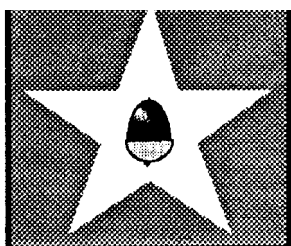


Conflict Studies Research Centre

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**The Kosovo Protection Corps
In Transition**

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The Kosovo Protection Corps In Transition

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Despite initial and some continuing fears, the Corps performs well. However, the lack of an agreed status for Kosovo and its institutions does not encourage transparency in the Corps' subordination and activities. The International Community should now regularise the Corps' status.

Background

Perhaps the most controversial element in Kosovo in the aftermath of the conflict between 1996 and 1999 has been the future of the Kosova Liberation Army (KLA). It is worth noting that the KLA, as such, played little formal part in the Rambouillet negotiations before the NATO bombing campaign, or in the formal aspects of the military campaign by NATO, although contact with British and US special forces advisers and trainers took place in the 1998-1999 period, and recent US studies of the air war indicate a greater role for the KLA than previously assumed by non-specialists.¹ KLA commanders were consulted during the Rambouillet process by Kosovo Albanian political leaders, but on an informal basis. The KLA political spokesman for most of the 1998-2000 period, Adem Demaci, was not part of the Rambouillet delegation. There is also no specific mention of the KLA or its future in United Nations Resolution 1244.

The demobilisation of the KLA took place in the summer of 1999, and went smoothly. By March 1999 there were approximately 18,000 KLA combatants and according to a recent German study of the demobilisation, the vast majority returned to the roles they had performed in previous civilian life.² Between 3,000 and 4,000 have been involved with the Kosovo Protection Corps, the KPC, and some have joined the new Kosovo Police Service. This did not, of course, mean that their social and political links disappeared, any more than with most military veterans of all kinds, and in the unstable conditions in Kosovo post-1999, there was every reason to believe that these ex-soldiers would remain a strongly coherent group. A veterans' organisation has been set up and has offices in central Pristina and other large towns, and a humanitarian fund operates for the needs of war widows and their children, some of whom still live in poor conditions.³

A new force, the Kosovo Protection Corps, of over 3,000 men and women came into being as a practical reality in the autumn and winter of 1999-2000. Its rationale was based on traditional post-conflict theory where foreign trainers would assume the supervision of irregular forces and make them into a regular army, but under strict supervision, such as the British activity in post-conflict Zimbabwe in the 1980s. It should be noted, though, that in a strict sense, under UN Resolution 1244 there was no agreement to this activity, and it is doubtful whether it would have been forthcoming given the outlook of some UN Security Council members at that time, such as Russia, towards the KLA.

It was also not possible, in the view of those taking the key decisions at the time, to allow the KLA veterans to become a regular 'army', as the lack of agreement about Kosovo's political status precluded such a course of action, and in theory still does. The politics of the time in Pristina need to be clearly understood. A 'Provisional Government of Kosovo' led by KLA political spokesman Hashim Thaci had been established during the bombing campaign in April 1999, and was the de facto civil authority when NATO arrived. In the chaotic conditions of June and July 1999, the main priority of the KFOR NATO forces was to establish basic security, and to do so they needed some kind of relationship with the 'Provisional Government'. The establishment of the KPC was a desirable compromise in this situation, where most of the KLA could be broken up and sent home, and the remainder placed under international control.

In late 1999 and early 2000, differences of opinion emerged within the IC about 'what should be done about the KLA'. The dominant British-American-German trend in opinion favoured integrating the majority into civilian life, but also forming a uniformed force designed to act as a kind of national guard, and trained primarily for civil emergency relief and aid to the civil power in crises such as major accidents, forest fires and so on. It is worth noting, in the background to this decision, that local militias had existed in all the Yugoslav republics under the Titoist system, and with the international community committed under UN Resolution 1244 to a Kosovo 'with substantial autonomy and self government' there was no reason for some such force not to exist even if Kosovo was destined to remain within a future 'Yugoslav Federation' of some kind. The only logical and constitutional ground for criticising the establishment of the KPC was if Kosovo were to be returned to purely Serbian control.

A school of thought quickly grew up within the international community (IC) that the ex-KLA constituted a fully functional and parallel system of authority, symbolised by the International Crisis Group report of February 2000, 'What Happened to the KLA'. In reality, the position was more complex, reflecting different currents and political trends that had existed within the KLA for several years before 1999.⁴ This view in essence embodied, though, misunderstandings of the nature of the KLA, seeing it as an orthodox insurgent force along Cold War lines, when in reality it did not have a unified command structure until very late in its functional life, after September 1999, and elements of rural defence forces were mixed with elements of several political groups and also soldiers whose only loyalty was to a particular commander. This confusion has carried over into contemporary Kosovo, and IC critics of the KPC have always found that their demands for the top commanders to exert authority over the rank and file have been stymied by this contradiction, something that the IC itself has reinforced in its wish to prevent the KPC from turning into a normal army. In most armies much authority is exercised by the NCO level of command, but the KPC has not been allowed to fully develop this capacity. A further complexity among the ex-KLA soldiers who joined the KPC has been the cultural difference between those who had a background of military experience with the old Yugoslav Army, and those who did not.

Within the international community though, there were those who had never agreed with the NATO Kosovo campaign in the first place, and wished subsequently to see the Yugoslav army re-enter Kosovo. As in other IC discourse about post-conflict Kosovo, the issue of the return of Serb refugees has become elided and confused with the theoretical possibility of the return of the old military forces to Kosovo, to the marked detriment of the actual process of refugee return. At the same time widespread revenge attacks on Serbs were taking place throughout Kosovo in

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retaliation for local Serb assistance to Milosevic's forces. These were widely blamed on the ex-KLA, although how far they were an organised example of reverse ethnic cleansing or spontaneous post-conflict 'score settling' between different ethnic groups is a matter for debate.

Almost as soon as it was set up, the KPC was blamed for many of the current ills of Kosovo, and there remains a constituency of opinion within the IC that would still like to see it abolished. This argument is ultimately based on the view that the KLA was essentially an import, from outside Kosovo, and that if it was removed from the scene, the 'moderate majority' of Kosovar Albanians would return to following Ibrahim Rugova and his party, and Kosovo could be made to stay within a new post-Yugoslav federation. Although events over the last three years have indicated the practical obsolescence of this perspective, it does not prevent many in the IC still seeing it as a possible model for the future, particularly in 'Old Europe' countries where Yugonostalgia is still strong among the political elite, and some Scandinavian countries where Yugophile diplomats such as Carl Bildt are influential. Thus, the KPC has become a most acute focus for debate about the future of Kosovo, and the discourse about the future of the KPC embodies many of the divisions about Kosovo policy that have existed for a long time in the international community.

The case against the KPC has been in essence that its members are just the KLA in another uniform, that it is not under IC control and that it is involved in smuggling and organised crime. It is also alleged that it has acted as a 'nursery' for KLA offshoot organisations, such as the UCPMB in the Preshevo/Kosova Lindore valley in 2000/2001, and the National Liberation Army in the 2001 conflict in FYROM. The case for the KPC is that it was formed in a chaotic post-conflict situation, and bears the marks of that confusion; that the KLA leaders have conformed with all international directives for demobilisation; and that it has played a responsible part in the politics of Kosovo since it was established, and enjoys the respect of all Kosovo Albanian political parties. It is also felt in the Kosovo Albanian world that a notion of 'collective guilt' is attached to KPC membership, irrespective of the actual social behaviour of any individual. The evidence for the 'war nursery' argument is mixed. It is likely that the rural insurgents of the UCPMB in Preshevo were fairly organisationally separate from the ex-KLA, but in the 2001 Macedonian conflict the overlap of a small minority of National Liberation Army personnel was greater.

IC doubts are not reflected among the 95% Albanian majority. Opinion polls show that it is the most popular and widely supported of the new Kosovo institutions. It also has a good record in civil emergencies, such as the 2001 earthquake in Gjilane, where it was widely praised by IC leaders in Kosovo. Opinion polls also show that it is the institution that is most disliked by the 5% Kosovo Serb minority. There are a small number of Kosovo Serbs and other minorities such as Turks and Bosniacs who are KPC members, although in recent controversies Serb Deputy Prime Minister Covic has called for all Serbs to resign from the KPC. In practice the KPC does not have an organisational life north of the Ibar river in the Serb-dominated parts of Mitrovica and Leposavic.

Future Policy Considerations

At various times, some in the IC have claimed that the KPC was part of the 'problem' in Kosovo, and that its abolition would ease progress towards future negotiations with the Serbs over the final status issue. The problem with this

perspective is that although the organisation could, in theory, be abolished because of the legal ambiguity in which it exists, all the members of the KPC would still be in Kosovo after abolition, and would be resentful and angry at what would be seen as a betrayal by the IC after four years or more of recognised existence and support through such organisations as the International Organisation for Migration (IOM). The issue would be profoundly destabilising. Some parts of the organisation would resist abolition, possibly even forcibly, and other ex-members would join the paramilitary/criminal underground. A second argument is that whatever happens to the KPC, most of the non-Kosovo Democratic League Kosovo Albanian political parties are not willing or ready for final status negotiations with the Serbs, whether the KPC exists or not.

It is, though, generally agreed on all sides that the status quo for the KPC is unsatisfactory. In a document published in September 2002, the leader of the KPC, General Agim Ceku, stated that

‘the lack of further development is causing deep rooted resentment and frustration. There is a need to include the KPC leadership more actively in future roles and restructuring of the KPC, whatever form that may take. There needs to be a visible display that the KPC leadership is involved in the decision making processes, so that it can demonstrate the moral component of leadership.’⁵

Kosovo Albanian leaders have argued that what the KPC needs is more responsibility, to remove some of its current problems stemming from underemployment, lack of finance which encourages involvement in crime and dubious activities, and lack of defined aims. This has become a more urgent issue with the now rapid devolution of power from the United Nations to the Kosovo Assembly and local government and civil society bodies. The general IC preoccupation with the war on terrorism, Afghanistan, Iraq and other issues has obscured general perceptions of how rapid and far reaching the transition of authority in Kosovo has been since autumn 2001. Civil life in Kosovo is now running on a wholly different basis, something the KFOR mandate has yet to adjust to in many cases.⁶ In practice, though, troop reductions by KFOR/NATO have led to some readjustment of some areas of operational activity, particularly to the Kosovo Police Service, which has taken over tasks such as guard duty at historic monuments that used to be done by KFOR.

One of the first decisions taken by the Kosovo Assembly was to pass a motion in support of the KPC, and in the debate in January 2002, Assembly speaker Nexhat Daci stated that ‘the KPC is a vital institution of Kosovo and it enjoys the full support of the Kosovo Assembly, especially in the context of current international and regional developments’.⁷ The IC has accepted this analysis, if reluctantly in some quarters, and after a period when attempts were made to force KPC members to undertake purely civil activity such as road repair, more specifically military activity has taken place, such as mine clearance, where the KPC is now the lead body in Kosovo. This has developed in parallel to a steady and now accelerating reduction in the size of KFOR, and a marked improvement in internal security with the maturity and development of the Kosovo Police Service. There has also been a considerable development in the degree of formal military conduct of the KPC, so that to the uninitiated outside observer, it appears to be a normal army. This has not happened, though, under the control of the Provisional Institutions of Self Government, unlike the development of the Kosovo Police Service.

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The dilemma for the IC is that whether or not an independent future for Kosovo emerges sooner or later, the KPC will soon develop into a mature local force, having the capacity to engage in many ostensibly non-military activities, and possibly following the pattern of armies in less economically developed societies where the military involves itself in activities such as trading, farming, industrial production, and so on. This does not, of course, fit in well with the traditional perspectives and activities of armies aspiring to NATO association and eventual membership, but in the extreme economic stringency in which the KPC exists, it is unrealistic to suppose there will not be some development in this direction. In order to reduce the temptation of members of the KPC to become involved in organised crime and smuggling, some lead from the IC on this issue is urgently required, together with the development of an organisational framework for the KPC in keeping with the general movement away from IC control of Kosovo government.

The KPC leadership has proposed that the KPC should evolve towards being a 'Kosovo Defence Force', with the following definition of its main tasks:

- the defence of Kosovo sovereign territory in partnership with its Balkan neighbours, to create stability in the region;
- military aid to the civil community in providing a disaster response service. An example of this might be the provision of search and rescue teams;
- military aid to the civil authorities.⁸

Other matters emphasised by Kosovo Albanian leaders include the need for a clearer internal KPC command and control system, a more focussed sense of mission to prevent the temptations of involvement with criminality, and an extension of the practical tasks assigned to the KPC by the international community. With the downsizing of KFOR, there is certainly considerable scope for this, and tasks such as forest guards, airport security and anti-terrorist security, security of historic monuments, and border security have been put forward as suitable for KPC activity. In general weaponry and ordnance is not an issue and the current restrictions on KPC members using only small arms are accepted.

In reality there has been limited progress on these aims, mainly because one school of thought within KFOR still sees the KPC as more of a security threat than a potential partner. This view is almost entirely based on the influence of those who claim that without the existence of the KPC, organised crime in Kosovo could be drastically reduced. The logic of these arguments is weak, as organised crime depends on informal networks which would exist whether the KPC did or not, and supply-demand issues in important commodities in world trade such as cigarettes and drugs, which would be totally unaffected by KPC abolition. It is also based on a literalist interpretation of UN Resolution 1244, where Kosovo is still seen as 'Yugoslav territory', and neglects the capacity of the UN Special Representative to make institutional law and regulations. A minority of the IC security apparatus still sees itself in private discourse as 'caretakers', in security terms, for the Belgrade authorities. The 'abolitionist' and associated organised crime argument ultimately rests on a continuing perspective of Serbian sovereignty over Kosovo, which has been temporarily ceded to the IC. Without such a notion, it has little logical basis.

Advocates of greater KFOR-KPC cooperation argue that the local knowledge of the KPC could aid the KFOR forces in the fight against organised crime, and intelligence

sharing would be helpful. This view is anathema to traditionalists in KFOR command and intelligence who still see Kosovo and thus the KPC as a suitable target for intelligence penetration and counter-insurgency activity. The issue is further complicated by the fact that some KPC leaders are rumoured, mostly in the Serbian and Greek press, to be candidates for Hague indictments.⁹ This does not encourage transparency in all KPC relationships with the IC, and amongst the rank and file encourages a culture of suspicion and xenophobia. The well known talent of all Kosovars, from all ethnic groups, for operating in parallel structures to the legal authority is thus encouraged.

On the other side of the mirror, the IC is seen by many rank and file KPC members as a fickle and arbitrary master, on the one hand encouraging legitimacy, and on the other hand undermining it. It would clearly be an aid to stability if a clearer agreed legal framework for the KPC was laid down and accepted throughout the international community and by the KPC itself. It is frequently claimed by critics of the KPC in the IC that it is involved with the maintenance of parallel structures of political authority to the developing democratic institutions. This is certainly the case, but it is a problem that could be greatly reduced if the KPC itself had a clearer status and its leaders were more openly involved at a high level in Kosovo decision making processes. This issue is, in turn, closely linked to the future of KFOR itself.

The Next Stage

All Kosovo Albanian leaders see NATO as having a long term role in Kosovo, before and after the political status issue is decided, but the current KFOR mandate is transient and many feel it is already ripe for review.¹⁰ The downsizing of KFOR has been happily accepted, after the fall of Milosevic and the beginnings of reform in Serbia, but it has also brought to the fore concerns about the future capacity of Kosovo to defend itself. It should be emphasised that this is a legitimate concern of even the most moderate Kosovo Albanian leaders: the abolition of Kosovo's autonomy under the 1974 Yugoslav constitution left the leadership with no military capability of any kind to resist Belgrade's dictates.

NATO clearly has the capacity to guide and determine the development of any new Kosovo Defence Force, and there is a strong argument for this nettle to be grasped at an early stage, to ensure that the role of a Kosovo Defence Force is stabilising and that its character is multi-ethnic and secular and a barrier against extremist Islamic influences. In particular, any movement towards new border controls needs to be in association with NATO and evolutionary, to avoid inflaming feelings among the Kosovo Serb minority and in Serbia itself. There will also be the need to establish a defence administration to supervise the development of the force. An initial step could be the establishment of some kind of Kosovo Defence Commission which should include all interested parties and IC organisations.

Policy positions put forward by the KPC leadership for the development of the force in this transition period include three main elements:

- A Rapid Reaction Force that is available at a high level of readiness to carry out assigned tasks within Kosovo and overseas to support the international community;

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- A Main Defence Force that consists of a professional cadre and a territorial reserve that can be mobilised in support of the Rapid Reaction Force;
- A Basic Military Organisation made up of a professional cadre and a territorial reserve capable of providing support services and training within Kosovo.

It is clear that in the last two years the KPC has evolved considerably, despite its lack of clear legal status and the almost continuous disputes within the Kosovo IC about the orientation and activity of some KPC members.¹¹ Observers who see the KPC in action tend to assume that it is an army in its general demeanour, but the lack of clarity in the legal framework does not encourage transparency in its work. Another important issue that needs consideration is small arms control. Kosovo is currently awash with small arms, and given the recent history of the territory it is extremely unlikely that more than a small proportion can be recovered by the IC before the political status issue is decided. Legislation giving a right to bear arms of a limited nature is a possible option, coupled with a small arms recovery programme in exchange for development incentives of the type that has worked quite well in parts of Albania recently.

ENDNOTES

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- ¹ See 'NATO's Air War for Kosovo' by Ben Lambert, RAND, Santa Monica, CA, 2002.
- ² See 'The Mobilisation and Demobilisation of the Kosovo Liberation Army', Andreas Heinemann-Gruder & Wolf Christian Paes, Friedrich Naumann Stiftung, Brief 20, Bonn, 2001.
- ³ The most prominent of these organisations is 'The Veterans and Dependents of the UCK (KLA)'.
- ⁴ 'What Happened to the KLA?', International Crisis Group, www.crisisorg, February 2000.
- ⁵ Document from General Agim Ceku, 23 March 2003.
- ⁶ It does not, for instance, appear to be widely realised outside Kosovo and the immediate region that the United Nations has moved its headquarters for many government functions outside Pristina.
- ⁷ Koha Ditore, Pristina, 17 January 2002.
- ⁸ Document from General Agim Ceku, 23 March 2003.
- ⁹ It has recently been stated in the Kosovo Albanian press that there are no current sealed IWCT indictments held against Kosovo Albanian leaders.
- ¹⁰ Personal interview with Ramush Haradinaj, 17 April 2003.
- ¹¹ A difficult issue has been the poor quality of some aspects of the Kosovo judicial process, which on the Albanian side gives rise to accusations of the politicisation of justice, and on the IC side to allegations of threats to potential prosecution witnesses.

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