

CRS Report for Congress

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Kosovo and U.S. Policy

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Summary

Kosovo, a region in southern Serbia, has been the focal point of bitter struggles between Serbs and Albanians for centuries. Leaders of the ethnic Albanian majority in Kosovo say their people will settle for nothing less than complete independence for their region, while almost all Serb political leaders have been adamantly opposed to Kosovo's independence or even a substantial grant of autonomy to Kosovo. Conflict between ethnic Albanian rebels and Serb police has resulted in over 300 deaths since late February 1998. The United States has spoken out repeatedly against human rights abuses in Kosovo, but does not support Kosovar demands for independence, only an "enhanced status" within the Serbia-Montenegro (the Federal Republic of Yugoslavia) that would include meaningful self-administration. The United States and its allies in the international Contact Group (the United States, Russia, Germany, France, Britain and Italy) have used a "carrot-and-stick" approach of sanctions and inducements to stop Serb attacks against civilians and get the two sides to the negotiating table. NATO is reportedly examining options to use force against Serbia-Montenegro if diplomacy and sanctions fail. This report will be updated as events warrant.

Background

Kosovo, a region in southern Serbia, has a population of 2 million and is one of the poorest regions of the former Yugoslavia.¹ It has been the focal point of bitter struggles between Serbs and Albanians for centuries. Serbs view Kosovo as the ancient cradle of Serbian civilization. Albanians point to the fact that they make up over 90 percent of the current population of the area. In 1989 and 1990, the Serbian parliament passed amendments to the Serbian Constitution that eliminated the wide-ranging autonomy Kosovo had enjoyed under the 1974 Yugoslav Constitution. These actions touched off protests and riots among ethnic Albanians that were suppressed by Serbian security forces, with the loss of dozens of lives. Many ethnic Albanians were fired from their jobs. Serbian police arrested thousands of ethnic Albanians for allegedly engaging in nationalist

¹Albanians spell the name of the region as "Kosova." The Serbian spelling "Kosovo" is used by U.S. officials, as well as by most U.S. and international media.

activities, often beating them brutally and occasionally fatally. For their part, ethnic Albanians pursued a policy of non-violent resistance to Serbian actions. They boycotted Serbian-held structures and built their own parallel set of political, economic and social institutions. On October 19, 1991, the Kosovo parliament proclaimed the region's independence. In May 1992, Kosovars elected a president and 130-member parliament. Ibrahim Rugova was elected as president. His Democratic League of Kosovo (LDK) is the dominant political force among ethnic Albanians in Kosovo. The parallel parliament and government have been prevented from functioning in Kosovo by Serb police. On March 22, 1998, Rugova and the LDK-dominated parliament were re-elected against weak opposition.

For almost a decade, Kosovar leaders looked to the international community to improve their situation. However, after the Dayton peace talks produced agreements on Bosnia and Croatia in November 1995, but not Kosovo (and international sanctions against Serbia-Montenegro were lifted), some Kosovars may have concluded that Rugova's policy of non-violence and seeking international support for Kosovo has been a failure, and turned to violence.

Current Situation

In the past two years, a shadowy group called the "Kosovo Liberation Army" (KLA) has claimed responsibility killing Serb policemen and other officials, as well as alleged ethnic Albanian "collaborators."

Anarchy in neighboring Albania last year gave the KLA the opportunity to acquire weapons. Funding for the KLA reportedly comes from ethnic Albanians abroad, chiefly in Germany and Switzerland, but also in the United States.

Long-simmering tensions have exploded into large-scale violence since late February 1998, resulting in over 300 deaths, according to press reports. Serbian paramilitary police forces have attacked villages which they claim harbor members of the Kosovo Liberation Army. Press reports from the scene suggest that Serb forces have engaged in atrocities against civilians. Serbian special police units continue to conduct operations against alleged KLA strongholds. The KLA continues to conduct hit-and-run attacks on Serbian police. Press reports say that the number of armed ethnic Albanian



Serbia and Montenegro

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rebels appears to be increasing rapidly, and Serbian police and Yugoslav army units have been heavily reenforced. In late April 1998, Serbian police and Yugoslav military forces said they had repulsed attempts by ethnic Albanians to enter Kosovo from Albania with large supplies of weapons and ammunition. The Yugoslav army has accused Albania of aiding these rebel gun-running efforts, and has reportedly stationed large numbers of troops with heavy weapons close to the border with Albania.

A massive Serbian offensive in late May and early June against ethnic Albanian villages areas of Kosovo near the Albanian border has caused scores of deaths and the flight of over 65,000 people from their homes, including several thousand who fled to Albania and the Former Yugoslav Republic of Macedonia (FYROM). Military observers say that Serbian forces are attempting to clear border areas of civilians who could support Kosovar rebels operating in the area. Kosovar guerillas have reportedly been hampered by a lack of training and effective central leadership, as well as costly efforts to seize and hold villages and roads against greatly superior Serb firepower.

After prodding by U.S. envoys Richard Holbrooke and Robert Gelbard, Rugova agreed to open talks with Serbian authorities without the presence of an international mediator, which the Kosovars had previously demanded and Serbian authorities had ruled out. On May 15, Yugoslav President Slobodan Milosevic met with Kosovar leader Ibrahim Rugova for the first time since the collapse of the former Yugoslavia. They agreed to regular weekly meetings of lower-level Serbian and Kosovar delegations. After an initial meeting on May 22, the talks were suspended after the renewed Serb offensive in late May 1998.

The positions of the two sides on Kosovo's status are far apart. The Kosovars insist that they will insist on nothing less than independence for Kosovo, which many Kosovar see as a stepping-stone to unification with Albania. Serb officials are opposed to granting substantial autonomy to Kosovo, such as it enjoyed before Milosevic abolished it in 1989-1990. If the talks are to be successful, observers say the two sides may have to reach agreement on smaller steps to build confidence and reduce tensions in the province, before resolving the seemingly intractable question of Kosovo's ultimate status. During a May 29 visit to the United States with Rugova and other Kosovar leaders, Kosovar negotiator Veton Surroi hinted at such an approach, saying at this stage the most important thing is not to settle the final status of Kosovo, but to give people there "the power...to determine their fate" through "moves toward democratic institution-building."

Rugova's agreement to open unconditional talks with Serbian authorities is highly controversial among ethnic Albanians in Kosovo, but his personal standing as their leader appears intact at present. However, if the talks do not produce significant Serbian concessions, Rugova, the LDK, and the non-violent approach they represent could lose more political ground to the KLA. If this occurs, it could make negotiating a settlement more difficult, given the KLA's shadowy organization and uncompromising rhetoric. Another problem is that it is unclear whether Rugova could "deliver" an end to KLA attacks in exchange for possible Serb concessions, since the KLA is not represented at the talks and does not appear to have close links with the LDK leadership.

U.S. Policy

During a May 6, 1998 hearing of the European Affairs Subcommittee of the Senate Foreign Relations Committee, Robert Gelbard, the chief envoy for U.S. policy toward the former Yugoslavia, said that the United States favors neither the status quo in Kosovo nor independence for the province. He sharply condemned Serbian police violence in Kosovo. In March 1998, the United States offered a \$1.075 million contribution to the Yugoslav war crimes tribunal, of which \$400,000 would be earmarked to investigate possible war crimes committed by Serbian police in Kosovo. Gelbard said that the United States favors an "enhanced status" within the FRY that would include "meaningful self-administration."

In addition to concerns about human rights, Administration officials have also raised concerns that if conflict broke out in Kosovo, a chain reaction of conflict might engulf the entire region. Ethnic cleansing against Albanians in Kosovo could cause Albania or volunteers from Albania to intervene, although many observers note that the Albanian government appears to be too weak to offer any effective assistance to the Kosovars. Alternatively, the Yugoslav army could enter Albania in hot pursuit of KLA rebels. In either case, the outcome could be the shattering of Albania's fragile stability. FYROM, where ethnic Albanians make up at least 22% of the population as a whole and a majority in areas bordering on Kosovo and Albania, could also be destabilized. If FYROM fell apart, Greece, Bulgaria and Turkey might become involved, some have asserted.

In order to prevent "spillover," President Bush warned Milosevic in late December 1992 that the United States would use force if ethnic cleansing was carried out in Kosovo. This warning was reiterated by President Clinton when he took office in 1993. However, in Congressional hearings since the outbreak of the current crisis in February 1998, Administration officials have declined to publicly confirm or deny the continued validity of the warning. (For more information on the possibility of conflict spillover and international efforts to prevent it, see *Macedonia: Conflict Spillover Prevention*, by Julie Kim, CRS Report 98-333.) U.S. officials are also concerned that an expanded conflict in the southern Balkans could create a political climate that would set back U.S.-led efforts to create a self-sustaining peace in Bosnia.

The United States conditions the restoration of full diplomatic relations with Serbia-Montenegro in part on "progress toward resolving the situation in Kosovo," as part of an "outer wall" of sanctions. The "outer wall" also includes admission of Serbia-Montenegro to international organizations, such as the United Nations, the Organization for Security and Cooperation in Europe, the World Bank, and the International Monetary Fund.

The United States has played a leading role in efforts of the international Contact Group (composed of the United States, Britain, France, Germany, Italy and Russia) to deal with the Kosovo crisis. The Contact Group has condemned Serbian police violence, as well as acts of violence and "terrorism" by KLA rebels. The group has repeatedly expressed its opposition to independence for Kosovo, and supports "an enhanced status for Kosovo within the FRY" including a "substantially greater degree of autonomy" that would include "meaningful self-administration."

In response to the violence in Kosovo, the Contact Group has agreed not to supply the FRY with equipment that could be used for repression. The group also called for the imposition of a U.N. arms embargo against the FRY. A U.N. Security Council Resolution to this effect was approved on March 31 (Resolution 1160). In addition, all of the Contact Group countries except Russia have imposed additional sanctions against Serbia and/or the FRY. These include denying visas to senior FRY and Serbian officials; not supplying government-financed credits for trade and investment to Serbia; freezing Serbian government and FRY government assets abroad; banning new private investment in Serbia; and barring landing rights in their countries to Yugoslav airlines. U.S. and other Contact Group countries have said they want to minimize the impact of sanctions on Montenegro. Montenegrin leader Milo Djukanovic has condemned Milosevic's policy in Kosovo and is pushing for stronger ties with the West.

In its most recent statement on June 12, the Contact Group demanded that the FRY stop violence and repression by its security forces against civilians in Kosovo; allow access to Kosovo for international humanitarian organizations; permit Kosovar refugees to return to their homes; make "rapid progress" in its dialogue with the Kosovar Albanian leadership; and permitting OSCE monitoring and mediation in Kosovo. The group warned that if the FRY does not commit to the implementation of these demands in full, "further measures" might be taken, "including those that may require the authorization of a United Nations Security Council Resolution," a formulation most observers believe is a reference to the use of force. The Contact Group also said that it will work with countries in the region to deny material and financial support to the KLA, and has called on the Kosovar political leadership to make clear its rejection of violence.

NATO defense ministers, meeting in Brussels on June 11, agreed to conduct NATO air exercises in Albania and FYROM as a warning to Serbia-Montenegro to stop its attacks on civilians in Kosovo. These exercises were carried out on June 15. The defense ministers also tasked NATO military staff to accelerate planning for NATO's military options to stop the fighting in Kosovo. According to German Defense Minister Volker Ruehe these options include a no-fly zone over Kosovo; imposition of a heavy weapons exclusion zone in Kosovo; air attacks against Serbian police and Yugoslav army installations in Kosovo and the rest of Serbia; and, as a last resort, the possible insertion of ground troops into Kosovo.

The United States and Britain are seeking approval of a U.N. Security Council resolution permitting NATO to use force in Serbia if necessary. Russia remains strongly opposed to economic sanctions or military action against Serbia-Montenegro, and could veto a resolution that would permit force to be used in Kosovo. U.S. officials say that such a resolution would be preferable, but not absolutely necessary for NATO countries to take military steps against Serbia-Montenegro. German Foreign Minister Klaus Kinkel says a resolution is essential (although Ruehe disagrees). France also says a resolution is required, as does Italy and many other European NATO countries.

Congressional Action

Congress has voiced opposition to Serbian repression in Kosovo and has conditioned the lifting of U.S. economic sanctions against Serbia-Montenegro on the Kosovo issue. Section 540A of the FY1996 foreign operations appropriations law (P.L. 104-107) prohibited the President from lifting economic sanctions against Serbia-

Montenegro unless the President certifies that there has been progress toward self-government for Kosovo. The President was permitted to waive the provision if he certified to Congress that it was needed to meet "emergency humanitarian needs" or to achieve a Bosnian peace settlement. This provision was not applied in practice, since the President suspended sanctions against Serbia-Montenegro on December 27, 1995, in exchange for Belgrade's support for the Bosnian peace agreement, and only signed P.L. 104-107 on January 29, 1996. On July 29, 1996, the House passed H.Con.Res. 155 by voice vote. The sense-of-the-House resolution included a provision stating that the "outer wall" of sanctions against Serbia-Montenegro should remain in place until "the situation in Kosovo is resolved." The FY1997 Foreign Operations appropriations law (contained in P.L. 104-208) included a provision identical to Section 543 of P.L. 104-107. The President waived this provision on May 30, 1997. No similar provision was included in FY1998 legislation.

On March 18, 1998, the House passed H.Con.Res. 235. The sense-of-Congress resolution condemns Serbian police actions in Kosovo; says no U.S. or international sanctions in place against the FRY should be terminated unless it would improve the situation in Kosovo; that the United States should consult with other countries on reimposing sanctions already lifted if repression continues; that Montenegro should be excluded from sanctions to the extent possible; that Kosovo's elections should be allowed to proceed; that humanitarian organizations should be allowed into Kosovo; that the education agreement be implemented immediately; that Kosovar leaders should begin a dialogue without preconditions with Belgrade; that the staff of the USIA office in Pristina be increased; that OSCE monitors be allowed into Kosovo; and that the U.N. Security Council should consider actions to halt Belgrade's repression in Kosovo. On the same day, the Senate unanimously approved S. Con. Res. 85. The sense-of-Congress resolution condemns Serbian police violence in Kosovo and calls for a freeze on Serbian and FRY government assets if Serbia-Montenegro does not comply by March 25 with the demands laid out in the March 9 Contact Group statement.

Some members of Congress may favor the use of force in Kosovo if the violence continues. On June 11, Representative Eliot Engel and a bipartisan group of 36 other Members of Congress said they were sending a letter to President Clinton expressing support for NATO's planning for a possible military response to the fighting in Kosovo. On June 8, Senator Trent Lott said that the United States might have to take "drastic actions" to prevent "the same sort of disaster happening in Kosovo that you had in Bosnia," but said that it was "premature" to discuss deploying troops in Kosovo. Other Members of Congress are opposed to U.S. military engagement in Kosovo. During debate on S. Con. Res. 85 in March, Senator James Inhofe said that "many of us who are supporting this resolution who will oppose any future attempt to send any type of military operation into Kosovo."