Winning the Peace in Kosovo: Time to Formulate a Strategy

TESTIMONY BEFORE THE
SUB-COMMITTEE ON EUROPEAN AFFAIRS
OF THE
SENATE FOREIGN RELATIONS COMMITTEE

Professor Paul R. Williams
American University
Former Legal Advisor to the Kosovo Albanian Delegation to the
Rambouillet/Paris Peace Negotiations

(June 8, 2000)
Winning the Peace in Kosovo: Time to Formulate a Strategy

It is an honor to appear before members of the Senate Foreign Relations Committee to discuss American efforts to build peace in Kosovo and throughout the former Yugoslavia. I am particularly grateful to appear before this body as many of its members have taken an active role in seeking to ensure a coherent American policy which promotes America's moral interest in human rights and human dignity, while also protecting America's strategic interest in a stable Europe, a democratic Balkan region, and the preservation of American military capability and readiness.

Before I begin my testimony I should mention by way of background that I served as an advisor to the Kosovo Albanian delegation in Rambouillet and Paris, and as an advisor to the Bosnian government delegation to the Dayton negotiations. I have also advised the government of Macedonia on matters relating to the conflict. Earlier in my career, during the initial development of America's response to the conflict in the former Yugoslavia, I served with the Department of State as a lawyer for the Office of European and Canadian Affairs.

Let me now turn to the substance of my testimony, which I have submitted for the record.

To win the peace in Kosovo the United States must articulate a clear and attainable objective and develop and pursue a coherent strategy. To date, the U.S. Government has not articulated a meaningful objective, and has pursued only a tactical approach to the crisis in Kosovo, and to the broader crisis in the former Yugoslavia. If this vacuum of strategic policy continues, the United States will be unable to extricate its military forces from either Bosnia or Kosovo in the foreseeable future and will find itself confronted with perpetual conflict and crises in the region.

To win the peace in Kosovo the American objective should be to create an economically and politically self-sufficient multi-ethnic Kosovo capable of defending itself against possible further acts of Serbian state sponsored ethnic aggression. In return this entity must protect the rights of minority populations resident on its territory and act responsibly towards its neighbors. The strategy for accomplishing this objective should be for the U.S., supported by its allies, to
manage a process of intermediate sovereignty and earned independence for the
people of Kosovo.

As the most recent crisis in Kosovo is but a continuation of the Yugoslav
crisis begun in 1991, it is also necessary to establish objectives and strategies for
winning the peace throughout the territory of the former Yugoslavia.

The Current Tactical Approach to Winning the Peace

Addressing the Consequences of the Conflict, While Failing to Address the Causes

Although some American officials have proclaimed an objective of
integrating the Balkan region into the economic and democratic structure of
Europe, no official has articulated a clear and realistically attainable objective for
Kosovo or for the region of the former Yugoslavia, beyond "securing the peace."

Moreover, while American officials have declared their intent to promote
vague principles of democracy, security, human rights, economic development,
and have discussed a second Marshall Plan or a reapplication of the "states in
transition" approach to the northern tier of Central and Eastern Europe, they have
not articulated concrete objectives tailored to the specific circumstances of the
former Yugoslavia.

Rather, the American Government has pursued a tactical approach of
addressing the consequences and not the causes of the conflict, which include
promoting the return of refugees, reconstructing homes, drafting legal codes,
repairing the electrical grid and getting children back to school. More generally,
the approach has included efforts to build "civil society," arrange elections, provide
security and revitalize the economy. The success of this policy has been defined
in terms of a reduced homicide rate, pledges for international funding, and an
increasing number of international personnel deployed to the region.

The American Government has also deployed over 5,000 military personnel
to support its tactical efforts in Kosovo. At no time, however, has the U.S.
Government articulated the overall strategy which these tactical efforts, or which
the deployment of American troops is designed to support, or has it demonstrated
how the tactical efforts and the actions of the military forces are interrelated as part
of a larger plan.
While necessary to repair and redress the consequences of the Kosovo conflict, the tactical efforts currently pursued by the U.S. Government, absent a strategic approach, are insufficient to build the foundation for a lasting peace in Kosovo or the former Yugoslavia. Even if the U.S. successfully restores electricity, reconstitutes the police force, redrafts the school curriculum and trains an impartial judiciary, the U.S. still will not have resolved the underlying causes of the conflict, which emanate from Belgrade and have become deeply rooted in the Kosovo political context. To win the peace it is necessary to address the fact that the primary cause of the conflict and the continued instability in the region is the use of ethnic aggression and political oppresion by Milosevic's Serbian nationalist regime as a means of perpetuating its political power.

Failing to Learn the Lessons of Bosnia

In fact, if pursued in a policy vacuum, even these limited tactical objectives are unlikely to be met. In the case of Bosnia, the absence of a strategic approach has meant that despite billions of dollars in international assistance and tens of thousands of military man-hours few Bosniac refugees have been able to return to their homes in Serb controlled Republika Srpska; there is only the most minimal freedom of movement across the inter-entity boundary line; Serb nationalists still exercise significant if not determinative political influence in the Republika Srpska; the Bosniac-Croat Federation and the Bosnian central government are politically gridlocked along ethnic lines; the economy continues to teeter on the brink of collapse; and the Bosniac political community has become polarized.\(^6\)

More importantly, the rush to pursue tactical objectives on their own is likely to undermine the prospects for a meaningful peace, as has been the case in Bosnia. For instance, in an effort to demonstrate movement toward the tactical objectives of the Dayton Accords the U.S. Government essentially directed the OSCE to hold elections even though the circumstances all but precluded the possibility of free and fair elections. After 104% of the population voted, the OSCE, again under pressure from the U.S. Government, declared these elections to have been substantially free and fair.\(^7\) As a result, hard-line Serbian representatives took up power in the Republika Srpska institutions and the Serbian section of the Bosnian parliament, and Momcilo Krajisnik was elected as the Serb representative to the Bosnian Presidency. From this vantage point, and with support in the Bosnian parliament and the Republika Srpska, Mr. Krajisnik continued to pursue the policy of a de facto partition of Bosnia and ethnic segregation which he had orchestrated during the campaign of ethnic aggression. After completing his term, Mr. Krajisnik was indicted by the Yugoslav Tribunal
for crimes of genocide which he had committed prior to being elected to the Bosnian Presidency

The continued absence of a strategic policy for Bosnia has created conditions where even just this last May an Italian military contingent assigned to provide security to a convoy of Bosniac women returning to visit graves in Bratunac stood by while Serb protesters stoned the Bosniac women in their care. Moreover, growing weary of the inability of international efforts to secure their return home, increasing numbers of refugees and internally displaced persons are engaging in spontaneous returns. Even then, the international community is only capable of providing reconstruction assistance to approximately 10 percent of these returnees.  

Affirmatively Declining to Formulate or Declare a Strategy

As a consequence of the absence of a strategic approach to the Kosovo crisis, and in light of concerns about the proper use of U.S. military forces and the extent of European financial and military commitments, Senators Byrd and Warner recently unsuccessfully sought to insert a provision into the Military Construction Appropriations Act, 2001. This provision would have terminated funding for the continued deployment of U.S. ground combat troops in Kosovo after July 1, 2001, unless the President sought and received congressional authorization to continue such deployment. A similar measure was adopted by the House.

Notably, during the debate over the Byrd-Warner provision the Executive Branch objected to the withdrawal of American troops on the grounds that a number of negative consequences would occur, including straining our relations with our European allies, undermining the effectiveness of NATO and usurping the constitutional authority of the Executive Branch. At no time, however, did the Executive branch offer an affirmative public explanation as to what purpose the troops were serving in Kosovo, beyond that of "providing security." Notably, the Executive branch failed to articulate the specific policy which required that the troops be placed in harms way, or to establish a standard by which the success of the mission could be measured and American troops withdrawn. In fact, according to a recent International Crisis Group report, the primary mission of American forces in Kosovo is "force protection," which is to say that the American military forces in Kosovo are there to protect the American military forces in Kosovo. Such a state of affairs could only occur in a policy vacuum.
Failing to Aggressively Delegitimize Slobodan Milosevic

One reason why the U.S. Government is unable to move beyond a tactical approach is that since the origination of the conflict, and particularly during the Dayton negotiations and the run-up to the Rambouillet/Paris negotiations, American policy revolved around accommodating the interests of Slobodan Milosevic. Now that Mr. Milosevic has been indicted for crimes against humanity by the Yugoslav Tribunal, he can no longer be relied upon as America's partner in peace, and the American Government has found it difficult to formulate an alternative strategy.\textsuperscript{11}

Thus, rather than crafting a strategy to confront Milosevic and deny him the fruits of ethnic aggression, American diplomats have developed a passive shadow strategy of waiting for a democratic transformation in Serbia to remove Milosevic.\textsuperscript{12} It should be recalled, however, that much of the current institutionalized "democratic opposition" is based on Milosevic's failure to achieve his nationalist agenda or on the negative consequences experienced by Serbia, but not necessarily on opposition to his ideas of ethnic supremacy or notions of a greater Serbia.

Crafting an Approach to Winning the Peace: Setting an Objective and Formulating a Strategy

In formulating a clear and attainable objective for U.S. policy there are three important steps to undertake. The first is to assess the costs of losing the peace in Kosovo, the second is to assess the larger geopolitical context of the conflict, and the third is to assess the causes of the conflict and the requirements of further peacebuilding.

The Costs of Losing the Peace in Kosovo

A lost bid to win the peace in Kosovo will:

Undermine the pluralistic and moderate political forces, which understand the necessity of maintaining an ethnically diverse Kosovo and ensuring the protection of minority rights;

Strengthen less moderate elements of the majority population, which are more inclined to act with hostility toward minority groups in a manner designed to promote their emigration and displacement;
Negate international efforts to provide meaningful physical security and a sense of rightful participation in the political or economic future of a unified Kosovo;

Enhance the international legitimacy and likelihood of achieving Slobodan Milosevic's plan for a partition of Kosovo;

Legitimize the Kosovo Albanian interest in creating a larger territorial entity, which might include portions of Macedonia, Serbia and Montenegro;

Contribute to further conflict in the former Yugoslavia just as the mismanaged peace in Bosnia significantly contributed to Milosevic's calculation to undertake ethnic warfare in Kosovo.

In sum, the consequence of losing the peace in Kosovo will be a politically radical Kosovo population, devoid of Serbian or other minorities, which is *de facto* if not *de jure* partitioned along the Mitrovica fault line, leaving the Kosovo Albanian controlled territory to seek unification with Albania and/or the Albanian areas of Macedonia.

**Understanding the Broader Geopolitical Context of the Kosovo Crisis**

The crisis in Kosovo occurs within a broader geopolitical context of the former Yugoslavia and the Balkan region.

When formulating an objective for American policy in Kosovo, it is necessary to learn the lessons of our failed effort confront ethnic aggression in Bosnia, and how our continuing refusal to reassess our Bosnian policy and renegotiate or further evolve the substance of the Dayton Accords, inhibits our ability to develop a coherent Kosovo policy. Moreover, it is important to acknowledge that our primary interlocutor, Slobodan Milosevic, is not a partner in peace, but a man indicted for crimes against humanity, that the current Serbian regime has a distinct interest in its own survival and is willing to invoke ethnic nationalism, and rely on totalitarian acts by the military, secret police and paramilitaries to manipulate political outcomes.

The peace in Kosovo is thus linked to the reversal of political and territorial gains achieved in Bosnia through ethnic aggression, the efforts of the Serbian people to topple Milosevic's nationalist regime, as well as to the efforts of
Montenegro to chart a democratic path separate from that of the Milosevic regime. The Kosovo peace is also linked to political and economic stability in Albania and Macedonia and those countries interpretations of American and European intentions.

Assessing the Causes of the Conflict and the Requirements of Further Peacebuilding

As we assess the causes of the conflict and the requirements for the creation of political circumstances conducive to peacebuilding, we find that they are the same issues which existed when the U.S. Government accepted the Holbrooke/Milosevic Deal of October 1999 providing for the unarmed Kosovo Verification Mission, and which pre-occupied American efforts during the Rambouillet/Paris negotiations and the drafting of UNSC Resolution 1244.

1) The need to meaningfully protect the physical security, human rights and property interests of all ethnic groups in Kosovo

Throughout Kosovo's incorporation in the former Yugoslavia, the equal and fair treatment of ethnic groups has been a major point of friction, whether it was the treatment of the Serbian and other ethnic groups from 1974 to 1989, or the treatment of Kosovo Albanians from 1989 until the summer of 1999. To remove this issue as a source of conflict will be difficult and will require both an incentive for the regionally and locally dominant ethnic groups to respect each other's rights and ensure their physical security. These efforts must be matched by aggressive KFOR actions designed to ensure security for all groups.

2) The need to meaningfully restructure the economy and promote economic development

In Bosnia the international community has created an aid dependent economic structure, and political institutions which are structurally incapable of exercising cogent control over the economy or raising economic revenue through fair taxes and customs. To avoid a similar situation in Kosovo it is necessary to first return to the Kosovo government the state owned property illegitimately transferred to Serbia after 1989 and privatized to Milosevic's supporters or to foreign entities - primarily located in Greece and Italy. It is also necessary to create an incentive for long term investment by foreign concerns, and for long term planning by Kosovo's indigenous governing
institutions. Importantly, the state operation or privatization of this industrial property could significantly enhance a Kosovo government's financial resources separate from aid donations. Finally, it is necessary to prevent the partition of Kosovo along the current de facto line of segregation running through the industrial town of Mitrovica. KFOR's removal of the Serbian Ministry of Interior Forces serving as "Bridge Watchers" would be a constructive first step in this process.

3) The need to ascertain and articulate a final status for Kosovo which promotes regional security

Articulating a clear and workable process for settling on a final status for Kosovo is essential to preventing further conflict and to promoting the political and economic progress discussed immediately above. Without a clear timetable for resolution of the final status issue, and without a clear objective toward which the people of Kosovo can strive, there will be little incentive to protect minority rights, and plan for long term economic growth.

Unfortunately, the U.S. Government has adopted only a short term policy which calls for substantial autonomy under the interim regulation of the United Nations, and avoids discussions concerning determination of a final status. In fact, when asked about plans for resolving the question of the final status of Kosovo, now former Department of State Press Spokesman James Rubin summarized U.S. policy as,

[UNSC 1244] doesn't envisage independence. What the resolution does is say that this issue is to be determined pursuant to the same kind of process -- and I think it refers to the Rambouillet Accords -- in which the international community, the views of the people of Kosovo, will be taken into account in some diplomatic process. That's how we, the United States, see the future unfolding; that, at the appropriate time, a conference or a meeting or discussion will be held in which all the relevant views can be considered and decisions can be considered. So that is our view.

Delaying an initiation of a process for the resolution of the final status of Kosovo plants the seeds of further conflict, as the Contact Group did during the Dayton negotiations when it failed to address the status of Kosovo while it held maximum leverage over Milosevic.
The approach of delaying the resolution of Kosovo's final status in the hopes of a near term democratic transition in Serbia is flawed as either Milosevic will be replaced by strong nationalist forces that would pursue a similar or even more aggressive policy toward Kosovo. And, when over time more genuinely democratic forces came to power, they would be unlikely to cope with the responsibilities and burdens of addressing the Kosovo crisis as well as the multitude of other tasks that will confront them as they try to politically and economically reconstruct Serbia. In fact, Milosevic and not the democratic opposition, should be held politically accountable for Serbia’s inevitable loss of Kosovo.

Interestingly, American officials have indicated that they believe the Kosovars' desire for independence will wane as they experience "genuine self-government" under the interim UN administration. Such a development is unlikely given that even the most moderate Kosovo Albanian political forces are calling for immediate independence. By acknowledging the Kosovo Albanians' well founded desire for independence and structuring a process for establishing a final status, the U.S. Government would both reassure the Kosovo Albanian majority that they will not be pressured by the international community to return to Serbian rule, while also permitting the international community to demand responsible and accountable behavior on the part of the Kosovo Albanian political leadership. The creation of such a process would also signal to the Kosovo Serbs that they will have to choose between their Serbian and Kosovar identities, thus facilitating individual decisions on whether to reside in Kosovo.

4) The need to create and maintain political cohesion and solidarity among the Kosovo Albanian political forces, and to create a Serbian political force separate from Milosevic's control and manipulation

The regime of near-apartheid imposed upon the Kosovo Albanian population from 1989 predictably fragmented civil society. Moreover, the failure of the peaceful resistance to yield tangible results led to the militarization and in some instances the radicalization of certain segments of society. This diversity of public views has become reflected in the institutions of political representation.

To move forward in building peace in Kosovo it is necessary to cultivate a process whereby through political dialogue these divergent views and
interests can be brought together to form common consent on important political matters. During the Rambouillet/Paris negotiations, the members of the Kosovo delegation demonstrated the ability not only to make politically tough decisions, but also to operate by consensus.

As in Bosnia, where recent international efforts to influence local elections have polarized the Bosniac political forces, the U.S. and its European allies run the risk of polarizing the Kosovo political forces and creating a situation where one can readily blame the victims for the failure to win the peace.

Similarly, by failing to confront the henchmen of the Serbian nationalist regime, the international community may stunt the development of a responsible Serbian political class by allowing Milosevic's Ministry of Interior forces to dictate political events, particularly in the strategic town of Mitrovica.

5) The need to create a democratic governing regime based majority rule and minority rights

The former Yugoslav political system, which failed, was based on a series of ethnic representations and prerogatives. No other system like this existed in Europe. During the Dayton negotiations, and again during the Rambouillet/Paris negotiations the Contact Group, led by the U.S., sought to recreate such a system for the people of Bosnia and the people of Kosovo. While the Bosnians now suffer the consequences of institutionalized ethnic identity and political gridlock, the people of Kosovo have been temporarily spared this fate. To create a healthy and functional political system for Kosovo it will be necessary to create a system similar to those throughout Western and Central Europe based on the principle of majority rule and minority rights.

6) The need to constructively engage and transform the militarized elements of the Kosovo Albanian population

While the U.S. Government accurately asserts that the KLA has been demilitarized, certain more radical elements have not been constructively engaged or transformed. Rather they have been directed into the police, Kosovo Protection Corps and the political process. While this action disperses them throughout civil society, it does not transform their beliefs or actions, but in fact provides them a wider base from which to seek to
accomplish their objectives. Importantly, most of the members of the KLA or associated organizations are not radical - yet there appears to be no clear program of enhanced engagement for these more moderate elements demonstrate the political benefits of their more moderate approach. Rather, the policy-makers are relying on KFOR to maintain security in the region, while they simply demand that the moderate elements exercise control over the more radical elements.\textsuperscript{18}

U.S. efforts thus should not be focused on the KLA as an institution, but rather on members of the KLA who have become radicalize by the near-apartheid regime of the 1990s and the atrocities committed in 1998 and 1999. Moreover, U.S. policy should remove the public attraction to these radicals by moving to actively address the question of Kosovo's ability to carry out its own self-defense upon the withdrawal of NATO forces. To accomplish this objective America should lead efforts to create a Kosovo Defense Corps. The creation of such a Corps would also serve as a key element of an exit strategy for American military forces.

7) The need for American leadership to coordinate and constrain the actions of our allies, and to moderate the influence of Russia

While the United States has sought to promote cooperation among our allies through various multilateral mechanisms,\textsuperscript{19} our European allies have been at the forefront of efforts to remove or weaken the sanctions against the Belgrade regime, while allies such as Argentina, Australia and Mexico have undermined American efforts to isolate Milosevic by permitting their Ambassadors to meet with Milosevic personally to establish full diplomatic relations. Moreover, numerous Chinese, Greek, Nigerian, and Russian officials have met with Milosevic and other indicted war criminals in Serbia. These allies and partners in our peace effort bolster the interests of such states as Cuba, Iraq, Libya and Syria (all of which maintain full diplomatic relations with Serbia) in undermining U.S. policy in the Balkan region.

Most troubling is the fact that our French allies seem to have embarked on a separate policy of engagement with Kosovo Serbian political forces which is based on the principle of maintaining peace through the accommodation of hard-line local Serbian interests - which are dictated by Milosevic's nationalist regime in Belgrade.
Under these circumstances it is imperative that the U.S. assert its leadership role in the international efforts to bring lasting peace to the territory of the former Yugoslavia as absent such leadership our European allies are incapable of maintaining a united or coherent front in the face of either Milosevic or a resurgent Russia.

In light of the risks of losing the peace, the geopolitical context of the conflict, and the above assessment of the causes of the conflict and circumstances necessary for peacebuilding, the American policy objective should be to create an economically and politically self-sufficient Kosovo entity capable of defending itself against possible further acts of Serbian state sponsored ethnic aggression, and which protects the rights of minority populations resident on its territory and acts responsibly toward its neighbors. To accomplish this objective the U.S., supported by its allies, must manage a process of intermediate sovereignty and earned independence for the people of Kosovo.

**Implementing Intermediate Sovereignty and Earned Independence**

The status of intermediate sovereignty and the process of earned independence would entail arrangements whereby the people of Kosovo would for a period of three to five years be entitled to exercise specified sovereign rights, while under the continuing mandate of resolution 1244, and undertake certain essential political commitments. After this period, Kosovo would be entitled, subject to an internationally conducted referendum within Kosovo, to seek recognition from the international community.

During the interim period, the people of Kosovo would exercise, in cooperation with UNMIK, complete legislative, executive and judicial control over their internal affairs relating to economic development, internal security, education, taxation, extraction and processing of natural resources, transportation, health care, media and news broadcasting, cultural development, and the protection of minority rights. The people of Kosovo would also be entitled to begin to conduct their own international affairs and appoint international representatives.

In exchange for the exercise of these sovereign rights, Kosovo would be required to implement specific guarantees that it would protect the rights of all minority populations within its territory, respect the territorial integrity of neighboring states such as Macedonia and Albania, renounce any intention of political or territorial association with Albania, and accept its borders as confirmed by the 1974 Yugoslav Constitution. Compliance with these obligations should be
measured and assessed by an independent international entity. While UNMIK should be consulted as to its assessment of Kosovo's compliance its efforts must remain focused on the tactical objectives set out in Resolution 1244.

At the end of this interim period the criteria for recognition of Kosovo would include the traditional legal criteria of territory, population, government and capacity to conduct international relations, as well as the additional political criteria of whether it had protected the rights of minority populations within its territory, respected the territorial integrity of Macedonia and Albania, rejected any political or territorial association with Albania, and maintained the status of its borders. Once recognized by the international community, Kosovo would remain bound by these commitments.

This approach to winning the peace in Kosovo is based on principles of international law, which provide that all self-identified groups with a coherent identity and connection to a defined territory are entitled to collectively determine their political destiny in a democratic fashion, and to be free from systematic persecution. In cases where self-identified groups were effectively denied their right to democratic self-government, and are consequently subjected to gross violations of their human rights, as has been the case with Kosovo, they are entitled to seek their own international status in order to ensure the protection of those rights.

The case for intermediate sovereignty is further supported by: 1) the legal and factual similarity between Kosovo and the other Republics of the former Yugoslavia that were deemed by the international community to be entitled to international recognition; 2) the legal precedent of earned recognition established by the international community in recognizing Slovenia, Croatia, Bosnia-Herzegovina and Macedonia; 3) the fact that Yugoslavia has dissolved, and the international community has rejected Serbia/Montenegro’s claim to continue its international legal personality; 4) the historic fact that Kosovo, while legitimately part of Yugoslavia, has never been legitimately incorporated into Serbia; 5) the fact that the people of Kosovo have been subjected to ethnic aggression; and 6) recent precedent set by the Northern Ireland Peace Agreement and others.

**Securing the Peace in Kosovo by Winning the Peace Throughout the Former Yugoslavia**

To win the peace in Kosovo it is necessary to recognize that the recent crisis in Kosovo is but a continuation of the Yugoslav crisis which began in 1991. As
such, it is necessary to link the peace efforts in Kosovo to those in the other former Yugoslav Republics, and in particular to establish objectives and strategies for winning the peace throughout the territory of the former Yugoslavia.

To secure the peace in Croatia, it is necessary to continue to work with the new government and the Yugoslav Tribunal to ensure the indictment and transfer to the Hague of all high level officials responsible for war crimes against Serb and Bosniac populations. It is further necessary to provide the new Croatian government with the political support, and when necessary political pressure, to sever the political and financial links between Croatia and Bosnian Croat political forces which continue to harbor an interest in a partitioned Bosnia.

To win back the peace in Bosnia it is necessary to acknowledge the nature of the Dayton accords as a flawed peace resulting from America's failure to seriously confront Slobodan Milosevic or to truncate and roll back political gains achieved through ethnic aggression. This effort must involve a three phase process. First, the U.S. Government must discontinue its policy of moral equivalence and equal blame among the parties, which undermines its efforts to constructively engage Bosniac and certain Croat forces in the peacebuilding process. Second, the U.S. Government must acknowledge the Dayton agreement was never meant to be static, but rather that it was designed and intended to evolve with changing political circumstances. And third, the U.S. Government must seek to evolve the Dayton agreement in a manner which deconstructs the resulting institutions and attributes of Milosevic's efforts to partition Bosnia along ethnic lines, including the gradual erasure of the inter-entity boundary line, the removal of the institutionalized ethnic veto, and the dissolution of most of the Republika Srpska political institutions -- which are regularly used to organize actions which undermine or inhibit the reintegration of Bosnia.

To prevent conflict in Montenegro it is necessary to demonstrate tangible benefits to democracy and a political path separate from that of Serbia. Montenegro must be provided security guarantees and Serbia must be confronted with clear warnings of economic and political sanctions in the event it sponsors a coup or other covert action in Montenegro. Moreover, Montenegro must be engaged in the Kosovo peacebuilding process.

To secure the peace in Macedonia it is necessary to ensure continued economic growth and the resolution of outstanding political disputes with Greece. Most important is the need to further integrate the Macedonian Albanian population into Macedonia's political and economic infrastructure.
To win the conflict in Serbia and silence the engine of aggression in the former Yugoslavia it is necessary to promote a democratic transition beyond the current institutionalized political opposition. This will require a series of transitions, with the first likely including members of the current opposition, but with subsequent governments including more genuinely moderate elements that accurately reflect the views of the oppressed and silenced mainstream population committed to a regionally responsible Serbia -- such as the ones currently driving the Otpor student movement. The Yugoslav Tribunal's indictment of the top leadership should be maximally utilized to delegitimize and discredit the current nationalist regime, and America should lead its allies in isolating Milosevic and his accomplices. American should make clear that Serbia will be barred from international assistance until Milosevic is not only removed from power, but also surrendered to the Hague.

Conclusion

The lack of a strategic policy for bringing a lasting peace to Yugoslavia has resulted in hundreds of thousands of deaths, the displacement of over a million refugees, the degradation of US and NATO military forces, diplomatic strains within the American-European alliance, and a diversion of resources and attention from other areas of strategic importance.

Unless the U.S. wishes to create a permanent peacekeeping presence in the region it must develop an aggressive strategy for each zone of conflict in the former Yugoslavia.

For Kosovo, the United States should pursue a policy of intermediate sovereignty and earned independence as this provides the best possible means for ensuring the long-term security of the Kosovo Albanian population, and for creating a meaningful incentive for the Kosovo Albanian political forces to ensure the protection of Serbian rights and security. Such an approach will also permit the U.S. to undertake a phased withdrawal of its troops over a reasonable period of time as the security of Kosovo increases and as the rights of minorities are increasingly safeguarded.

Dr. Paul R. Williams is a Professor of Law and International Relations at American University, and has served as the legal advisor to the Kosovo Albanian delegation during the Rambouillet/Paris negotiations and to the Bosnian
Government delegation during the Dayton negotiations. In 1999 he was a registered foreign agent for the government of Bosnia and Herzegovina and the government of Kosova. In the early 1990's he served in the Department of State's Office of Legal Advisor for European and Canadian Affairs where he was deeply involved in initial American efforts to formulate a policy response to the crisis in the former Yugoslavia.

Endnotes

2 Anthony E. Wayne, Statement before the House International Relations Committee, (August 4, 1999); Larry Napper, Statement before the House International Relations Committee, (August 4, 1999).
3 James W. Pardew Jr., Statement before the House International Relations Committee, (August 4, 1999); Williams J. Clinton, Remarks by the President to the Students, Organization Leaders and Community Leaders of the Ferizaj (Urosevac) Area, Kosovo, (November 23, 1999); James W. Pardew Jr., Statement before the House International Relations Committee, (August 4, 1999).
4 Madeline K. Albright, Remarks at European Institute Awards Dinner, (January 26, 2000). The most concise statement of a U.S. policy with respect to Kosovo is, "The United States and our European allies are committed to winning the peace in Kosovo by: addressing humanitarian needs and preparing for winter; easing ethnic tensions and protecting minority rights; and strengthening democracy and supporting civil society." The White House, Fact Sheet: Winning the Peace in Kosovo: A Progress Report, (November 23, 1999).
9 The proposed amendment further directed the President to develop a plan for turning over peacekeeping efforts to the Europeans by July 1, 2001.
11 As concisely articulated by Ambassador Richard Holbrooke, U.S. policy has been, "You can't make peace without President Milosevic." Jurek Martin, Holbrooke Sees "Tough Slog" to Peace in Bosnia, Financial Times (London), (November 2, 1995).
12 Anthony E. Wayne, Statement before the House International Relations Committee, (August 4, 1999).
13 James W. Pardew Jr., Statement before the House International Relations Committee, (April 11, 2000).
To date, the U.S. Government has provided benefits only in the form of financial and technical assistance in the amount of $25 million, with limited observer status in some of the regional political cooperation mechanisms. See James W. Pardew Jr., Statement before the House International Relations Committee, (August 4, 1999).

To date, the U.S. Government has refused to provide any express security guarantees for Montenegro. Rather it has engaged in vague statements concerning American interests in Montenegro - similar to those which preceded the ethnic aggression in Kosovo in 1998. See, James P. Rubin, Daily Press Briefing, U.S. Department of State, (March 22, 2000).