The failure to protect minorities in Post-War Kosovo

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Introduction
On 16 November 1999, the Belgrade office of the United Nations High Commissioner for Refugees (UNHCR) announced that approximately 240,000 persons from Kosovo are now displaced in Serbia and Montenegro. That shocking statistic and the dozens of murders and kidnappings that lie behind it underscore the magnitude of the international community’s failure to protect minorities in Kosovo. And a failure it most certainly is: most of the exodus occurred in the five weeks following the initial entry of around twenty thousand NATO troops into Kosovo, and continued as thousands more NATO troops were deployed along with hundreds of international police and civilian personnel from UNHCR, the United Nations interim authority in Kosovo (UNMIK) and the Organization for Security and Cooperation in Europe (OSCE).

There seems little prospect that most of those who have fled Kosovo will ever return to the province. Experience from elsewhere in the former Yugoslavia indicates that displaced persons rarely return to their former areas of residence, especially if they will be in a minority. Four years after the Dayton peace agreement ended the war in Bosnia and Hercegovina, more than 800,000 Bosnians remain internally displaced and unable to return to their homes. Fewer than 40,000 persons have returned to areas where they are now in the minority. In Croatia, fewer than 40,000 of the more than 300,000 Serbs who fled the country in 1995 following Croatian military operations against Serb rebels in Western Slavonia and the Krajina have returned to Croatia. Although around 30,000 internally displaced Croatian Serbs have returned to their areas of origin since 1996, a similar number have fled the country. Similarly, few of the 60-70,000 Bosnian Serb residents of Sarajevo who fled violence and harassment in the spring of 1996 following the departure of Serb forces have returned. Experience from these neighboring countries strongly suggests that the only effective means of responding to forcible displacement is to prevent it from occurring in the first place.

The inability of the international military, police, and civilian agencies in Kosovo to protect minority populations, and thereby inhibit displacement is...
especially stark given the huge financial, political, and human cost dedicated to ending the murder and expulsion of Kosovar Albanians. Moreover, the failure has far-reaching implications. The huge post-war exodus of minorities occurred in a territory which has received more diplomatic and military attention and economic resources during 1999 than any other conflict or post-conflict area in the world. If the international community is incapable of halting post-conflict harassment, arson, looting, kidnaping, and murder of minorities with the resources and political will available in Kosovo, what can it realistically expect to achieve in locations that do not benefit from such a focus? This article attempts to describe the pattern of human rights abuses against and displacement of minorities and to assess the international response to them in the five months since the NATO-led Kosovo Force (KFOR) entered Kosovo on 12 June, and asks what, if anything, could have been done by the international community to limit those abuses.

Background
Any analysis of post-conflict Kosovo must begin with the events that led to the deployment of an international peacekeeping mission to the province. For most of the decade that followed the 1989 rescission of Kosovo’s status as an autonomous province within the then Socialistic Federal Republic of Yugoslavia, violent repression by the Serbian state was met with non-violent resistance by the province’s majority Albanian population. In the latter part of the 1990s, however, an armed resistance movement against the Serbian security forces known as the Kosovo Liberation Army (KLA) began to develop in the Drenica region of central Kosovo. KLA violence targeting Serbian police and state institutions (and in some cases Serb civilians) resulted in a disproportionate response from the Serbian authorities, including large-scale displacement of Albanian civilians from villages and a number of massacres of civilians during 1998.

An October 1998 agreement between Yugoslav President Slobodan Milosevic and American Envoy Richard Holbrooke to halt the violence (the so-called 'Holbrooke' agreement), allowed the deployment of an OSCE verification mission in Kosovo. The OSCE mission curtailed but did not end the killing of hundreds and displacement of tens of thousands of Albanian civilians in the province or the activities of the KLA. The failure of Serbian security forces to respect the Holbrooke agreement and the unwillingness of President Milosevic to accept the terms offered at the January 1999 peace conference in Rambouillet, France, led to the withdrawal of the OSCE mission in March. A massive NATO bombing campaign against targets in Serbia and Kosovo, including Belgrade, began days later. At the same time Serbian security forces aided by paramilitaries and civilians launched a brutal campaign of 'ethnic cleansing' in Kosovo against the province’s Albanian population that forced more than 800,000 people from their homes, threatening to overwhelm neighboring Albania and Macedonia, and leaving more than half of Kosovo’s Albanians as refugees or internally displaced...