each submit a Counter-Memorial by 5 July 2000.

10. President Clinton, television address, 24 March 1999, published in *The Washington Post,* 25 March 1999, p. A34; Prime Minister Blair, 'Doctrine of the International Community'.

11. Robin Cook, House of Commons debate on Kosovo, 25 March 1999, *Hansard,* cols. 537-539 (see: http://www.parliament.the-stationeryoffice.co.uk/pa/cm/cmhansrd.htm).

12. General Wesley K. Clark, Supreme Allied Commander Europe, 'When Force is Necessary: NATO's Military Response to the Kosovo Crisis', *NATO Review,* Summer 1999, pp. 16, 18. The word 'war' does not appear in this article.

13. For a powerful if not always judicious argument that the 1995 bombing had such an effect on the peace negotiations, see Richard Holbrooke, *To End a War* (New York: Random House, 1998) chapter 7, pp. 94-111.

14.Personal interviews in the US, Netherlands and the UK, March-June 1999.

15. George Robertson, House of Commons Select Committee on Defence, Hearings, 24 March 1999, at Q. 356.

16. *Ibid.,* Q. 366 and 367, in response to Mike Hancock.

17. Crispin Blunt, *ibid.,* Q. 371-374.

18. *Ibid., Q.* 376, in response to Laura Moffatt.

19. *Ibid., Q.* 390. In its context, this remark may have been compatible with a view that the land/air operation was ruled out only for the time being.

20. Nicholas Morris, 'Coping with the Kosovo Crisis', informal presentation at UNHCR headquarters, Geneva, 7 May 1999.

21. Daniel Williams, 'Brutal Conditions Enveloping Kosovo', *Washington Post,* 27 March 1999, p. Al.

22. *Ibid.,* at p. A16.

23. Mary Robinson, UN High Commissioner for Human Rights, 'Report on the Human Rights Situation Involving Kosovo', UN Commission on Human Rights, Geneva, 55th

session, 30 April 1999 (see: http://www.unhchr.ch/data.htm).

24. Sergio Balanzino, NATO Deputy Secretary General, 'NATO's Humanitarian Support to the Victims of the Kosovo Crisis', *NATO Review*, Summer 1999, p. 9.

25. Jonathan Steele, 'Confused and still in denial, Serbs have a long way to go', *The Guardian*, London, 9 July 1999, p. 9.

26. Mary Robinson, report of 30 April 1998. Subsequently, at a news conference in Montenegro on 9 May 1999, she made further statements on the subject, and notably rejected use of the term 'collateral damage'.

27. Wesley Clark, 'When Force is Necessary', p. 16. See also his more detailed discussion of targets, p. 17.

28. See especially Mark Fineman, 'Serbia's Nightmare: The Toxic Aftermath of War', *International Herald Tribune*, 7 July 1999, pp. 1, 5; and Dan Eggen, 'Bombs that Still Kill: NATO 'Duds' in Kosovo', *International Herald Tribune*, 20 July 1999, p. 4. The environmental effects of warfare have been of considerable concern in recent years, due partly to the salience of the matter in the 1990-91 Gulf War. See, for example, the study in the US Naval War College 'Blue Book' series, Richard J. Grunawalt, John E. King and Ronald S. McClain (eds), *Protection of the Environment During Armed Conflict*, US Naval War College, International Law Studies 69 (Newport, RI: Naval War College, 1996).

29. Military Technical Agreement between the International Kosovo Force (KFOR) and the government of the Federal Republic of Yugoslavia and the Republic of Serbia, concluded at Kumanovo, Macedonia, 9 June 1999 (see: http://www.nato.int); UN Security Council Resolution 1244 of 10 June 1999, which contains as annexes the statement of general principles on the political solution to the Kosovo crisis which had been issued by G-8 Foreign Ministers at their meeting at St Petersberg on 6 May 1999; and the paper presented in Belgrade on 2 June 1999 which formed the basis of the peace agreement.

30. Article 8 of 'Appendix B: Status of Multi-National Military Implementation Force', part of the final draft of the Rambouillet Accord, 'Interim Agreement for Peace and Self-Government in Kosovo', 23 February 1999; (see: http://www.balkanaction.org).

31. Article 2 of 'Agreement Between the Federal Republic

of Yugoslavia and the North Atlantic Treaty Organisation Concerning Transit Arrangements for Peace Plan Operations', part of Annex 1-A of 'General Framework Agreement for Peace in Bosnia and Herzegovina', initialed at Dayton, Ohio, 20 November 1995 (Washington DC: Office of Public Communication, US Department of State, 1996).

32. Rambouillet Accord of 23 February 1999, Framework, Article 1, and Chapter 1, preamble and Article 6.

33. Steven Lee Myers, 'NATO Air War May Have Done Less Damage Than Alliance Thought', *International Herald Tribune*, 29 June 1999, p. 4.

34. See especially William Drozdiak, 'Yugoslav Troops Devastated by Attack: B-52 Raid Leaves Forces "Pulverized", *Washington Post*, 9 June 1999, p. 19; and Jonathan Steele's report from the destroyed village of Planeja, 'Ghost Village Marks the Battle that Ended the War', *The Guardian,* 17 July 1999, p. 17.

35. See especially Patrick Wintour and Peter Beaumont, 'How NATO planned to Invade', and 'Kosovo: The Untold Story', *The Observer*, 18 July 1999, pp. 1, 2 and 13-20.

36. These factors are emphasised in accounts of the 27 May negotiations between Martti Ahtisaari, the EU's special envoy on Kosovo, Viktor Chernomyrdin, Russia's negotiator, and Strobe Talbott, US Deputy Secretary of State. See, for example, Martin Walker, 'Revealed: How Deal was Done in Stalin's Hideaway', *The Guardian,* London, 5 June 1999, pp. 1-2. On the role of Peter Castenfeld, a Swedish financier, in acting as a secret envoy to Belgrade a few days before the 3 June agreement, see John Lloyd, 'Secret Envoy Laid Ground for Deal', *Financial Times*, 14 June 1999, p. 3.

37. Chris Hedges, 'Officials Redirect Serb Rage: Russia is Now the Villain', *International Herald Tribune*, 17-18 July 1999, p. 5.

38. Milovan Djilas, *Wartime* (London: Secker & Warburg, 1977), p. 450.

39. Tony Blair, 'Doctrine of the International Community'.

40. A point made with particular force by Joseph Nye, 'Redefining the National Interest", *Foreign Affairs,* vol. 78, no. 4, July / August 1999, pp. 22-35.

APPENDIX I

PERSONS INTERVIEWED

Officials with Humanitarian Portfolios

Intergovernmental Organizations

Richard Acland	UNHCR Liaison Officer to AFOR, Tirana
Manuel Aranda da Silva	Chief, Technical Support Service, WFP, Rome
James Baron	Head of Office, ECHO, Albania, Tirana
Veronica Birga	OHCHR
Graham Blewitt	ICTY, The Hague
P. Bos	ICTY, Prizren
Claire Bourgeois	UNHCR, Mitrovica
John Campbell, Sr.	Senior Liaison Officer, UNHCR to KFOR, Pristina
Jan de Wilde	IOM, Geneva
Gerry Edmonds	KFOR Liaison Officer to UNHCR, Pristina
Michael Elmquist	Head, Military and Civil Defense Unit, OCHA, Geneva
Peter Erhardy	Report Officer, WFP, Rome
Shamsul Faarooq	Senior Programme Officer, Office of Emergency Programmes, UNICEF, NY
Jacques Franquin	Mass Information Officer, UNHCR
Harald Gaarder	WFP Airbridge Officer, Pristina
Mario Goethals	Senior Health Coordinator, UNHCR, Pristina
Stephen Green	Interagency Affairs Officer, Office of Evaluation, WFP, Rome
Sean Greenaway	Strategic Planning and Policy Analysis, ECHO
Betsy Greve	Deputy Chief of Protection, UNHCR, Pristina

Geroldine Griffin	Administrator, Office of the DSRSG, Pristina
Martin Griffiths	UN Regional Coordinator for the Balkans, Geneva
Brian Gushulak	Director, Medical Services, IOM, Geneva
Raymond Hall	Regional Delegate for Benelux and the European Institutions, Brussels
Paul Hebert	Team Leader of the UNHCR/OCHA Coordination Team in Albania and Manager of the EMG in Tirana, Albania
Jo Hegenauer, Jr.	Chief of Operations, UNHCR, Kosovo, Pristina
Marc Hiel	Desk Officer, ECHO, Pristina
Fabrizio Hochschild	Special Assistant to the Under-Secretary-General for Humanitarian Affairs, OCHA, NY
Rolf Huff	Chief Evaluation Officer, WFP, Rome
Kashka Huyton	Interagency Administrator, Office of the DSRSG, Pristina
Peter Janssen	Head of Sub-Office, UNHCR, Prizren
Craig Jenness	Deputy Head of Mission, OSCE Mission in Kosovo, Pristina
Nils Arne Kastberg	Director, Office of Emergency Programmes, UNICEF, NY
Dzidek Kedzia	OHCHR, Geneva
Randolph Kent	Head, Inter-Agency Coordination Unit, UNHCR/Chief of Coordination, UNHCR, Pristina
Martin Krottmayer	Democratisation Department, OSCE Mission to Kosovo, Pristina
Lynette Larson	OCHA, Pristina
Bernhard Le HeRissier	Military Officer to the Special Envoy, UNHCR

Sarah Longford	Policy Analyst, WFP, Rome
Mick Lorentzen	Emergency Coordinator, WFP Kosovo Program, Pristina
Matilda Lub	Assistant to the DSRSG, OSCE Mission to Kosovo, Pristina
Luca Lupoli	OHCHR
Francois Marillet	UNHCR, Prizren
David McLachlan-Karr	OCHA, NY
Dennis McNamara	DSRSG for Humanitarian Affairs and Special Envoy of the UNHCR, Pristina
Sandra Mitchell	Director of Human Rights, OSCE Mission to Kosovo, Pristina
Erin Mooney	Assistant to the Representative of the Secretary-General on IDPs, OHCHR, Geneva
Nicholas Morris	Special Envoy of the UNHCR
Claudia Moser	Field Coordinator, OSCE Mission in Kosovo, Pristina
Tun Myat	Director, Resources & External Relations Division, WFP, Rome
Margaret Nicholson	Senior External Relations Officer, UNHCR, Pristina
Mary Njoroge	Junior Professional Officer, WFP, Rome
William G. O'Neill	Special Advisor on Human Rights to the SRSG, Pristina
Kenro Oshidari	Special Representative and Regional Manager for the Balkans, WFP, Pristina
Ron Redmond	UNHCR Press Officer
David Riley	Head of Mission, UNHCR, Pristina
Deborah Saidy	Senior Policy Analyst, WFP, Rome
Peter Schatzer	Director, External Relations and Information, IOM, Geneva
Karuko Seki	UNHCR Coordination Unit

George Service	Military Advisor to the Special Envoy, Pristina
Astri Suhrke	Senior Research Fellow, Chr. Michelsen Institute, Head of UNHCR Evaluation Team, Geneva
Daniel Tarantola	Senior Policy Advisor to the Director-General, WHO
Amina Tirana	Information Coordinator, EMG, (OCHA), Albania, Tirana
Nicholas Tremblay	Programme Officer, WFP, Rome
Astrid van Genderen	UNHCR, Pec
Michael Van Winden	OHCHR
Ben Verbeke	Water and Sanitation Project Officer, ECHO, Albania, Tirana
Wilbert von Hovell	Deputy to the Special Envoy, Pristina
Claudia von Roehl	Senior Resources Mobilization Officer, WFP, Rome
Marcus Werne	OCHA, Pristina
Alan Wilkinson	Director, Office of Evaluation, WFP, Rome
Genevieve Wills	WFP, Mitrovica
Neill Wright	UNHCR Liaison to the Military, Geneva
Mary Wyckoff	OHCHR, Pristina

Governmental Organizations

John C. Acree	Senior Planning Advisor, EMG, Tirana
Patty Culpepper	Refugee Coordinator, Depart ment of State, U.S. Embassy, Skopje, Macedonia
Marco Ferrari	Head of Multilateral Division, Humanitarian Aid, Swiss Development Cooperation, Ministry of Foreign Affairs, Bern

Walter Fust	Director, Swiss Development Agency, Bern
Lt. Michael Gray	Action Officer for Civil-Military Contingency Planning for Global Issue, PRM, U.S. Department of State
Norman Hastings	PRM, U.S. Department of State, Washington, D.C.
Douglas Hunter	PRM, U.S. Department of State, Washington, D.C.
Kastriot Islami	Special Coordinator for Humanitarian Aid, EMG, Office of the Prime Minister, Albania
Ron Liddy	Consultant, OFDA, USAID, Washington, D.C.
Mike Madesian	Deputy Assistant Administrator, BHR, USAID
John E. McAteer	PRM, U.S. Department of State, Washington, D.C.
D. Oldorff	GTZ, Prizren
Julia V. Taft	Assistant Secretary of State for PRM, U.S. Department of State, Washington, D.C.
Paul Weber	Head of GTZ for Kosovo, Prizren
Roy Williams	Director, OFDA, Washington, D.C.

Nongovernmental Organizations

George Biddle	ICG, Washington, D.C.
Jim Bishop	Director, Humanitarian Response, InterAction, Washington, D.C.
Nan Buzard	Project Manager, The Sphere Project, Geneva
Olivier David	CARE International, Mitrovica
Austin Davis	MSF-Holland, Amsterdam
Lemma Degefa	Emergency Officer, LWF, Geneva
Josh DeWald	Mercy Corps, Pec/Peya

Wil de Wolf	Caritas Neerlandica
Thomas Falcheta	UN Liaison Officer, NY, Amnesty International
John Fawcett	ICG, Washington, D.C.
Elizabeth Ferris	Executive Secretary, International Relations, WCC, Geneva
Nick Ford	Country Director, Macedonia, CRS
Mike Godfrey	Interim Kosovo Country Program Director, CARE International, Pristina
Margaret Green	IRC, Pristina
Marcel Grossman	IRC Country Director, Macedonia
G. Hanau	Order of St. John, Prizren
Dan Hess	MCC, Tirana
Evanna Hess	MCC, Tirana
Terry Hezelius	Kosovo Program Director, MCI; Chair of NGO Consortium, Pristina
Wolfgang Jamann	World Vision, Germany
Vincent Janssens	MSF-Belgium
Sibylle Kapferer	Lawyers Committee for Human Rights, NY
Wouter Kok	MSF – Holland
Jean Laprade	IRC Pristina
Iain Levine	UN Liaison Office, Amnesty International, NY
Nancy Lindborg	MCI, Washington, D.C.
Heather Macleod	World Vision, Albania and Kosovo
Kaanaeli Makundi	Coordinator for Programme Implementation, LWF, Geneva
Richard Markowski	Mercy Corps, PecPeya
Joel McClellan	Steering Committee for Humanitarian Response, Geneva
Deborah McWhinney	Acting CARE Country Director, Albania, Tirana
Helena Meyer	LWF, Geneva
Jason Miko	Country Director, MCI, Macedonia

Anna Minkiewicz	Dutch Interchurch Aid
Alex Parisel	MSF-Belgium
Wim Piels	Caritas Neerlandica
Tim Pitt	Head of MSF Mission in Kosovo, and MSF Rep. to KFOR
Charles Radcliffe	Director, Policy and Communications, ICG, Washington, D.C.
Steve Semety	MCI, Pec / Peya
Jan Shaw	Person for Protection, Save the Children, Pristina
Klaasje Staal	MSF-Holland, Mitrovica
Chris Sykes	Emergency Response Coordinator, CARE, Pristina
John Telford	Consultant, Pristina
Maarten ter Kulve	MSF-Holland
MarcusThompson	Oxfam-UK,Oxford
Jacky Tony	MSF-Belgium, Mitrovica
Wilna van Aartsen	MSF-Holland
Joep van Zijl	Caritas Neerlandica
Rudy von Berneuth	Vice President for Operations, Save the Children, U.S.
Ulrieke von Pilar	MSF-Germany, Bonn

The Red Cross Movement

Frances Amar	Head, ICRC, International Organizations Division, Geneva
Edith Baerisyl	Head of Mission, ICRC, Pristina
Christopher Beney	Acting Head of Mission, ICRC, Kosovo, Pristina
J.A.J. de Graaf	Netherlands Red Cross
Pierre Kraehenbuehl	Head of Operations, ICRC, Central and South-Eastern Europe, Geneva
Béatrice Megevand-Roggo	Head of Operations, ICRC, Western Europe and North America, Geneva
Francois Stamm	Head of Delegation, ICRC, Macedonia

Susannah Swann	Deputy Head of Mission, ICRC, Pristina
Peter Walker	IFRC, Geneva
Francois Zen Ruffinen	Liaison to UNMIK, OSCE and NATO, ICRC, Pristina

Officials with Military/Political Portfolios

Intergovernmental Organizations

Manoel Almeda y Silva	Deputy Spokesperson of the UN Secretary-General, UN, NY
O. Bækken	Assistant Secretary General,
NATO	HQ, Brussels
Lt. Col. Bos	AFOR Liaison to EMG
Brig. Gen. T. Cross	KFOR, Northern Macedonia
P. Feith	NATO HQ, Brussels
Patrick Fox	UNMIK
Gen. Michael Jackson	KFOR
Angela Kane	Director, Americas and Europe Division, DPA, NY
Bernard Kouchner	UNMIK, Pristina
Alexandre Matsouka	Political Affairs Officer, DPA, NY
Bernard Miyet	Under-Secretary-General for Peace-keeping Operations, UN, NY
Oseloka H. Obaze	Political Affairs Officer, DPA, NY
Stephen Orosz	NATO HQ
Mark Richmond	UNMIK/UNESCO Education Officer
Evert G.J. Somer	NATO HQ

Governmental Organizations

Lt. Col. Ahlbrecht	KFOR MNB SOUTH, Prizren (Germany)
Lt. Col. Barry Barnwell	Royal Marines, CIMIC office, KFOR MAIN, UK Civil Affairs Group, CIMIC Centre, Pristina

Maj. Bauer	KFOR MNB SOUTH, Prizren (Germany)
Lt. Col. Robin Clifford	Chief Press Information Officer, KFOR, Pristina
Lt. Col. Damen	Neth. Cont. Co., Petrovec, Skopje
Adj. Danier	KFOR MNB NORTH, Mitrovica (Belgium)
Lt. Pierre Dubas	KFOR MNB NORTH, Mitrovica (France)
Lt. Col. F. Dürst Britt	KFOR MNB SOUTH, Prizren (Netherlands)
Capt. Ray Eiriz	Joint-Operation Centre, SHAPE
Col. Frandin	KFOR MNB NORTH, Mitrovica (France)
Lt. Col. Paolo Fregosi	G-9 CIMIC, KFOR, COMMZ-West, Tirana
Col. Koen A. Gissbers	C-1 (NL) Engineer Relief Battalion, KFOR-Dutch Forces, Prizren
Col. Hess	KFOR MAIN
Amb. Christopher Hill	Former U.S. Ambassador to Macedonia
Maj. M. Huijskens	KFOR MNB SOUTH, Prizren
Major Mark Huiskes	Chief of Section of Battalion 1 (NL), Engineer Relief Battalion
Col. Humblot	KFOR MNB NORTH, Mitrovica (France)
Lt. Col. Kilch	KFOR MNB SOUTH, Prizren (Germany)
Lt. Col. Körber	KFOR MNB SOUTH, Prizren (Germany)
J. Kraak	Netherlands Permanent Mission to NATO
Maj. Moors	KFOR MNB NORTH, Co. Belgian det., Leposevac
James Schear	Deputy Assistant Secretary of Defense for Peacekeeping and Humanitarian Assistance, DOD, Washington, D.C.

Ray Schnider	Deputy Chief of Mission, U.S. Embassy, Tirana
Lt. Col. Schover	KFOR MNB SOUTH, Prizren (Netherlands)
Maj. Seidel	KFOR MNB SOUTH, Prizren (Germany)
Col. Selles	KFOR MAIN
Capt. Speth	KFOR MNB SOUTH, Orahovac (Netherlands)
C. Stonecipher	U.S. Embassy, Skopje, Macedonia
Cmdr. Thomas J. Taylor	U.S. Navy, NATO Liaision to UN DPKO, NY
Lt. Col. Joe Tedesco	U.S. Army, Joint Logistics Staff Officer, Washington, DC
Col. Teewissen	Netherlands Military Mission to NATO
Major K. Tomkos	G-9 CIMIC, KFOR COMMZ-West, Tirana
Brig. Gen. H. Van Bokhoven	Neth. Cont. Co., Petrovec, Skopje
Lt. Col. Van den Broeke	Neth. Cont. Co., Petrovec, Skopje
Lt. Col. J. Van der Woerdt	Netherlands MoD
Maj. Van Geldere	KFOR MNB SOUTH, Prizren (Netherlands)
Lt. Col. T. van Loon	KFOR MNB SOUTH, Orahovac (Netherlands)
Adj. Van Vasselaer	KFOR MNB NORTH, Mitrovica (Belgium)
Robert Von Lanschot	Dutch Foreign Ministry Official, Kosovo Office
John Zavales	Assistant for Regional Programs, Office of the Deputy Assis tant Secretary of Defense for Peacekeeping and Humani tarian Assisistance, DOD

APPENDIX II

WORKSHOP PARTICIPANTS

The Netherlands Ministry of Foreign Affairs
The Hague, November 15-16, 1999

Chair
Prof. Philip Alston
European University Institute
Florence, Italy

Keynote Speaker
Prof. Adam Roberts
Balliol College
Oxford, United Kingdom

Participants
Lt. Col. Barry Barnwell
HQ RMR Scotland
(RM Civil Affairs)
Govan Glasgow, United Kingdom

Susan Blankhart
Ministry of Foreign Affairs
The Netherlands

Graham T. Blewitt
International Criminal Tribunal for the former Yugoslavia
The Hague, The Netherlands

Lt. Col. Frits T. Dürst Britt
KFOR / Multinational Brigade South
Brig. General Timothy Cross
Hants, United Kingdom

Daan Everts
Organization for Security and Cooperation in Europe
Pristina, Kosovo

Lt. Col. A.A. Edwards
Civil Affairs Group
Camberley, United Kingdom

Captain Ray Eiriz
SHAPE/SACEUR
SHAPE/OPS/JOC J9
Mons, Belgium

Marco Ferrari
Head of Multilateral Division, Humanitarian Aid
Swiss Development Cooperation
Ministry of Foreign Affairs
Bern, Switzerland

Nicholas Ford
Country Director
Catholic Relief Services
Skopje, Macedonia

Helena Fraser
Office for the Coordination of Humanitarian Assistance
New York

Lieutenant Michael Gray
Action Officer for Civil-Military Contingency Planning for Global Issues
Bureau of Population, Migration, and Refugees
U. S. Department of State
Washington, D.C.

Terry Heselius
Kosovo Program Director
Mercy Corps International
Pristina, Kosovo

Marguerite Houze
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APPENDIX III

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APPENDIX IV

ABOUT THE AUTHORS AND COLLABORATING INSTITUTIONS

Larry Minear is co-founder and, since September 1998, director of the Humanitarianism and War Project at Brown University. He has worked on humanitarian and development issues since 1972, when he directed a refugee resettlement program in the southern Sudan. From 1974 to1991 he headed the advocacy office in Washington, D.C. of Church World Service and Lutheran World Relief. Over the years he has served as a consultant to United Nations organizations, governments, and NGOs. He has conducted research in many recent humanitarian emergencies and has written extensively for general and specialized audiences.

Dr. Marc Sommers has worked on issues ranging from humanitarian coordination and civilian-military relations to emergency education and the impact of war on children and youths. A research fellow at Boston University's African Studies Center, he has served as a consultant for a wide range of agencies, including Oxfam America, UNESCO, the UN Office of Humanitarian Affairs, the U.S. Department of Defense, and the Women's Commission for Refugee Women and Children. His research has been supported by the Ford, Guggenheim, Mellon, and Rotary foundations. His forthcoming publications include *Fear in Bongoland: Burundi Refugees in Urban Tanzania* and a monograph on humanitarian coordination, co-written with Larry Minear, to be published by Berghahn Books and the Humanitarianism and War Project, respectively.

Dr. Ted A. van Baarda is director of the Humanitarian Law Consultancy in The Hague. He studied international public law at Leyden State University and completed his thesis at the University of Twente in 1992 on the subject of colliding human rights. In 1993 to 1994 he served as General Secretary of the Conference on the Rights of Children in Armed Conflict and subsequently organized a conference on civil-military coop-

eration. He teaches at the Military Staff College (Instituut Defensie Leergangen Ypenburg) near The Hague and, on an occasional basis, at the Netherlands Institute on International Relations "Clingendael." He has written widely in journals and the popular media on issues of international law and morality.

The Humanitarianism and War Project

The Humanitarianism and War Project is an independent policy research initiative underwritten by some 50 UN agencies, governments, NGOs, and foundations. Since its inception in 1991, it has conducted thousands of interviews in and on complex emergencies around the world, producing an array of case studies, handbooks and training materials, books, articles, and opinion pieces for a diverse audience of humanitarian practitioners, policy analysts, academics, and the general public.

The Project is currently examining the process of institutional learning and change among humanitarian organizations in the post-Cold War period. Recognizing that humanitarian agencies nowadays are not only in greater demand but are also experiencing greater difficulty in carrying out their tasks, the Project is highlighting innovative practices devised by individual agencies to address specific challenges.

Current research builds on case studies conducted to date, both geographical (the Persian Gulf, Central America and the Caribbean, Cambodia, the former Yugoslavia, the Great Lakes Region, and the Caucasus) and thematic (the interface between humanitarian action and peacekeeping and the roles of the media and the military in the humanitarian sphere). Research is tailored to the expressed needs of humanitarian organizations, the primary constituency of the project, generating materials designed for reflection and training purposes. Findings and recommendations are also being followed with interest by the project's other main constituencies: policymakers and academics.

Intergovernmental organizations that have contributed to the Project are the European Community Humanitarian Office (ECHO), International Organization for Migration, OECD

Development Centre, UNDRO, DHA, OCHA, UNDP, UNHCR, UNICEF, UNITAR, the UN Special Emergency Program for the Horn of Africa, UN Staff College, UN University, UN Volunteers, WFP, and WHO.

NGO contributors are the American Red Cross, CARE-US, Catholic Relief Services, Danish Refugee Council, International Center for Human Rights and Democratic Development (Canada), International Federation of Red Cross and Red Crescent Societies, International Orthodox Christian Charities, International Rescue Committee, Lutheran World Federation, Lutheran World Relief, Mennonite Central Committee (U.S.), Mennonite Central Committee (Canada), Mercy Corps International, the Nordic Red Cross Societies, Norwegian Refugee Council, Oxfam-UK, Save the Children-UK, Save the Children-US, Trócaire, and World Vision-US.

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The project is an activity of Brown University's Watson Institute for International Studies, which was established in 1986 to facilitate analysis of global problems and to develop initiatives to address them. Additional information about the institute and the project may be found at www.brown.edu / Departments / Watson_Institute / H_W.

The Humanitarian Law Consultancy

Since its founding in 1995, the Humanitarian Law Consultancy has offered legal and ethical advice on international humanitarian and criminal law and related subjects. It serves the needs of armed forces by providing occasional lectures and ongoing training at various levels. The Consultancy also works with relief agencies, many of whom while confronting legal and ethical dilemmas are not in a position to

retain full-time counsel on their staffs. It offers consultative services in the review of project proposals from a legal and ethical perspective.

Based in The Hague, the Consultancy serves as a representative to, and monitors the work of, the international judiciary, including the International Court of Justice and the International Criminal Tribunal for the Former Yugoslavia.