

# **Solutions for Northern Kosovo**

**Lessons Learned in Mostar, Eastern Slavonia, and Brčko**

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# Executive Summary

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By Hans Binnendijk

The six-nation Contact Group on Kosovo, lead by former Finish President Martti Ahtisaari, is now engaged in discussions about the future status of Kosovo. If the Contact Group's current guidelines are followed, Kosovo may become an independent country with no formal partitions. Under those circumstances, the treatment of the Serb minority in Kosovo (which currently makes up about 5–7 percent of the population) will be a critical issue in the negotiations. The largest concentration of those Serbs is north of the Ibar River, in and around the city of Mitrovica.

To provide a historical context for consideration of the Mitrovica issue, the Center for Technology and National Security Policy (CTNSP) has examined three similar cases that were managed by the international community starting in the mid-1990s: Mostar and Brčko, in Bosnia and Herzegovina (BiH), and Eastern Slavonia, in Croatia. By looking at the results of these three cases a decade or more after they began, we endeavor to shed light on the options for Mitrovica. To accomplish this, CTNSP held a workshop attended by many Balkan experts. In addition, CTNSP staff traveled to Mitrovica, Mostar, and Brčko to gather firsthand information relating to this problem.

The observations and recommendations of CTNSP staff are presented here in the form of separate studies on Mostar, Brčko, and Eastern Slavonia that have been vetted by regional experts. The case studies are accompanied by background material on Mitrovica and a summary of the recommendations of the workshop. Each piece should be seen as the separate contributions of the workshop participants and the authors of the case studies, not as a unified study with consensus recommendations. A matrix at the end of this paper summarizes the three case studies and their relevance to Mitrovica.

If the Contact Group excludes formal partition of Kosovo, three basic options for Mitrovica remain: *de facto* partition (Mostar), rapid reorientation (Eastern Slavonia), and ethnic integration in an international zone (Brčko). Each option reflects one of the three case studies examined, which are all similar to Mitrovica in that they each have a multi-ethnic population of between 100,000 and 200,000, each were strategically located and had seen intense fighting during the war, and each required special attention from the international community after combat ended.

Mostar's *de facto* partition is an option that some Kosovo Serbs could support. Mostar is similar to Mitrovica in that both cities are divided by a river serving as an ethnic boundary line (with minority enclaves on both sides), and both have many institutions that are ethnically separate. Since 2004, renewed efforts have been made to further integrate Mostar's public institutions, but progress has been slow and superficial. Ethnic tension remains in Mostar and it is a potential flash point in BiH. As an integrated, multi-ethnic solution, it is the least successful of the three cases. Yet there has been relative peace since 1995, and Mostar has shed its last public ties to Zagreb and is firmly a part of BiH. Therefore, this tense model may be viable for Mitrovica, although less than

satisfactory from the standpoint of ethnic reintegration and reconciliation. Should the Mostar model be followed in Mitrovica, the parallel structures propagated by Serbia in Mitrovica north of the Ibar River would continue for some time, at least on an informal basis; Kosovar Serbs would be under Pristina's legal jurisdiction, but their psychological—as well as financial—orientation and allegiance to Belgrade would linger for a long time.

Eastern Slavonia's rapid reorientation option would probably be supported by the Kosovar Albanians. From 1996 to 1998, a United Nations High Representative with a strong mandate reoriented the area from its old ties with Belgrade to new ties with Zagreb. There were significant efforts at ethnic reintegration, including minority quotas and Joint Implementation Committees, but they were only partly successful. Eastern Slavonia is similar to Mitrovica in that many local Serbs would be absorbed into a new nation where they would become a small minority. A key to the relative success of this model was Belgrade's agreement to part peacefully with Eastern Slavonia after the 1995 Croat military victory. The Eastern Slavonia model was successful in terms of its reorientation to Zagreb, but the price paid for reorientation was discrimination against Serbs, considerable Serb flight out of Croatia, and a weak economy. If Eastern Slavonia is chosen as a model for Mitrovica, the existing parallel structures between northern Mitrovica and Belgrade would be dismantled and all formal provision of governance and services within the territory of Kosovo would be established through Pristina. Considerable Serb flight could be expected.

In Brčko, the international community created a special “incubation zone” designed to promote multi-ethnic ties and democratic principles. This experiment, run by a series of strong U.S. Supervisors, has been very successful in terms of local governance and economic growth. It has less successfully integrated Brčko into the state of BiH, partially because of its unique relationship to the state, being held in “condominium” by both (and thus neither) of Bosnia's two entities, the largely Bosniak-Croat Federation and the mainly Serb Republika Srpska. With the help of three arbitration awards, all elements of government, the courts, education, and business in Brčko are now multi-ethnic and functioning relatively well. The economy of Brčko is strong and the area is stable. The overwhelming concern of those in power in Brčko now is that as the state of BiH is strengthened, Brčko's ability to govern itself will be weakened and the social and democratic gains made in the district will digress. The model may be viable for Mitrovica if all parties are willing to agree to another special zone, likely run by a U.S. Supervisor, and if the United States is willing to take on the burden. But this outcome is unlikely, because too much time may have passed since the end of the conflict to implement such strong measures and because the political will on the part of the international community to take on such a project is lacking.

Each model presents a different role for the international community in northern Kosovo. In the Mostar model, the international community's main task would be to protect the Serb minorities from Kosovar Albanian extremists dissatisfied with the *de facto* partition outcome and bent on either driving all remaining Serbs out of Kosovo or subjecting them fully and directly to rule by Pristina. The international community might also need to deal

with Serbian paramilitary forces attempting to protect the local autonomy of the Serb minority. In the Eastern Slavonia model, Serbian interests would be under less threat by Kosovar Albanians, who would be more satisfied with the outcome. The international community would need to oversee the termination of the Belgrade-supported parallel structure in North Mitrovica, enforce a new relationship with Pristina, and seek some degree of ethnic integration. In fact, the international community would probably oversee considerable Serb flight. In the Brčko model, the international community would be required to play its largest role in administering and securing all aspects of a special Mitrovica zone.

Several other key conclusions emerge from a review of these three case studies:

- Formal and enforceable prior agreement among all parties is essential to success;
- American diplomatic, political, and economic involvement, as well as a credible and visible American military presence, are keys to success;
- Multi-ethnic power-sharing and rapid establishment of rule of law are also keys to success;
- The international supervisor needs a strong and clear mandate, flexible use of resources, and military forces available with vigorous rules of engagement. The operational relationship between the international supervisor and the military commander must be effective, agreed upon, and clearly spelled out in advance;
- Serb flight was a byproduct of two out of three of these cases and may well occur in Kosovo unless strong incentives exist for them to stay;
- Developing healthy multi-ethnic solutions will take a decade or longer.

Choosing the right solution for Mitrovica will be difficult. Along with positive outcomes, all three cases also reveal negative results. Mostar remains tense a decade later; adopting it as a model could incite Kosovar Albanian opposition and trigger violence. Eastern Slavonia is reoriented towards Zagreb but at the cost of discrimination against Serbs, which if adopted for Mitrovica would result in considerable Serb flight. Brčko is the most successful model in terms of ethnic integration and financial stability, but there is inadequate international support for investing in a special international zone north of the Ibar River over the long term.

The overwhelming American interest is in regional stability, which includes a stable and independent Kosovo state that does not force the Serb minority to flee. Given enduring American principles and the history of the wars in the Balkans, the United States cannot be party to further ethnic cleansing by crafting options that force out the Serb minority. The Brčko model would accomplish this U.S. interest best at a local level, but it may not be internationally sustainable and may cause problems for future reintegration with Pristina and the rest of Kosovo. The most viable model might be a “Mostar Plus” case, in which Mostar’s very slow pace of ethnic and structural reintegration is accelerated and intensified. The Serb minority will need a high degree of autonomy in its own area, and the Eastern Slavonia model does not support that. In the Mostar Plus model that we recommend, ties with Belgrade need to be reoriented to Pristina slowly, in phases. International community pressure would have to be put on Pristina to protect its minorities against Albanian extremists. Institutional integration will be very slow but

must be encouraged and accelerated by Pristina with incentives for the Serbs. Kosovo will be the big winner diplomatically in the future status talks if it gains independence and avoids formal partition. Under those circumstances, the Pristina authorities must be magnanimous and accept a solution for Mitrovica that is somewhat less than their current negotiating position. A significant international commitment will be needed to provide stability, oversee the slow reorientation, and encourage ethnic integration. American troops currently in KFOR will be needed for some time north of the Ibar River to guarantee the success of this Mostar Plus model.



# Mitrovica: Setting the Stage

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By Laura Peterson Nussbaum

## Brief History of the Region and Impact of Conflict

The city of Mitrovica and its surrounding municipality are tucked into the northern corner of Kosovo, bordered by the Shala hills, extending northward to the east, and the Ibar River, which flows into the city from the west and creates the north-south ethnic division of the city. Just north of Mitrovica are the remains of the fortress of Zvečan, which protected Mitrovica's mines during the Byzantine era. The Serbian state controlled Kosovo from the late 12<sup>th</sup> century until the middle of the 15<sup>th</sup> century, when it was incorporated into the Ottoman Empire. Because of its geographical position, Mitrovica has not always been considered a part of Kosovo. Yugoslavia only joined the two administratively in the second half of the 20<sup>th</sup> century, when Mitrovica was made the seat of one of Kosovo's five regions, with ten small municipal units beneath it.

The current municipalities of Zubin Potok and Zvečan were part of the Mitrovica municipality from the 1960s to the 1980s; Zubin Potok became its own municipality in 1987, and Zvečan in 1991. Albanians did not recognize the separation of the municipalities and formed their own parallel government structures in response to being pushed out of the economy, schools, and government by the increasingly nationalist Slobodan Milosevic throughout the 1990s. These two municipalities, along with Leposavić, are now overwhelmingly Serb. With North Mitrovica, they form a *de facto* partition of northern Kosovo from the Albanian-dominated south.

Determining the ethnic distribution of the population of Mitrovica before the 1998–1999 conflict is a controversial process, as all sides try to demonstrate their ownership of the territory. The last full census in Kosovo was in 1981, when the Mitrovica municipality still included Zvečan and Zubin Potok. The population then was 105,322, two-thirds of whom were Albanian and one-quarter Serb and Montenegrin. By the time of the 1991 census, Albanians were already being pushed out of the official economy and did not participate in the census. Serbian census takers estimated Albanian numbers, but most likely based them on exaggerated growth rates in an effort to fuel the argument that Serbs were under threat from the Albanian population.

The distribution of the population was mixed before the conflict, with North Mitrovica having roughly equal Serbian and Albanian populations. The south side was predominately Albanian, with roughly 300 Serbs and around 6,000 Roma and Ashkali.

**Table 1. 1981 and 1991 Census Figures for Zvecan and Mitrovica According to Current Boundaries.<sup>1</sup>**

	Zvecan		Mitrovica	
	<i>1981</i>	<i>1991</i>	<i>1981</i>	<i>1991</i>
<b>Albanian</b>	1,043	1,934	63,464	82,837
<b>Serb and Montenegrin</b>	8,409	7,882	13,544	10,698
<b>Bosniak, Roma, Other</b>	210	214	10,540	11,350
<b>Total</b>	<b>9,662</b>	<b>10,030</b>	<b>87,548</b>	<b>104,885</b>

During the Kosovo conflict, Serbian security forces forced out much of Mitrovica's Albanian population and destroyed hundreds of homes. When Albanians returned to Kosovo in June 1999 after the withdrawal of Serbian forces, some returned to their homes in the north of the city, primarily in the Bosniak *Mahalla*<sup>2</sup> on the Ibar's north bank. However, in late 1999, the Serbs, feeling threatened that their control of North Mitrovica might be diluted by returnees, blocked Albanian entry into the north of the city, primarily through the Bridgewatchers, a newly formed group of thugs and former security personnel. French troops of NATO's Kosovo Forces (KFOR) blocked off the bridges connecting both sides, and the city's division began to harden. Albanians in turn burned the few Serbian homes in South Mitrovica and the Roma *Mahalla*.<sup>3</sup>

*Post-Conflict Population Distribution.* Further violence over the next few years drove many of the Albanians remaining in the north to the south. The current population and ethnic makeup of the Mitrovica region is uncertain because there has been no attempt at a new census. The Organization for Security and Co-operation in Europe (OSCE) estimates that North Mitrovica has approximately 20,000 inhabitants; 17,000 of those are Kosovo Serbs, of whom 5,000–7,000 are internally displaced persons (IDPs). The other 3,000 are Kosovar Albanians, Bosniaks, Roma, and Ashkali. The Albanians live primarily in three locations: Bosniak *Mahalla*, the so-called Three Towers on the north bank of the Ibar, and Kodra Minatoreve (Miner's Hill). All locations have had KFOR protection throughout the last six years. The number of Bosniaks has declined significantly from the pre-conflict figure of 6,000 to around 2,000–3,000, living both north and south of the Ibar. The pre-conflict Roma population (around 6,000) of South Mitrovica has been displaced to the northern municipalities and Serbia proper. About 275 Roma live in a camp in the north of the town, and a small number of families live in private

<sup>1</sup> European Stability Initiative (ESI), "A Post-Industrial Future? Economy and Society in Mitrovica and Zvecan" (background paper for Wilton Park Conference held January 30-February 1, 2004), 1–3. Available online at <[http://www.esiweb.org/pdf/esi\\_document\\_id\\_61.pdf](http://www.esiweb.org/pdf/esi_document_id_61.pdf)>.

<sup>2</sup> *Mahalla* is Turkish for "neighborhood."

<sup>3</sup> International Crisis Group (ICG), *Bridging Kosovo's Mitrovica Divide*, Europe Report 165 (September 13, 2005), 4. Available online at <<http://www.crisisgroup.org/home/index.cfm?id=3650&l=1>>.

accommodations in the south. About 40 Ashkali families still live in South Mitrovica. There are Turkish families on both sides of the river. One-third of the Gorani community remains in the south.<sup>4</sup> The March 2004 violence added to the IDP strain, with an additional 1,000 Serbs and 260 Roma fleeing to North Mitrovica. Efforts of the UN Interim Administration Mission in Kosovo (UNMIK) to encourage returns generally have failed.<sup>5</sup>

Estimates of the population of South Mitrovica range from 65,000 to 95,000; apart from the minorities mentioned above, all are Albanian. A significant portion of these are IDPs from rural parts of Kosovo. Outside the city of Mitrovica, but within the northern municipalities, there are nine enclave villages: three Albanian in Leposavic, three Albanian in Zvecan, one Albanian in Zubin Potok, and two Serbian in Mitrovica.

*Insufficient Infrastructure.* Mitrovica does not currently have the infrastructure to become two separate cities. Cultural and sports facilities are in the south. The only regional hospital is in the north and has become a base for Serbian activism. The much larger south has only a poorly equipped outpatient clinic; persons requiring in-patient treatment must take the hour drive to Pristina. The 20,000 Albanian school children are crammed into roughly the same number of schools as the 4,000 Serbian children.<sup>6</sup>

The locations of the traditional places of worship and burial are a further indicator of Mitrovica's integrated past. The Ibar Mosque in the north, built in 1882, was completely destroyed in the conflict. The Serbian Orthodox Church, which was in the south, survived the conflict and was under 24-hour KFOR protection, until it was destroyed during riots in March 2004. A new Serbian Orthodox Church has been constructed in the north. The oldest and largest Muslim cemetery is in North Mitrovica, but no burials can take place, and visits can only be made on holy days and under KFOR protection. The only Serbian Orthodox cemetery is on the south side and can no longer be used. Serbs must use cemeteries in the northern municipalities.<sup>7</sup>

There is scant communication between the sides, which know little beyond rhetoric of each other's plight and true interests. Neither group's media publishes or broadcasts in the other's language.

Albanians have resisted the building of new schools and a new hospital on the south side, fearing it would only cement the division of the city—a position held as much out of stubborn pride as a desire to regain lost property in the north. The Serbs, on the other hand, fear that if Mitrovica remains one municipality, the return of Albanians, with their greater birthrates and greater private capital, will mean that Serbs lose control and freedom of movement in the only urban territory remaining.<sup>8</sup>

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<sup>4</sup> Organization for Security and Co-operation in Europe (OSCE), *Mitrovica Municipal Profile* (June 2006), 2. Available online at <[http://www.osce.org/documents/mik/2005/12/1191\\_en.pdf](http://www.osce.org/documents/mik/2005/12/1191_en.pdf)>.

<sup>5</sup> Internal UN memo on Mitrovica communities.

<sup>6</sup> ICG, *Bridging Kosovo's Mitrovica Divide*, 11.

<sup>7</sup> OSCE, *Mitrovica Municipal Profile*, 15.

<sup>8</sup> ICG, *Bridging Kosovo's Mitrovica Divide*, 15.



*Significant Security Incidents.* In addition to the frequent riots and intimidation of Albanians and internationals in the north, there have been a few significant violent incidents in Mitrovica since the establishment of the UNMIK administration. In January 2001, Albanian youths rioted against French KFOR troops after a 15-year-old boy was killed by Serbian shooting and grenade attacks in the Bosniak *Mahalla*. Albanians claimed that the French had stood by and watched it happen. In March 2001, after the arrest of Serbs suspected of attacking police in North Mitrovica, Serbian gangs attacked UNMIK police with gasoline bombs, pulling them out of their apartments and beating them. After this, UNMIK evacuated from the north for several weeks.

In early 2002, tensions began building in the north after two Serbs were arrested on murder charges. On April 8, the Bridgewatchers attacked UNMIK police with stones, guns, and grenades after a fellow Bridgewarder was arrested at a traffic checkpoint; 26 International Civilian Police (CIVPOL) officers were wounded. French KFOR was once again criticized for failing to intervene, and UNMIK withdrew from the north once again.<sup>9</sup>

In March 2004, Kosovo exploded after the drowning of Albanian children in Mitrovica, allegedly at the hands of Serbs. Two days of rioting followed, with Albanians targeting the Serbian population and UNMIK. Nineteen people were killed and 900 were wounded, and many Serbian houses and churches were destroyed, including the Orthodox church in South Mitrovica. The KFOR and UNMIK response was drastically inadequate, and their credibility among all parties in Kosovo deteriorated rapidly.

### **Differences Among the Northern Municipalities, North Mitrovica, and Serbian Enclaves in the South**

It is important to recognize that the Serbian population of Kosovo is not a unified force and that factions have varying interests at stake. The militant hardliners of North Mitrovica do not have as great a hold on the three northern Serbian municipalities or on the Serbian enclaves throughout southern Kosovo, where cooperation with UNMIK is more common. For the mostly small, rural municipalities of Zvecan, Zubin Potok, and Leposavic, Serbian dominance is unthreatened by potential Albanian returns and so they do not feel the need to take such defensive stances. They participated in Kosovo's October 2002 local elections and have elected assemblies. (North Mitrovica largely boycotted this election.) However, many Serbian institutions still function fully in these areas, and UNMIK's influence is minimal. As in North Mitrovica, nearly all civil servants get salaries from both Pristina and Belgrade. An UNMIK official acknowledges: "It is Serbia. The UNMIK and PISG<sup>10</sup> presence there is a skin graft, only kept in place by massive doses of immuno-suppressants."<sup>11</sup>

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<sup>9</sup> Ibid., 11.

<sup>10</sup> The Provisional Institutions of Self-Government are made up of local officials and share in interim management of Kosovo with UNMIK. See <<http://www.unmikonline.org/civiladm/index.html>>.

<sup>11</sup> ICG, *Bridging Kosovo's Mitrovica Divide*, 5.

The Serbian enclaves throughout the south of Kosovo realize that their future is to remain a minority surrounded by Albanians. Their primary interests are protection, freedom of movement, self-governance, and economic opportunity within Kosovo. They are thus more willing to work not only with UNMIK, but also with the PISG. Their institutional ties to Serbia are weaker than in the north. As further proof of the different directions of these Serbian entities, the southern enclaves are increasingly abandoned in the rhetoric of the northern politicians, some of whom advocate that all Serbs should just evacuate to the north and together push for partition, a move that many in the enclaves strongly resist.<sup>12</sup>

### **The Economic Dilemma of Mitrovica**

Mitrovica's economic problems are Kosovo's economic problems. With extremely high unemployment and no industry or production to speak of, Kosovo's ability to sustain itself as an independent country is doubtful at this point. However, the card that many Kosovar Albanians think that they hold—and also the reason some believe Serbia is so reluctant to let Kosovo go—is the Trepca mining facilities in Mitrovica. The Trepca lead and zinc mines have been in use since the Middle Ages and stimulated Mitrovica's development as an industrial center in the 19th century.

During the Yugoslav period, Mitrovica was synonymous with Trepca, with up to 20,000 jobs dependent on a large complex that included extraction, flotation, smelting, and downstream processing processes. The mines provided a shared industrial identity for Serbs and Albanians alike. However, poor management, overemployment, and insufficient upkeep have meant that Trepca has been unable to turn a profit since the 1980s; it has produced nothing since 2000, when it was shut down by UNMIK for toxic pollution. Whether Trepca could ever contribute to the economy of Mitrovica and Kosovo again is questionable. It has an enormous amount of debt and would require even larger outside investment to become competitive. Moreover, many analysts believe that ore has been depleted to the point that mining may not be profitable. However, in August 2005, mining was restarted on an experimental basis to help determine the future viability of the mines.<sup>13</sup>

Without Trepca, the public sector dominates the economy of the Mitrovica region. In the south, there are 4,000 jobs on the Kosovo budget, including teachers, policemen, health workers, and 779 maintenance employees at Trepca. In addition, there are another 8,000 who receive a pension or social welfare payment. Another estimated 450 have well-paid international community jobs. The largest employer is the trading company Lux, which pays 300 workers from rents of its properties. The bus station and a bakery pay at most another 300 employees. The only significant foreign or domestic investment since 1999 has been in residential housing, primarily funded by foreign reconstruction aid and diaspora remittances. But residential construction has been declining, with 40 construction companies going out of business as of March 2003. The rest of the private sector is comprised primarily of small, family-owned shops and restaurants. Diaspora remittances contribute to the household income of many, but the amounts are declining as

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<sup>12</sup> Ibid., 6.

<sup>13</sup> Ibid., 2.

more and more Kosovar Albanians abroad return—either by choice or because host countries revoke their refugee status. All told, the picture is grim, with the 2004 per capita income in South Mitrovica estimated at 38 euros per month.<sup>14</sup>

The private sector is even weaker in North Mitrovica, which relies almost entirely on public budgets. Fewer than 2,000 are employed in the private sector or remnants of the old socialist industries—mostly in kiosks, restaurants, and shops. As with the south, the public sector is the largest source of income, most of which comes from Serbia. More than 60 percent (some 1.6 million euros per month) of the total income in North Mitrovica comes from Belgrade in the form of public sector salaries in the university, the hospital, and the parallel legal, utilities, and law enforcement systems.<sup>15</sup> In addition, many of the 4,100 jobs on the Serbian budget come with a “Kosovo supplement” that matches up to 100 percent of the base salary as an incentive for Serbs to remain in Kosovo. Pristina also contributes 23 percent of North Mitrovica’s income—paying salaries for 1,800 public sector jobs, as well as pensions, social assistance, and Trepca stipends to more than 7,000 people. The Pristina budget, which comes entirely from local (Kosovo) tax revenues, is contributing 50 percent more per capita to North Mitrovica than to the South.<sup>16</sup> However, the Serbs contribute almost nothing to either the Serbian or Kosovo budget through taxes, fees, utilities, and social security contributions. Given these factors, per capita monthly income in the north is 102 euros.<sup>17</sup> This substantial subsidization of the north will need to be considered in any agreement on the region. An abrupt interruption of funding from Belgrade would be destabilizing for the Serb minorities. Any final status process would probably require the initial matching of these funds while the Serbian north developed its economic role as a service provider for all of Kosovo's Serbs.

### **Kosovo and Mitrovica under International Administration**

*Central Administration.* After the NATO air strikes ended in June 1999 with Milosevic's withdrawal, Kosovo became a UN protectorate administered by UNMIK under the authority of UN Security Council resolution 1244 (1999). In April 2001, the new Constitutional Framework transferred several areas of authority to the PISG, which are dominated by the Albanians (see elections data below), although UNMIK kept key powers. Since then, PISG and UNMIK have increasingly clashed; UNMIK repeatedly has vetoed PISG statements regarding Kosovo’s future status.

Since April 2002, UNMIK has followed the “standards before status” policy, which set forth eight standards of rule of law and multi-ethnicity that the Kosovo community and the PISG must meet before final status could be discussed—an effort by the international community to delay the discussion on independence until all sides had cooled down. The policy went nowhere, though, until the Contact Group (a six-nation oversight group consisting of France, Germany, Italy, Russia, United Kingdom, and the United States) re-

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<sup>14</sup> ESI, “A Post-Industrial Future?,” 4.

<sup>15</sup> *Ibid.*, 5.

<sup>16</sup> *Ibid.*, 6.

<sup>17</sup> *Ibid.*, 6–8.

engaged in 2003 and announced that the review of final status could begin in mid-2005 if certain benchmarks toward the standards were met in accordance with a forthcoming plan for standards implementation. However, just days before the release of the implementation plan, the March 2004 violence shook Kosovo. The KFOR and UNMIK response was drastically inadequate, and their credibility among all parties in Kosovo deteriorated rapidly. Despite the fact that the benchmarks were not adequately achieved, the international community decided the status quo was no longer sustainable. Norwegian diplomat Kai Eide conducted the mid-2005 review, in the end reporting that, although progress on the standards was disappointing, delaying final status negotiations would not be helpful; negotiations were scheduled to start in early 2006.

*Mitrovica's Parallel International Administration.* The international administration of Mitrovica and the northern municipalities has been a little *too* multi-national, with Belgrade continuing to run parallel security and administrative sectors in opposition to UNMIK and in direct violation of UNSCR 1244. As noted above, Belgrade has a very large payroll within Kosovo—estimated at 1.6 million euros per month. The parallel municipal administration supported by those funds operates with near impunity in North Mitrovica and the northern municipalities. The Serbian Interior Ministry forces (MUP) operate openly in the North (see the security section below), and those they arrest are often tried at the court in Kraljevo in Serbia proper under Serbian law. The education and health services report to ministries in Belgrade, and the telephone system has been disconnected from Kosovo Telecom and reconnected to the Serbian system.<sup>18</sup>

The dominant political force in North Mitrovica and the northern municipalities is the Serb National Council (SNC). It was started in 1998 and 1999 by Kosovo Serbs and is closely aligned with Serbian Prime Minister Kostunica's Democratic Party of Serbia (DSS) party. The key Kosovo Serbian leaders in the SNC are Marko Jaksic, a DSS vice-president and member of the Serbian parliament, and Milan Ivanovic, president of the SNC and director of the North Mitrovica hospital. All appointments to the parallel municipality go through Jaksic.<sup>19</sup> Both men were the primary political "advisors" of the Bridgewatchers and are rumored to have links with organized crime. Oliver Ivanovic, one of the founders of the Bridgewatchers, is an influential Povratak member of the Kosovo Assembly and has been more willing to work with UNMIK and the PISG.<sup>20</sup>

In the face of Serbian resistance and the Belgrade-funded parallel police, judicial, and government structures, UNMIK's efforts have had limited success. UNMIK policies have often been ambiguous and contradictory, despite the efforts of some effective UN administrators. William Nash, the first UN administrator in northern Kosovo after the invasion, had his hands full and clamped down on all sides in the hope that passions would simmer down, at which point reintegration plans could begin. But by early 2000, the multi-ethnic hospital, the court structure, and other public services in North Mitrovica

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<sup>18</sup> International Crisis Group (ICG), *UNMIK's Kosovo Albatross: Tackling Divisions in Mitrovica*, Europe Report 131 (June 2002), 3. Available online at <<http://www.crisisgroup.org/home/index.cfm?id=1603&l=1>>.

<sup>19</sup> ICG, *Bridging Kosovo's Mitrovica Divide*, 11.

<sup>20</sup> ICG, *UNMIK's Kosovo Albatross*, 10.



were controlled by Belgrade's parallel system, and UNMIK was never able to establish a full presence.

However, over the next few years, UNMIK initiated Serbian-Albanian working groups on such city issues as care of cemeteries and programs to encourage coexistence and returns. Under constant KFOR protection, many Albanian families were returned to the Three Towers apartment block in the north. The Kosovo Police Service (KPS) eventually began patrolling the north with Serbian officers under UN supervision, with the police station being turned over to the local Serb KPS in 2005. An international judge and prosecutor were installed in the regional court in North Mitrovica.

In February 2002, UNMIK established a local community office in North Mitrovica, intended as a first step toward superseding Serbian parallel structures by linking Serbs there to the Albanian-dominated municipal authority. Its 70 local positions were only partly filled, however, and Serbian employees frequently received threats from the Bridgewatchers.

In October 2002, Special Representative of the Secretary General (SRSG) Michael Steiner proposed a "Seven Point Plan" for Mitrovica, in an effort to get the Serbs to participate in the 2002 municipal elections, and to begin to resolve the Mitrovica issue. Basically, the plan offered Serbs self-government based on the territories they dominated, municipal units established for "sizeable non-majority communities." These units would have a council, an administration, and a budget, and would control primary and secondary education, primary health care, urban and rural planning, and the development of municipal services and facilities. However, it was not clear how these units would be linked to the larger municipality.

The Serbian population in the enclaves—which is larger than that in the north—was initially left out of the plan, but a few weeks later, the "decentralization" plan was made Kosovo-wide. All sizeable non-majority communities could apply to establish municipal units. Steiner labeled the plan an effort to "bring government closer to the people," and it received wide international support, including from the United States. However, the Serbs did not participate in the elections, and the decentralization plan didn't go forward at that time, although it has since become a permanent part of Kosovo's constant negotiation between majority Albanians and minority Serbs. Decentralization working groups were established, and in 2005, the PISG nearly passed a decentralization process. Critics hold that decentralization is "a step down the slippery slope of institutionalizing the ethnic divide," contradicting UNMIK's stated goals of multi-ethnicity.<sup>21</sup> UNMIK has strongly denied this but has not explained how decentralization would lead to a multi-ethnic Kosovo.

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<sup>21</sup> International Crisis Group (ICG), *Kosovo's Ethnic Dilemma: The Need for a Civil Contract*, Europe Report 143 (May 28, 2003), 18. Available online at <<http://www.crisisgroup.org/home/index.cfm?id=1625&l=1>>.

On November 25, 2002, after the Serbian boycott, the SRSG announced that the parallel municipality in the north would be closed and all Mitrovica reestablished under UNMIK authority. This, of course, did not happen, but UNMIK did open offices to provide services to the north, and eventually an eight-member Serb advisory board was established to help UNMIK “administer” North Mitrovica.<sup>22</sup>

The current UN administrator for Mitrovica, Gerard Galucci, has focused on reaching out to the Serbian politicians and trying to bring them into closer cooperation with Albanians. He has had some success with working groups, but the Serbs recently withdrew from all cooperative efforts to protest how the final status negotiations are proceeding (see below).

*Elections Under International Administration.* Since 1999, Kosovo has held municipal elections in 2000 and 2002; elections scheduled for 2006 have been postponed. Kosovo Assembly elections were held in 2001 and 2004. Unlike the majority of municipalities, Mitrovica did not have any type of municipal council before the municipal elections in October 2000; the city’s administration was the responsibility of UNMIK. According to data from the October 2000 municipal elections, there were 19 political parties: 12 Kosovar Albanian, 2 Bosniak, 1 Ashkali, and 2 Turkish parties. The Kosovo Serbs boycotted the election and did not take the 11 seats appointed to them in the municipal assembly. The Albanian Democratic League of Kosovo (LDK), the party of war-time pacifist Ibrahim Rugova, won a majority of the assembly. The October 2002 municipal elections elected an assembly similar to that of 2000, with the LDK holding 24 seats, the Democratic Party of Kosovo (PDK) 15, the Alliance for the Future of Kosovo (AAK) two, and the Justice Party (PD) one. The Serbs again boycotted.

In the Assembly elections in 2001, several Serbian parties formed the Kosovo Serb Koalicija Povratak (KP) which won 22 seats in the Kosovo Assembly. Koalicija Povratak, or Coalition Return party, has become the primary Kosovo Serb interlocutor with the international community. However, they are constantly challenged by the SNC for their willingness to work with UNMIK.<sup>23</sup> The Albanian LDK won the majority of Assembly seats, and elected Rugova as the first President of Kosovo.

In the 2004 Assembly elections, Serbs were under considerable pressure from Belgrade and Serbian Prime Minister Kostunica to boycott although President Tadic suggested some participation. The Serbs did boycott, however, and a new coalition government was formed between Rugova's LDK and Ramush Haradinaj's AAK. Haradinaj, a former KLA commander, was appointed Prime Minister, but had to resign after he was indicted by the International Criminal Tribunal for Yugoslavia (ICTY). Bajram Kosumi, also of the AAK, succeeded him. Haradinaj is currently on release awaiting his trial. In early 2006, the leadership of Kosovo changed drastically after President Ibrahim Rugova died. He was replaced by Fatmir Sejdiu. Discontent with the passive Kosumi led AAK to replace its leader in March with former KLA commander and KPC commander Agim Ceku.

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<sup>22</sup> OSCE, *Mitrovica Municipal Profile*, 8.

<sup>23</sup> *Ibid.*, 5.

## Security Forces and Law Enforcement in Kosovo

*KFOR*. Kosovo was divided into security sectors overseen by French, American, British, German, and Spanish troops. Mitrovica and the northern municipalities have been under French command since 1999. France has just over 3,400 troops under its command, of whom 2175 are from France, 444 from Morocco, 282 from Denmark, 200 from Belgium, 186 from Greece, 103 from Lithuania, and 23 from Luxembourg.<sup>24</sup>

French KFOR has been repeatedly criticized for not taking sufficiently robust measures in the north to create a secure environment in which UNMIK can work. For example, UNMIK police know that if they try to apprehend an SNC leader or former Bridgewatcher, a mob will instantly mobilize and that KFOR will do little to intervene. Therefore UNMIK's efforts are effectively limited to efforts considered acceptable to the Serbs.<sup>25</sup> This of course makes it nearly impossible to do anything with the parallel structures that undermine UNMIK. UN staff who have lived in North Mitrovica have had to repeatedly evacuate to the south because of the poor security situation.

In certain crises, troops from other areas, including German and American troops, are brought in to provide a more diverse, and according to some, more robust KFOR presence. Many have called for the French KFOR to be permanently replaced by either British or American troops, believing that their ROEs would be more appropriate to the Mitrovica situation. The French KFOR have argued, however, that their mandate is to keep peace, and more robust measures would cause instability.<sup>26</sup>

The controversy over whether the French should be replaced or not may become moot. As of 2004, the national caveats to ROEs have been removed, and KFOR is restructuring into more of a taskforce arrangement where the KFOR commander can send who he wants where he wants, without stepping on the toes of a regional brigade. The obvious hope for Mitrovica is increased effectiveness.

*Kosovo Police Service (KPS)*. The KPS has 864 officers in the Mitrovica region. The officers are Albanian, Serbian, Bosniak, Ashkali, and Turkish; 118 of them are female. The municipality has two police stations, one in the north and one in the south, and a regional police headquarters in the south. By the end of 2005, both police stations had been turned over to local KPS command, although the Regional Police Headquarters is still under UNMIK CIVPOL command. The 185 UNMIK police officers on duty in the Mitrovica region are primarily deployed in the monitoring and community policing units. In South Mitrovica, 145 KPS Officers and 2 CIVPOL Officers are on duty. At the Regional Police Headquarters 249 KPS and 37 CIVPOL Officers are on duty under the Regional Command structure.<sup>27</sup> The KPS officers in South Mitrovica are nearly all Albanian and are very well received by the community—Albanians are happy to see their own in positions of authority once limited to Serbs.

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<sup>24</sup> OSCE, *Mitrovica Municipal Profile*, 17.

<sup>25</sup> ICG, *Bridging Kosovo's Mitrovica Divide*, 23.

<sup>26</sup> ICG, *UNMIK's Kosovo Albatross*, 12.

<sup>27</sup> OSCE, *Mitrovica Municipal Profile*, 16.

The North Mitrovica station has 71 KPS Officers and 2 CIVPOL Officers on duty. The Serb KPS officers, most of whom are members of or support the SNC, are not alone in policing North Mitrovica. The Serbian MUP openly operate a station with over 70 officers (some estimates are as high as 300). Their only concession to UNMIK's authority is that the MUP officers don't wear uniforms. The MUP officers greatly outnumber the two remaining CIVPOL officers and about match the KPS in North Mitrovica. The MUP station has a mainly monitoring and administrative role, but lets everyone know that Serbia is still pulling the strings. The MUP has hijacked much of the KPS' functions, with citizens taking nearly 40 percent of their criminal complaints to MUP, rather than KPS. The actual number may be much higher because it seems that MUP officers examine complaints and decide which ones to send on to UNMIK and which to the KPS.<sup>28</sup>

*Kosovo Protection Corps (KPC).* The KPC, which is basically the KLA transformed into a national guard of sorts, has a presence in South Mitrovica, but not in the north. At the moment, it performs ceremonial duties for VIPs, guards Roma/Ashkali camps and an ammunition depot, and does some reconstruction. Of the 5,000-person corps, 41 are Serbs, almost entirely from the enclaves in the south.

### **Final Status Negotiations and Mitrovica**

On February 20, 2006, final status negotiations began under the guidance and mediation of former Finnish Prime Minister Martti Ahtisaari, serving as special envoy of the UN Secretary-General. In November 2005, the Contact Group set out ten principles on which the outcome of the status process should be based, including compatibility with international standards of human rights, democracy, and international law and contribution to regional security, sustainable multi-ethnicity, effective local self government or decentralization, safeguards for cultural and religious heritage, security arrangements, rule of law, and continued international supervision. The sixth principle has gained the most attention.

The settlement of Kosovo's status should strengthen regional security and stability. Thus, it will ensure that Kosovo does not return to the pre-March 1999 situation. Any solution that is unilateral or results from the use of force would be unacceptable. There will be no changes in the current territory of Kosovo, i.e., no partition of Kosovo and no union of Kosovo with any country or part of any country. The territorial integrity and internal stability of regional neighbors will be fully respected.<sup>29</sup>

Organized in a series of rounds taking place in Vienna, it is anticipated that the negotiations will finish by the end of 2006. On May 4 and 5, 2006, the negotiating teams retackled the issue of decentralization—which is a code word for dealing with Mitrovica.

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<sup>28</sup> ICG, *Bridging Kosovo's Mitrovica Divide*, 26.

<sup>29</sup> "The contact group sets out 10 leading principles for Kosovo status," *Zëri*, November 2, 2005.

The Pristina delegation has proposed the creation of four mainly Serb-inhabited municipalities, while Mitrovica would be a municipality with two sub-municipal units, governed jointly through a single Executive Council, and would have an international administrator for the coming years.

At the same time, the Serbian delegation proposed creating 17 Serb-dominated municipalities, with North Mitrovica joining the municipality of Zvecan to form a new municipality of Zvecanska Mitrovica. Belgrade also explained its offer of “more than autonomy, less than independence,” in which Serbia officially offers Kosovo autonomy for the next 20 years, with the possibility of renewal. Serbia would keep responsibilities in the foreign policy sphere, border control, and protection of human rights, as well as in monetary and customs policy and protection of Serbian religious and cultural heritage. However there would be no military presence other than KFOR.

Both sides rejected the other’s proposals out of hand, and the delegations will not discuss decentralization again in the negotiations. Most likely, the proposals will be evaluated by Ahtisaari’s team, along with the Contact Group, and a final version will be passed by the UN Security Council.

After the round ended in an impasse, the Contact Group in June issued a 13-point plan that calls for the implementation of priority standards to address the concerns of minorities, primarily the Serbs at the negotiating table. The 13-point plan lays out requirements for the Kosovo Government and Assembly in the areas of IDP returns, security, the resolution of property issues that will guarantee the return of minorities to their properties, the full renovation of damages of the March 2004 riots, and the rule of law. The requirements must be met in 4 to 6 months.



# Three Possible Models for Mitrovica's Future

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To provide historical and regional context for consideration of the Mitrovica issue, CTNSP staff examined similar peacekeeping cases that started in the mid-1990s: Mostar and Brčko, in Bosnia and Herzegovina (BiH), and Eastern Slavonia, in Croatia. These three case studies are based on an NDU-sponsored workshop attended by many Balkan experts, visits by CTNSP staff to Mitrovica, Mostar, and Brčko, as well as the authors' independent research.

## 1. Mostar: *De Facto* Partition<sup>30</sup>

By Charles Barry<sup>31</sup>

### Case Study Model Characteristics and Conclusions

Mostar is a useful model in designing solutions for Mitrovica because of key ethnic, political, and geographic parallels:

- Deep, abiding, bi-ethnic animosity and violence between civilian populations—Croat-Bosniak in Mostar, Serb-Albanian in Mitrovica. The problems are arguably more intractable in Mitrovica than in Mostar because of much greater linguistic and cultural differences.
- The proximity of an adjacent state with a keen interest in protecting its related minority group's interests in an emerging state government—Croatia for Mostar Croats, and Serbia for Mitrovica Serbs. Croatia's sponsorship has faded over time because of the success of both Croatia's and Croat Mostar's economic recoveries, as well as Croatia's growing international interests beyond Bosnia. In addition, threats of violence to Bosnian Croats across Bosnia are greatly diminished. Serbia

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<sup>30</sup> This case study draws on document research from the following: "Report on European Union Administration of Mostar (EUAM) and Office of the Special Envoy for Mostar (OSEM) from July 23, 1994 to December 31, 1996," unpublished report prepared January 31, 1998, by Sir Martin Garrod, former EU Special Envoy in Mostar; the *Report of the Commission for Reforming the City of Mostar*, December 15, 2003, available at <<http://www.oscebih.org/documents/34-eng.pdf#search=%22Report%20of%20the%20Commission%20for%20Reforming%20the%20City%20of%20Mostar%22>>; *Building Bridges in Mostar*, International Crisis Group, Europe Report 150, November 20, 2003; "Short History of the Office of the OHR-Mostar," available at <[http://www.ohr.int/ohr-offices/mostar/history/default.asp?content\\_id=5533](http://www.ohr.int/ohr-offices/mostar/history/default.asp?content_id=5533)>; "Statement of Preliminary Findings and Conclusions, International Election Observation Mission—2004 Municipal Elections—Bosnia and Herzegovina," OSCE Office for Democratic Institutions and Human Rights (ODIHR), October 3, 2004. Available online at [http://www.osce.org/documents/odihr/2004/10/3695\\_en.pdf](http://www.osce.org/documents/odihr/2004/10/3695_en.pdf); U.S. State Department (INL) Fact Sheet on U.S. Participation in International Police (CIVPOL) Missions at <<http://www.state.gov/p/inl/rls/fs/47759.htm>>; "Local Institutional Engineering: A Tale of Two Cities, Mostar and Brcko," Florian Bieber, *International Peacekeeping*, 12, no.3, (Autumn 2005), 1–14.

<sup>31</sup> The author gratefully acknowledges the contributions to this case study provided through peer reviews by: Ambassador Robert Beecroft, National Defense University; Dr. Kurt Bassuener and Dr. Enver Ferhatovic, Office of the OHR in Sarajevo; Gerhard Sontheim, OHR Brcko; and Mr. Ivan Susak, Lexington Institute. The opinions are mine, as is responsibility for any errors of fact or omission.

- on other hand appears destined to enjoy no major economic revival or international re-integration in the near future.
- Fear of cultural annihilation, political disenfranchisement, and economic marginalization—the Croats in Bosnia and the Serbs in Kosovo. These fears fuel resistance to political integration and cultural reorientation of the two flagship, urban outposts of their cultures, Mostar and Mitrovica.
  - The presence of a major, irreducible, terrain feature as the geographic dividing line between the two conflicted parties—the Neretva River in Mostar and the Ibar River in Mitrovica—makes partition starkly apparent and integration more difficult to achieve.
  - The importance of international involvement. In both cases the majority is perceived to have prevailed only through international intervention, in particular that of the United States.
  - The near-congruency of religion and language with ethnicity. In the case of Mostar, the language division is contrived but it nonetheless works to buttress post-conflict divisiveness. These divisions are starker and more genuine in Mitrovica.

The post-conflict evolution of Mostar also has parallel developments and circumstances in Mitrovica:

- Administrative separation was the only initial solution in Mostar and may also be in Mitrovica because of the high level of mutual distrust and barely contained ethnic hostilities.
- International police established integrated local police organizations and patrols from the beginning, but the effort did little to level the playing field with regard to law and order, as it has done in Brčko under a stronger and more successful international regime and a more committed local political class.
- The administrative partition of Mostar, initially labeled an interim solution, quickly became entrenched due to the strong resistance of the parties (particularly the Croats) and the inconsistency of the international community in forcing progress.
- “Temporary” separate municipal structures in both Mostar and Mitrovica have proved difficult to replace and have taken on permanency as intransigence persists.
- By the time the Office of the High Representative (OHR) in Bosnia and Herzegovina took over in Mostar in January 1997, the administrative situation had already become entrenched during two years under the weak European Union Administrator Mostar (EUAM); in Mitrovica, resolution of final status will come after at least seven years of pre-existing administrative structures under UNMIK.
- One side of the parallel structures of local governance in both cities was or is nurtured by an outside power. In Mostar, Croats received direct aid from Zagreb throughout the Tudjman era. In North Mitrovica, parallel structures maintain strong ties with Belgrade.

Mostar developments that should inform our approach to Mitrovica because of the difficulties they created (i.e., things to avoid in Mitrovica):



- Weak or inconsistent international administration achieves little and draws the criticism of all parties. (Conversely, strong, even-handed, and consistent international administration can earn respect and compliance, however grudging.)
- Latent political, religious, and criminal extremists, if unchecked by legitimate authorities, can create a lawless climate and further ethnic cleansing. In such an environment, moderate politicians, clergy, and businesspersons will either depart or hang back, looking to the international community to provide solutions.
- Ethnic-based “sub-municipalities” develop their own bureaucracies and employ passive resistance to thwart central municipal authorities administratively and politically. These layers of government set up to keep Mostar calm should have included rigorous review mechanisms or sunset provisions. Though abolished by the OHR in 2004, remnants of the sub-governments, supported by hard-liners on all sides, continue to thwart institutional integration and stifle economic growth.
- Local obstructionists become entrenched and emboldened unless the international political authority is well empowered and well organized and backed by military forces operating under rules of engagement that allow them to intervene wherever necessary to preserve public order.

## **Mostar History**

Mostar provides an instructive source of conflict resolution attributes to consider in crafting a strategy to maintain peace and eventually normalize the region in and around Mitrovica. Many key features of the two scenarios are similar, from pre-conflict circumstances, to the nature of the conflict itself, and finally to the post-conflict situation. What has worked and not worked in Mostar should be of keen interest as we seek an international approach to Mitrovica within the context of the final status talks on Kosovo.

Mostar is perhaps the worst urban case of unsettled grievances and lingering tension from the Bosnian war. Before its two brief, intense wars, Mostar was fully integrated across ethnic, religious, and educational lines, with a significant proportion of mixed marriages. Since the war, the Serbs have largely fled, leaving the city divided along ethnic, religious, and geographic lines roughly coincident with the Neretva River, which runs through the city center. The east is Bosnian and the west is Croatian, though there is a Bosniak area on the Croatian west side, which was the site of the main confrontation line and the fiercest fighting during the war.

The tipping point that led to Mostar’s conflict was the Socialist Republic of Bosnia and Herzegovina’s declaration of independence as the former Yugoslavia began to disintegrate in 1991. Following a February 1992 referendum on BiH sovereignty that was boycotted by most Serbs, the Serb-dominated Yugoslav People’s Army (JNA) attacked Mostar on April 3, 1992, and within a week established control over a large part of the town. On April 8, the army of Bosnia and Herzegovina (ABiH) joined with Herzegovina Croat military forces (HVO) to defend against the JNA. In July, the ABiH (4th Corps)

and HVO forced the JNA troops out of Mostar. However, the city continued to be bombarded by the Bosnian Serbs from the mountains to the east.<sup>32</sup>

In May 1993, the heavily armed and Croatia-funded, HVO forces turned their guns on their one-time ABiH allies. The Croats hoped to capture Mostar for themselves in the context of a broader Bosnian Croat secessionist campaign, with a view to uniting with Croatia.<sup>33</sup> The campaign resulted in the division of the city of Mostar into West Mostar (controlled by the Zagreb-surrogate “Croat Republic of Herceg-Bosna” and the HVO) and East Mostar (controlled by the Bosnian Federation Government and the ABiH). Executions, ethnic cleansing, and other atrocities occurred on both sides during the fighting, but particularly against the Bosniak people in Croatian West Mostar. The fighting in Mostar resulted in the deaths of thousands and left many parts of the city in ruins, including the famous Stari Most (Old Bridge), which was constructed by the Ottomans in the 16<sup>th</sup> century and totally destroyed by tank fire from HVO forces on November 9, 1993. This second war ended in an internationally negotiated truce in February 1994. The tense truce resulted in separate parallel administrations and services in East Mostar and West Mostar, along the lines of ethnic division that resulted from the war.

On March 1, 1994, the Bosnian government and the Bosnian Croats signed the Washington Agreement, which created the Bosniak-Croat Federation of Bosnia and Herzegovina (hereafter referred to as the Federation). The agreement stipulated that international authorities would administer Mostar for an unspecified period of time; by agreement with the Bosniak and Croat leadership of the Federation, it was determined that the European Union would administer Mostar for a period of two years and establish a multi-ethnic, unified city administration.<sup>34</sup> The EU administration was supported by a police mission of the Western European Union. The police mission never grew beyond 182 officers and was only marginally effective in organizing a multi-ethnic police force.

Two EU offices, the EUAM and, for the final six months, the European Union Special Envoy Mostar (ESEM), administered Mostar from July 23, 1994, to December 31, 1996. The EUAM got off to a weak start because of the lack of early financial and economic expertise on the ground and the slow, ad hoc arrival of mission personnel. The EUAM was regarded with contempt among some members of the Mostar community. At one point, the offices were fired upon with anti-tank weapons and on another occasion, the EU Administrator’s car was stoned. Overshadowing the difficulties of reintegration, the mission’s inaugural was attended not only by representatives from Sarajevo, but by President Franjo Tudjman of Croatia, which signaled Croatia’s interest and influence in Mostar.

The Dayton Peace Accords, which were signed November 21, 1995, and finalized in Paris on December 14, 1995, brought to a close three years of bloody and violent ethnic

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<sup>32</sup> “Mostar.” Available online at <<http://en.wikipedia.org/wiki/Mostar>>.

<sup>33</sup> Ibid.

<sup>34</sup> International Crisis Group (ICG), *Reunifying Mostar: Opportunities for Progress*, Europe Report 90, (April 19, 2000). Available online at <<http://www.crisisgroup.org/home/index.cfm?l=1&id=1521>>.

conflict throughout BiH. The Accords included a specific annex on Mostar, which set out the Agreed Principles for the Interim Statute of the City of Mostar. As a result, the EU/WEU Mostar mission was superseded in January 1997 by a branch office of the High Representative in Mostar (OHR South) tasked with overseeing the implementation of the civilian aspects of the Accords.

The parallel administrations that were set up in 1994 following the Washington Agreement were intended to be an interim solution. Along with six outlying municipalities, three on each side of the Neretva River, an internationally managed Central District was created as a buffer in the most hotly contested part of the city. Since then, administrative and political institutions of government have been carefully elaborated to achieve ethnic balance. While some progress toward integration and harmonization has taken place (in particular, the city-wide government elections held in February 2004), only modest progress toward genuine reintegration is evident; the Croat and Bosniak ethnic communities tend to remain in their respective sections of the city, and routine activities, such as attendance at sporting events, are divided along ethnic lines. Educational systems are separate all the way to the university level.

In March 2004, High Representative Lord Paddy Ashdown determined that the time had come to press Mostar to form a single, unified city government. In doing so, he had the strong support of the main international players in Bosnia, including the United States. The first unified elections in post-war Mostar took place in October 2004. City-municipality structures are still being consolidated, accompanied by the inevitable loss of some local government jobs. As of mid-2006, much remains to be done to unify the city's many administrative structures.

The OHR will close its doors in mid-2007, to be replaced by an EU mission led by an EU Special Envoy. (Both Ashdown and his successor, Christian Schwarz-Schilling, have been dual-hatted as High Representative and EU Special Representative.) Local leaders are not particularly sanguine about the change to the EU, remembering the slow pace that was the rule under the EUAM.

Although tensions between the three constituent peoples remain high throughout BiH and often provoke political disagreements, overt violence has been minimal since the end of the war in 1994 and the signing of the Dayton Peace Accords. At the national level there is hope that BiH is getting close to further integration. A recent initiative in Parliament to revise the Constitution in ways that would weaken the power of ethnic politicians failed by just two votes. The result of the October 2006 elections will be an indicator of the resolve of Bosnian citizens of all ethnic groups to reduce the political, economic, and cultural influence of ethnic hard-liners on all sides.

### **Post-Conflict Mostar**

The Five Initial Peace Settlement Goals for the International Administrators in Mostar are:

- Demilitarization. Allegedly completed prior to EUAM mandate, but small arms remained widely available until SFOR began actively seizing arms caches in 1997.
- Cross-Neretva Returns. There has been little progress in the past 12 years. Reparations are a cumbersome expense in local government budget.
- Serb Returns. Progress has been slow in the return of Serbs to Mostar; however, the tempo has been increasing with the support of regional Serbian Orthodox clergy.
- Elections. October 2004 was the first citywide election since the peace process. Progress since the elections has been slow, with much effort devoted to trying to make the unified government work effectively at all levels.
- Police. There has been some success in establishing a unified force, and cross-Neretva cooperation is generally good. The unification of Mostar's police has not been the catalyst for fostering broader integration that has worked in other areas, such as Brčko.

*Indigenous Administration.* Mostar is the center of the Herzegovina-Neretva Canton of the Bosnian Federation and the unofficial capital of the Herzegovina region of BiH. Within the municipality of Mostar, the Dayton Peace Accords allowed for six city municipalities (three Croat and three Bosniak) and a seventh central zone. Since 2004, the OHR has been in the process of merging the city government into one structure. This renewed effort to create unity officially abolished the central zone and all six city-municipalities. What will emerge, it is hoped, will be a strong single city government. (The process of dismantling the sub-municipalities is incomplete as of July 2006.)

*Education System.* Historically, Bosnia enjoyed a highly developed educational system. However, BiH has experienced a “brain drain” since the 1992–1994 conflicts, and few of Bosnia's diaspora are bringing their experience, western education, and exposure to modern business practices back to BiH. Most still lack professional incentives to justify widespread and permanent return to their homeland.

For higher education, Bosnia has eight universities, with two universities located in Mostar, the University of Mostar and the Džemal Bijedić University. For political and economic reasons, most Bosnian universities have not been modernized since the wars. As a result, they do not meet the educational standards that are among some of the criteria for membership into the European Union.

In 2003, the OSCE Mission to BiH began education reform, with Mostar as a key focus. Under OSCE pressure, Mostar has started to reunify its schools; significant progress has been made on curriculum development, textbook and computer acquisition, and building reconstruction. Also in 2003, BiH's 13 education ministers signed an education reform document that committed them to major reforms, although progress has been predictably slow and uneven. A higher education reform bill is currently before parliament, after two years of effort.

Under the initial post-conflict agreements, Mostar's schools from the elementary level to the university level were under the supervision of the city-municipalities and not a competency of the city government itself. Students in Bosniak schools were taught in a Bosniak dialect of Serbo-Croatian ("Bosian") that is different from their preconflict use of the language, while the Bosnian Croat schools engaged in a similar effort to differentiate their dialect of Serbo-Croatian. Both sides claim they are using different languages. However, both the Bosniak and Croat "languages" are simply minor variants of modern basic South Slav. Under current agreements, teachers will teach in their own dialect—which all students readily understand—and will accept, without bias, responses from students in either dialect.

The University of Mostar is the only Croatian language university in the BiH. It traces its roots to Mostar's Franciscan Theological School, which was founded in 1895 and closed in 1945. It took the name University of Mostar in 1992.<sup>35</sup> During the 1994–1995 academic year, the "Džemal Bijedić" University opened in East (Bosniak) Mostar, using Bosnian as the official dialect. Both universities claim to be legal successors of the former University of Mostar situated in West Mostar. The Džemal Bijedić University maintains a campus in the east part of Mostar. The OSCE-initiated higher education reform initiative and the signing of the Bologna Declaration on European-wide education standards are forcing both Mostar universities to put aside their differences to some extent and work to make themselves competitive on a regional level.

*Economy.* The Mostar region's economy before the conflict centered on tourism, agriculture, and the textile and construction industries. These were all interrupted by the conflict and the region still suffers acutely from poor infrastructure to support a re-start of key industries. Most factories were heavily damaged and, after ten years of further decline, are likely beyond reconstruction. As a result, Mostar has high unemployment and an intractable "gray" economy based on barter and illegal activity. Service industries have begun to provide some jobs, mainly unskilled positions.

Even though inflation has moderated in recent years, there is little funding to attract businesses. The city budget is burdened by the high cost of reparations and now the added cost of severance pay for redundant city employees.

Tourism is one area where recovery is encouraging. The number of tourists traveling to BiH grew by an average of 24 percent annually from 1995 to 2000. According to an estimation of the World Tourism Organization, BiH is expected to have the third highest tourism growth rate in the world between 1995 and 2020. Mostar is one of BiH's key tourist attractions, with many traveling to see the newly re-built Stari Most (Old Bridge) as well as the Old Bazar Kujundziluk and Tito's Palace.

*Security.* Under IFOR (1995–1996) and SFOR (1997–2004), Mostar was in the French-commanded sector. Other troops in the city and the region included the Italians, Spanish, and Moroccans. With few brief exceptions, SFOR was successful in maintaining local

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<sup>35</sup> "University of Mostar." Available online at <<http://www.unmo.ba/en/univerzitet>>.

security throughout the period of its deployment. Since the end of the SFOR mission, security has been maintained by a much-reduced EU military presence.

After the signing of the Dayton Peace Accords in December 1995, an unarmed CIVPOL mission, the International Police Task Force (IPTF), was established by UN Security Council Resolution 1031 to monitor the operations of Bosnian police and to supervise the restructuring of all Bosnian police institutions. The IPTF, composed of officers from over 40 nations, had an authorized strength of 2,057. The United States maintained a contingent of 200 officers, including the position of IPTF Deputy Commissioner. The IPTF ceased operations on December 31, 2002, and transferred international policing responsibilities to the follow-on European Union Police Mission (EUPM).<sup>36</sup>

The Bosnian Armed Forces (AFBiH) in the vicinity of Mostar are largely out of sight and not of great consequence to the general public, which is far more interested in political and economic concerns. Should civil conflict re-emerge, the police, and not the army, would be the first responders. In the event the army got involved, it would likely be working closely with international forces to back up local police forces.

Today, under the oversight of the OHR, Mostar has a unified police force that employs multi-ethnic patrols. The strength and effectiveness of the force has increased at a steady but moderate pace since 2004 and seems to be on a positive track.

### **Long-Term Prospects for Mostar**

It is likely that Mostar will continue its slow return to vitality and normalcy, with the essential support of Sarajevo and the international community. Recovery can be expected to continue for a generation or more. Economic investment and the reestablishment of the industrial base are key to continued growth and development, as is reconstruction of war-torn sections of the city. International investment has brought much progress in spite of the obstacles poised by corruption and ethnic tensions, but dozens of ruined buildings in the city center are daily reminders to Mostar's citizenry of the recent violent past.

*Unresolved Issues.* Mostar officials complain of the high cost of reparations the local government must pay. There is a pressing need to reduce the size of marginalized sub-municipality governments in relation to the city government itself. Other drags on Mostar's revitalization are a weak judicial system and the lack of local budgetary authority.

*Potential for Renewed Conflict.* Low to moderate. There is much simmering animosity under the veneer of normalcy. Occasional localized violence cannot be ruled out, such as the June 2006 riots following Croatia's World Cup defeat by Brazil, but a return to open or general warfare is unlikely.

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<sup>36</sup> U.S. State Department, "United States Participation in International Police (CIVPOL) Missions," May 18, 2005. Available online at <<http://www.state.gov/p/inl/rls/fs/47759.htm>>.

*Degree of Return to Normalcy.* Persistence of underlying distrust poses a significant roadblock to reintegration and political cooperation.

*Ethnic Makeup, Integration.* The population in Mostar is essentially 50:50 Croat-Bosniak. There continues to be little inter-ethnic socialization, despite previous patterns of intermarriage and broad integration throughout the city.

*Challenges and Obstacles:* One of the first challenges to the process was the weak mandate and poor organization of initial EUAM in 1994. Also, in the initial post-Dayton period (1996), there were no forcing mechanisms (as in Brčko) to begin to heal the physical and psychological scars, which remain visible everywhere. Only with the introduction of the High Representative's "Bonn powers" in late 1997 did the international community acquire the leverage to force change.

### **Applicability to Mitrovica**

*International administration or oversight.* Unlike Brčko, where international authority served as a surrogate for local authority, the EUAM and OHR in Mostar operated as catalysts for the rebuilding of local government. The initial international engagement was not assertive enough to ensure that legitimate authority took root and illegitimate agents were disenfranchised and neutralized. The progress has been made in Mostar has come from the strength the international authority has been able to wield over the two factions to compel them toward integration or, at least, cooperation. The IFOR/SFOR military presence in Mostar was robust but lacked the necessary orders to enforce public security. Neither did it enforce the political agreements intended to achieve and sustain momentum for a return to normalcy.

*Level of local autonomy.* Mostar has not had sufficient local autonomy to take charge of its own recovery, suffering under a stifling cantonal government in terms of shared revenue and authority. This is not a desirable situation for Mitrovica. Cantonal governance is arguably not needed at all, but in any case must smooth rather than impede ties between municipalities and the central government. In Kosovo, a properly designed, multi-ethnic, canton-level structure could provide a facilitating buffer between central Pristina and a semi-autonomous Serbian municipality for the near or mid-term.

*Geographic characteristics.* Concerns have been raised that that the river should not be allowed to become the ethnic dividing line of Mitrovica as it has in Mostar. True, these visible reminders reinforce separation, but in any case they would also be the logical subdivision line in any city with such features—for administration, education, transportation, and electricity and other utility systems. However the overall area of special administration for Mitrovica is defined, the central divide will likely remain the Ibar River. The solution to the current conflict should not unduly stress this unchangeable fact but embrace it. The river can be a source of cooperation for clean water, power generation, and commercial enterprise. Moreover, separation at the river can help to reduce the opportunity for violence during the initial post-conflict period.

*Language.* Underscoring ethnic division, the Bosniak/Serbo-Croatian division in Mostar is similar to the Albanian/Serbian division in Mitrovica. In Mostar it is the Bosniaks, who previously spoke Serbo-Croatian, who appear to be initiating a language division by adopting a new dialect. In Mitrovica, the language division is more real and longstanding, but in neither case is language an obstacle in itself; rather it is employed to deepen divisions and thwart integration. Toleration of all local usage will, in the long term, allow sufficient common understanding to develop to facilitate rather than impede whatever degree of cooperation is achievable at any given stage.

*Minority ethnic viability.* Mitrovica has a significant imbalance between Serbs (estimated at 16 percent) and Kosovar Albanians, while the Croat-Bosnian balance in Mostar slightly favors the Croats, in spite of their overall minority status across Bosnia. That reality affords the Croats a modicum of at least local political and economic influence. The significance of Mitrovica's low Serbian population is that it is reflective of the almost continuous decline in the Serbian population across Kosovo since World War II, when it was around 50 percent. Today's Kosovo Serbian population is its lowest and anticipated to decline further. The weak economy of Kosovo and a higher Kosovar Albanian birth rate are part of the explanation. Undoubtedly, conflict and the loss of Serbian control of government are other factors. North Mitrovica and the adjacent Serbian majority municipalities of Zvečan, Leposavić, and Zubin Potok are the largest remaining Serbian population and the only significant Serbian urban areas. This situation is the same reality seen in Mostar for the Bosnian Croats; however the Mitrovica Serbs wield far less economic and political power. To be a viable minority like the Croats in Bosnia, the Serbs in Kosovo, must re-acquire, at least locally, economic and political power to support their unique ethnic interests, most notably in Mitrovica and contiguous areas.

*Economic potential.* Underlying the slow start to Mostar's economic revival are a culture of political corruption and a lack of public investment. However, after a dozen years Mostar's tourism has begun to thrive again, and it flourishes somewhat more on the Bosniak east and city center (including the re-built Stari Most) than the more industrial Croat west. Yet the most significant economic achievement was the 1997 re-start of Mostar's aluminum manufacturing plant, the largest such plant in BiH; and it enjoys a major contract with automobile manufacturer Daimler-Benz. Though the plant employed both Croats and Bosniaks before the wars, today it employs Croats almost exclusively. Meanwhile, light and medium industries on the Bosniak east side remain in disrepair. Mitrovica was historically a one-industry mining town dominated by the huge Trepča mine complex that employed both Serbs and Albanians. With the mine now closed, the city's future is as threatened by a weak economy as it is by ethnic violence. A new economic base is desperately needed in Mitrovica that has the potential to sustain both Albanians and Serbs if the two groups are to remain.

*Local politics.* Political and administrative ethnic separation is a reality that has existed for both Mostar and Mitrovica since the end of their respective conflicts and the imposition of international supervision; this condition was chosen as the most expedient end to interethnic violence and it was soon solidified by the respective ethnic groups. In



Mostar, as the Deputy High Representative arrived in early 1997, separate ethnic structures devised in 1994 were entrenched and impossible to change without risk of greater upheaval. In Mitrovica, UNMIK has watched the development of parallel, separate local governmental structures by Pristina and Belgrade for almost seven years. Whatever new regime for Mitrovica is agreed by the final status talks, its starting point will be the separate and entrenched structures already in place.

*Protection of minorities.* Croats feel relatively protected in Mostar because of the progress toward long term political stability in Sarajevo; their viable local population; their renewed economic strength; and the continuing interests of post-conflict Croatia, which has found favor with the EU and NATO. Serbs in Kosovo have none of these advantages, and therefore they wield far less power and feel a lot more threatened. Their population is in decline, they lack any economic potential, the government in Pristina is uncertain and Serbia is a relatively weak sponsor. In Mostar, Serbs and other minorities are all but invisible. The same is true in Mitrovica with regard to the host of smaller ethnic groups that have little voice or protection in local affairs. Protection of these peripheral groups is eclipsed by the difficult progress toward resolution of ethnic tensions between the Serbs and Albanians.

## **Conclusions and Recommendations**

The Mostar model contains many parallels to and lessons for the situation in Mitrovica. The main conclusion is that given the parallels, one should plan for a slow and steady evolution toward sustained peace for Mitrovica, perhaps under a strong international administration, but one that is more closely tied to Pristina than Brčko's Administrator has been to Sarajevo. A healthy localized autonomy for Serbian areas holds the most promise for Mitrovica. Economic viability for both ethnic groups is essential. And, for international administration, having adequate international funding and adequate skilled personnel from the beginning is critical to success.

The international community must be prepared for a far longer evolution to peace than was achieved in Eastern Slavonia; a more effective and less rigid integration strategy than was put in place in Mostar; and a less independent, more Pristina-linked administration than in Brčko. It is equally critical, given the experiences of these three models, that the international community undertake to create in Belgrade the interest to see Mitrovica succeed under Pristina. That will require affording Belgrade an increasing stake in international cooperation, as well as gaining confidence that Serbs in Kosovo will not be disenfranchised from effective political processes. We should expect any gains in early years to come only as a result of external incentives—sticks and carrots—rather than cooperative local initiatives. We should ensure that initial agreements are clearly provisional and interim, with periodic reviews mandated and sunset clauses automatic unless positive progress by all parties is forthcoming. Belgrade involvement in Mitrovica should be welcomed where appropriate but, most importantly, fully transparent and above board. Mitrovica cannot reasonably be expected to reunify in the near term, even forcibly. Much will depend on Pristina's success at inclusive leadership and the transparent application of the rule of law. It will also depend on how wisely Kosovo

governance is decentralized, and how much local power there will be. Mitrovica is the gateway to the Serb majority municipalities of Zvecan, Leposavic, and Zubin Potok, and massive Serb flight is a distinct possibility if a siege mentality and perceptions of hopelessness are allowed to take hold.

## Comparative Mostar–Mitrovica Area and Census Data

Mostar (1,100 km<sup>2</sup>) is three times as large as Mitrovica (350 km<sup>2</sup>)

The current populations of both municipalities are roughly the same (approximately 105,000). Both populations are divided almost exclusively along ethnic-religious lines, and by a major river running through urban areas. Overall, Mostar is far more balanced in its ethnic makeup. Today, Mostar is nearly half Croat and half Bosniak, whereas Mitrovica is roughly three-quarters Kosovar Albanian, with just over 16 percent Serb.

Language is another divider. In post-conflict Mostar, the Bosnian population has taken up speaking a dialect of Serbo-Croatian called Bosnian, which is easily understood by all people groups in Mostar. The differences between the dialects are comparable to the differences between British and American English. Nonetheless, the distinction is insisted upon in separate schools and adhered to publicly in official use and the media, unlike pre-conflict Mostar, where one language, Serbo-Croatian, was in common use. Mitrovica is more clearly divided by language. Kosovar Serbs speak Serbian, and Kosovar Albanians speak Albanian. However, again, much of the population understands both languages.

### A. Mostar municipality ethnic makeup:

- In 1991, the municipality of Mostar had a population of 126,066. The ethnic distribution was Bosniak (34.65%), Croat (33.83%), Serb (18.97%), Yugoslav (10.03%), and 2.32% other.
- In 2003, the Mostar municipality population was 105,448. Ethnic distribution was: Bosniak (47.43%), Croat (48.29%), Serb (3.45%), and .83% other.

### B. Mitrovica municipality ethnic makeup:

- In 1991, the Mitrovica municipality had a population estimated at 116,500. The ethnic distribution was: Kosovar Albanian (78%), Kosovar Serb (10.2%), Bosniak (5%), and 4.8% other.
- In 2003, the Mitrovica municipality had a population estimated at 105,000. The ethnic distribution was: Kosovar Albanian (79%), Kosovar Serb (16%), Bosniak (2%), and 3% other.

### C. Bosnia and Herzegovina Population:

- According to the 1991 census, Bosnia and Herzegovina had a population of 4,354,911. Ethnically, 43.7% were Bosniak, 31.3% Serb, and 17.3% Croat, with 5.5% declaring themselves Yugoslav.
- According to 2000 data from the 2006 CIA World Factbook, Bosnia and Herzegovina is ethnically 48% Bosniak, 37.1% Serb, 14.3% Croat, and 0.6% other.
- In Bosnia and Herzegovina, there is a strong correlation between ethnic identity and religion: 88% of Croats are Roman Catholics, 90% of Bosniaks are Muslims, and 93% of Serbs are Orthodox Christians.
- Large population migrations during the Yugoslav wars in the 1990s have caused a large demographic shift in the country.
- No census has been taken since 1991, and none is planned for the near future due to political disagreements. Since a census is the only statistical, inclusive, and objective way to analyze demographics, almost all of the post-war data is simply an estimate. Most sources, however, estimate the population at roughly 4 million (representing a decrease of 350,000 since 1991).

### D. Kosovo Population:

- Since the beginning of World War II, the Kosovar Serb percentage of Kosovo's population declined steadily from approximately 50% to the current 7%. Many factors must be examined in this shift, including Serb emigration due to the relatively higher standard of living in Serbia proper, the higher birth rate of Kosovar Albanians, and the availability of greater opportunities for Serbs in Serbia, Montenegro, Croatia, and Bosnia than in Kosovo.
- In 1991, Kosovo's ethnic population breakdown was: 82% Kosovar Albanian, 10% Kosovar Serb, and 8% other.
- In 2000, it is estimated the ethnic composition of Kosovo was 88% Kosovar Albanian, 7% Kosovar Serb, and 5% other.

Sources: Mostar data is from <<http://koz.vianet.ca/boshis111.htm>>. Kosovo data is from <<http://www.ks-gov.net/esk>>.



## **2. Eastern Slavonia: Rapid Reorientation**

By Gina Cordero<sup>37</sup>

### **Case Study Model Characteristics and Conclusions**

The United Nations Transitional Authority for Eastern Slavonia (UNTAES), in operation from January 1996 to January 1998, is generally considered a success. Within the authorized time period, it completed all of the requirements of its mandate, which included demilitarization of the region, creation of a trained multi-ethnic police force, oversight of the return of refugees, organization and implementation of local elections, re-establishment of public services, and monitoring of human rights. A key to this success, according to former UNTAES Transitional Administrator Jacques Klein, was obtaining agreement from the Serbs and compromise from Zagreb.<sup>38</sup> Unfortunately, conditions in Eastern Slavonia deteriorated after the UNTAES operations ended; a weak economy and ethnic discrimination contribute to the continued flight of ethnic Serbs. As Croatia moves closer to becoming a member of the European Union and NATO, these issues will need to be resolved.

The strengths of UNTAES operations were:

- a clear mandate;
- strong international authority;
- a robust international military presence;
- rapid integration;
- cooperation of all involved parties.

### **Eastern Slavonia History**

Following Croatia's declaration of independence on June 25, 1991, ethnic Serbs living in Krajina and Eastern Slavonia proclaimed the Republic of Serbian Krajina (RSK). Serbian paramilitaries took control of territory in Krajina, and the Yugoslav National Army (JNA) quickly seized Eastern Slavonia and expelled ethnic Croats. Combat was widespread and sometimes fierce. In the Battle of Vukovar (August 27–November 18, 1991), 30,000 Serbs fought 20,000 Croats. Serbian casualties were 3,000 killed and 7,200 wounded; Croat casualties were 1,712 killed, 2,097 wounded.<sup>39</sup> By January 1992, when UN envoy Cyrus Vance, a former U.S. Secretary of State, negotiated a ceasefire, Krajina and Western Slavonia were controlled by local ethnic Serbs, and Eastern Slavonia was controlled by Belgrade. Under the Vance Plan, the United Nations Protection Force (UNPROFOR) was deployed in Eastern Slavonia, Western Slavonia, and Krajina, now

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<sup>37</sup> The author would like to thank General Jacques Paul Klein for his review of and contributions to this case study.

<sup>38</sup> Jacques Paul Klein, "Mitrovica's Future: Uniting the City or Dividing Kosovo," speech at the United States Institute of Peace, Washington, DC, June 26, 2006. Audio available at <[http://www.usip.org/events/2006/0626\\_mitrovica.html#audio](http://www.usip.org/events/2006/0626_mitrovica.html#audio)>.

<sup>39</sup> Jacques Paul Klein, "Mission Brief," (a slide presentation on the United Nations Transitional Administration for Eastern Slavonia, United Nations, no date available).



Map No. 3934 Rev. 1 UNITED NATIONS  
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Department of Public Information  
Cartographic Section

designated as UN Protected Areas (UNPAs), from April 1992 until March 1995 to ensure demilitarization and safeguard returning refugees.

With the creation of the RSK, around 80,000 non-Serbs fled Eastern Slavonia and some 67,000 ethnic Serb refugees from Croatia and Bosnia arrived to re-settle the region, occupying empty homes and evicting non-Serbs.<sup>40</sup> The new state of Croatia was crippled by the loss of territory, the burden of refugees, and physical and economic damage. Croatia was admitted to the UN in April 1992. During this period Eastern Slavonia was ruled by an ethnic Serb administration that was not recognized by Croatia. UN peacekeeping troops in the region were largely ignored by the local Serbian government and the Army of the RSK. Serbian paramilitaries seized the Djeletovci oilfields and began to pump its products directly into the Belgrade black market, depriving the local government of essential revenue.

In this anarchic environment, crime was rampant and economic activity negligible. Before 1991, Eastern Slavonia had been one of the richest regions of Yugoslavia, with per capita incomes higher than elsewhere in Croatia. By 1994, only 36,000 of the citizens of the RSK were employed out of a population of 430,000.<sup>41</sup> The RSK, with no trade links to Croatia and few natural resources of its own, had to import most of its raw materials, goods, and fuel. The agriculture industry, hampered by the estimated 800,000 mines laid and 100,000 items of unexploded ordnance scattered throughout, operated at little more than a subsistence level. In 1995, industry was operating at only 10 percent of its 1991 level.

By 1994 there was growing dissatisfaction with UNPROFOR, and the position of hardliners within the Croatian government and Krajina Serbian authorities was strengthening. In early May 1995, Croatia began military operations to bring Western Slavonia under its control. In August 1995, with the encouragement of the United States, an assault was launched on the southern and central parts of Krajina. Within two weeks, the army of RSK was routed from the area, and the Bosnian Serb Army was defeated. Some 150,000–200,000 Serbs were expelled. Once it became apparent that the Federal Yugoslav regime would not come to their aid, the remaining RSK leaders accepted defeat and signed the UN- and U.S.-brokered Basic Agreement on the Region of Eastern Slavonia, Baranja, and Western Sirmium with the Croats on November 12, 1995, in the town of Erdut. The Basic Agreement, also referred to as the Erdut Agreement, was confirmed by Franjo Tudjman, president of Croatia, and Slobodan Milosevic, president of the Federal Republic of Yugoslavia (FRY).<sup>42</sup>

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<sup>40</sup> Tim Ripley, "A Fragile Peace Emerges from the Rubble of Eastern Slavonia," *Jane's Intelligence Review*, 9, no.7, (1997).

<sup>41</sup> This larger number includes the Krajina and Western Slavonia regions.

<sup>42</sup> Following the independence and secession of four of the six republics of the Socialist Federal Republic of Yugoslavia in 1992, the remaining republics of Serbia and Montenegro formed the Federal Republic of Yugoslavia; the FRY was dissolved in 2003.

The war radically changed the ethnic composition of the populations of Eastern Slavonia, Baranja, and Western Sirmium. The chart below compares a Croatian census count taken before the war with a 1996 UN survey.

**Table 2. 1991 and 1996 Ethnic Composition of Eastern Slavonia, Baranja, and Western Sirmium<sup>43</sup>**

	1991		1996	
Serb	73,200	36.0%	73,000	50.5%
Croat	86,700	43.0%	8,800	06.0%
Hungarian	13,000	06.5%	6,700	04.6%
Other	28,500	14.0%	8,500	05.9%
Displaced Persons	n/a	n/a	47,600	33.0%
<b>Total Population</b>	<b>201,400</b>	<b>(99.5%)</b>	<b>144,600</b>	<b>(100%)</b>

### Post-Conflict Eastern Slavonia

*Settlement Mechanism.* The Basic Agreement provided for the peaceful integration of the region into Croatia. On January 15, 1996, the UN Security Council (UNSC) passed Resolution 1037, which established the UN Transitional Authority in Eastern Slavonia (UNTAES) for an initial period of 12 months with an authorized strength of 5,000 troops. UNTAES was required to do the following:

- Supervise and facilitate the demilitarization of the region, as provided for in the Basic Agreement, which was carried out by the parties within 30 days after the full deployment of UNTAES;
- Monitor the voluntary and safe return of refugees and displaced persons to their homes;
- Establish and train a temporary police force to build professionalism among the police and confidence among all ethnic communities;
- Monitor treatment of offenders and the prison system;
- Organize elections for all local government bodies;
- Maintain international monitors along the international borders of the region to facilitate the free movement of persons across existing borders;
- Restore the normal functioning of all public services in the region without delay;
- Monitor the parties' commitment to respect human rights and fundamental freedoms;
- Cooperate with the International Tribunal for the former Yugoslavia in its task of investigating and prosecuting war crimes;
- Promote the realization of the commitments made in the Basic Agreement between Croatia and local Serbian authorities and contribute to the overall maintenance of peace and security.<sup>44</sup>

<sup>43</sup> Olav Akselen, rapporteur, *Return of Refugees and Displaced Persons to Their Homes in Croatia*, Council of Europe, Committee on Migration, Refugees and Demography, April 9, 1999.



The UNTAES area of operation was located at the easternmost tip of Croatia, bordering the Serbian province of Vojvodina. The region extended approximately 30 kilometers from east to west, and 140 kilometers north to south and included the cities of Vukovar, Beli Manastir, Darda, Tenja, Klisa, and Vinkovci. After 1991, the demographic composition had changed, with an estimated 70,000 Croats and non-Serbs leaving and some 75,000 Serbs, mostly refugees from other parts of Croatia, moving in.

*Governance.* Under the Basic Agreement, UNTAES effectively became the government of the region, with the Transitional Administrator, Jacques P. Klein, serving as a pro-consul. Klein's job was to oversee and coordinate the military and civilian activities of UNTAES, as well as the work of other UN agencies in the mission area. The Force Commander, the Police Commissioner, and the Chief Administrative Officer reported to the Transitional Administrator, who in turn reported to the UN Secretary-General and UNSC. Klein moved the headquarters to Vukovar, where the political, military, police, legal, civil affairs, and administrative leadership were headquartered, to facilitate joint daily meetings and the quick arrangement of operational discussions. Supporting the Office of the Transitional Administrator was the Office of the Chief Administrative Officer, which controlled logistics, supply, transport, finance, administration, and health services. Klein established almost 30 Joint Implementations Committees (JICs) with subcommittees composed of Serbian and Croatian representatives and led by UNTAES officials. These committees allowed Serbs and Croats to begin the process of political and social integration on a personal level. The UNTAES Civil Affairs Unit also had six field offices, liaison offices to work with the Regional Council (Serbian representatives of the region—the liaison was necessary to find Serbs who would command local support), and an economic reconstruction and coordination unit. Civil affairs and public affairs teams were posted throughout the region to inform the local population of the mission's aims and objectives. The small area of Eastern Slavonia allowed UNTAES to conduct manageable civil affairs at all levels.

The Transitional Administrator insisted that both parties be active in the reintegration process and that both delegations be informed of political decisions taken so as to keep the process going. Croatian President Tudjman and Serbian President Milosevic supported UNTAES and intervened when hardliners threatened to derail the integration process. For example, Milosevic met with all the local Serbian leaders prior to the elections and ordered them to participate in the Croatian political system. The elections were conducted from April 13-14, 1997, and voter turnout exceeded expectations, with over 72,000 votes in the region, and 58,331 votes cast by Croat and other displaced persons outside the region. UNTAES deployed 150 observers to polling stations, and no security incidents or evidence of fraud were recorded. Before this election, there had been no organized political parties in Eastern Slavonia. The newly-formed Independent Serb Party (SDSS) won an absolute majority in 11 of the 28 municipalities. Klein certified the election on April 22, 1997, and the results were accepted by all major parties. The Joint

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<sup>44</sup> "Eastern Slavonia, Baranja and Western Sirmium Facts and Figures." Available online at <[http://www.un.org/Depts/dpko/dpko/co\\_mission/untaes\\_p.htm](http://www.un.org/Depts/dpko/dpko/co_mission/untaes_p.htm)>.

Council of Municipalities was established. It was an assembly of elected municipalities of Serbs and provided institutional protection of the Serb minority in the region in the sphere of culture, education, sport, and self-administration.

The Croatian government passed an amnesty law in 1996, but uncertainty regarding its implementation and the arbitrary arrests of Serbs returning to Croatia forced the UNSC to apply more pressure on Croatia. In March 1997, the UNSC called upon Croatia to accelerate efforts to improve conditions of personal and economic security, and to remove bureaucratic obstacles that deterred the return of refugees. Prior to the April elections, some 102,000 of the 150,000 local Serbian population had applied for and received Croatian identity papers, and over 80 percent of them took part in the election<sup>45</sup>. By the latter part of 1997, some 6,000 Croats and 9,000 Serbs returned to their original homes in the region.

*Ethnic Composition.* By the time UNTAES ended, the Croatian government had recorded that about 126,000 passports had been issued to persons in Eastern Slavonia, and 6,000 Croats and 9,000 Serbs had returned to and from Eastern Slavonia.<sup>46</sup> However, the UN High Commissioner for Refugees estimated that 15,000–20,000 of Eastern Slavonia’s 100,000-odd Serbs left during the time of the mission, while another 30,000 moved to Serbia. The Yugoslavian Trustee for Refugees in the Backa Palanka municipality reported that all Serbs arriving from Eastern Slavonia stated that they did not leave voluntarily; they allegedly had been harassed, intimidated, fired from their jobs, or had suffered destruction of property. Serbs who left during the transitional period also expressed fear of living in a Croatian state. Of the 80,000 Croats displaced from the region, 20,000 had returned; 80 percent wanted to return to their homes and the remainder were too traumatized to return or not able to move.

**Table 3. 1998 Ethnic Composition of Eastern Slavonia, Baranja, and Western Sirmium**<sup>47</sup>

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Serbs	55,000	52.0%
Croats	30,000	28.6%
Hungarians	7,000	6.7%
Others	6,000	5.7%
Displaced Persons	6,000-8,000	7.0%
Total Population	approx. 105,000	(100%)

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*Economy and the Public Sector.* Klein underscored the importance of the economic reconstruction of eastern Croatia as the basis for peace and reconstruction. Compared to

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<sup>45</sup> Ripley.

<sup>46</sup> Miomir Zuzul, “Just settlement: The Return of Eastern Slavonia to Croatia,” *Harvard International Review*, 20, no. 2 (Spring 1998), 16–20.

<sup>47</sup> Akselen, quoting United Nations High Commissioner for Refugees survey.

pre-war levels, production had fallen by 50-70 percent, and unemployment was as high as 80 percent. UNTAES pressured the Croatian government to sign an Affidavit of Employment Rights, which guaranteed employment security to employees in the region who did not yet hold Croatian citizenship. UNTAES also oversaw the following projects: reopening of the Zagreb-Belgrade highway; reconnection of the telephone lines between Osijek and Beli Manastir; reconnection of the Adriatic Oil Pipeline between Croatia and FRY; and the turn-over of the Djelatovci Oil fields. Once these oil fields were under UNTAES control, they provided a revenue stream for the local administration. Oil exports were redirected to Croatia, and economic ties were reestablished; normal trade relations with Yugoslavia were established, which added to growth.

As a result of two meetings of international donors, \$59.1 million were committed for reconstruction projects. The International Monetary Fund (IMF) and the World Bank tied lending to the Croatian government to its adherence to the Basic Agreement. UNTAES initiated the transformation of the monetary and financial system in the region by introducing the Croatian Kuna as legal tender and regulating all economic activity in accordance with Croatian commercial laws. Klein was able to convince Zagreb to pay the pensions of the Serbs to facilitate their acceptance of the Kuna.

The postal system was reconnected to Croatia in May 1996; the regional telephone system was reconnected a month later. On June 1, 1997, the courts began to operate under Croatian law. By July 22, 1997, all public enterprises, including pension rights, were integrated. UNTAES also forced Croatia to agree to reserve 40 percent of public-sector jobs for Serbs and 30 minutes a day for Serbian television programming.

*Education.* Education was a highly sensitive issue. At one point in the negotiations, the Croatian Minister of Education wanted to extract his ministry from the process. The agreement on education included neutral school names, the right of minorities to be educated in their native language, and a moratorium on the teaching of history referring to the former Yugoslavia during the 1989–1997 period.<sup>48</sup> The declaration on educational rights validated and recognized certificates issued in regional schools during 1991–1997, which allowed those working in the public sector to be considered academically qualified and retain their jobs.

*Security.* The military component of UNTAES consisted of four fully armed battalions, a reconnaissance platoon, a Polish special police group, an engineering battalion, a field surgical team, a helicopter squadron, and a headquarters military company—4,568 people, fully staffed by June 1996 and controlled by the Transitional Administrator. The robustness of the UNTAES military capabilities made it clear to the local Serbs and the Croatian authorities that UNTAES would be able to provide security. There were also 455 civilian police, 101 UN military observers, and 40 border monitors, all unarmed. The force was deployed in May 1996, completed the demilitarization within 30 days, and established a weapon buy-back program with funds provided by the Croatian

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<sup>48</sup> Christine Colerio, “Bringing Peace to the Land of Scorpions and Jumping Snakes: Legacy of the United Nations in Eastern Slavonia and Transitional Missions,” (Clementsport, Nova Scotia: The Canadian Peacekeeping Press, 2002), 109.

government. UNTAES oversaw the evolution of the *militicja* into the UNTAES Transitional Police Force, and finally into the Croatian police. During that process, the Transitional Police Force was slowly revamped to match the standards and conduct of the Croatian force. Croats were brought in to serve alongside Serbs as those unwilling to cooperate were dismissed and joint training was arranged with the assistance of the Hungarian Police Academy. The Transitional Police Agreement of 1997 stated that the force composition was to be 50 percent Croat, 40 percent Serb, and 10 percent other. The Polish special police group was an alternative to arming the UNCIVPOL and was brought in to provide security for VIPs or for any special operations. NATO was instructed to provide close air support and, if necessary, evacuate UNTAES personnel.

After UNTAES ended, the OSCE sent 250 police monitors until the end of 1998, 100 of whom went to Eastern Slavonia to ensure the security of the minorities. The OSCE ended the police monitoring operation in 2001. The UN sent an additional 180 civilian police monitors who remained in the region for nine months after the mission ended. The United Nations High Commissioner for Refugees (UNHCR) continued to monitor the implementation of the Basic Agreement until 2003.

### **Long Term Prospects for Eastern Slavonia**

UNTAES ended on January 15, 1998, with the completion of its mandate. It had been successful to the degree that the region, which was demilitarized and secure, was turned over to the government of Croatia and war did not break out following the withdrawal of UNTAES troops. In his report on the end of UNTAES, the UN Secretary General noted,

Two essential conditions for the achievement of the long-term goals established by the Security Council should be emphasized. The first is the complete and unreserved commitment of the Government of Croatia to the permanent reintegration of its Serb citizens. The second condition is that the international community, and particularly Croatia's key bilateral partners and regional organizations, must continue to scrutinize Croatian performance closely and to make their voices heard whenever performance does not meet expectations.<sup>49</sup>

As of 2002, the unemployment rate in Eastern Slavonia was 40 percent while the Croatian average was 20 percent; per capita incomes are also substantially lower than the national average. The area also receives less international aid as compared to the rest of the country. Serbs report feeling discriminated against in jobs, economic assistance, and other areas. The reluctance of Croats to return to the region has also meant that Zagreb has been slow to provide public and private economic assistance for general redevelopment and reconstruction.

The power-sharing agreements between the major Croatian and Serbian political parties in Eastern Slavonia have not been fully implemented. Eastern Slavonia regularly

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<sup>49</sup> Kofi Annan, *Report of the Secretary General on the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Slavonia*, S/1997/953, December 4, 1997. Available online at <<http://daccessdds.un.org/doc/UNDOC/GEN/N97/342/64/PDF/N9734264.pdf?OpenElement>>.

participates in local and national elections in Croatia. Human Rights Watch noted that in Vukovar, local boards of the Croatian Democratic Union (HDZ) formed municipal governments in coalition with ultra-nationalist Croat parties following the local elections and sidelined the centrist Independent Democratic Serb Party (SDSS). Despite this, SDSS continues to support the minority HDZ government at the state level. In 2004, it was known that the Croatian mayor and Serbian deputy mayor of Vukovar were not on speaking terms.<sup>50</sup>

In regard to the refugee problem and retained multi-ethnicity, there are still unresolved issues. In 1999, 9,000 Serbs left the region, and the total Serbian population was only 51,000 as compared to the 1991 total of 70,000 and 1995 peak of 127,000. This trend is also reflected in Croatia as a whole: the 1991 census estimated the Serbian population as 12 percent of the total; this dropped to 5 percent in the 2001 census.<sup>51</sup> When the 2001 census was administered, citizens were given the option to not identify their ethnic affiliation, making exact numbers on minorities difficult to find. Furthermore, the Croatian government has not been sharing data regarding the ethnic Serbian population of the area with international monitors and NGOs. In 2004, the mission to Croatia of the Coalition for Work with Psychotrauma and Peace estimated the population to be about 250,000, with 60 percent Croat, 30 percent Serb, and 10 percent other minorities.<sup>52</sup> Schools in Vukovar remain segregated.

A Joint Legal Working Group (JLWG) was established in 2001 to advise Zagreb on legal reforms as they pertain to refugees and minority reintegration, but was largely ignored and was suspended to protest lack of cooperation from the Croatian government. Human Rights Watch has observed little progress in the return of Serbian refugees in Croatia. As of February 2006, 120,000 Serbian returnees had been officially recorded; Croatian Serb associations and the OSCE mission to Croatia assessed the actual number to be significantly lower (between 60-65 percent) because many Croatian Serbs had left again after a short stay.<sup>53</sup> In 2002, UNHCR reported that the majority of ethnic Serbs from Croatia who had moved to Yugoslavia were from Eastern Slavonia.

In February 2006, the estimate of internally displaced persons (IDPs) in Croatia was 4,700; 3,000 are Croats from Eastern Slavonia and the rest are Serbs who moved to Eastern Slavonia as a result of the conflict.<sup>54</sup> The Serbs have expressed an interest in remaining in the area instead of returning to their homes elsewhere in Croatia. Many of

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<sup>50</sup> Derek Boothby, "The Political Challenges of Administering Eastern Slavonia," *Global Governance*, vol. 10 (2004), 37-51.

<sup>51</sup> "Croatia: Population." *The Economist Intelligence Unit*. Available online at <<http://www.viewswire.com>>.

<sup>52</sup> Coalition for Work With Psychotrauma and Peace, "Profile of the Region in Which We Work," January 2004. Available online at <<http://www.cwwpp.org/What%20and%20How-Profile%20of%20the%20Region.htm>>.

<sup>53</sup> Internal Displacement Monitoring Centre, "Croatia: Reforms come too late for most remaining ethnic Serb IDPs," April 18, 2006, 10. Available online at <[http://www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/5A32E9E12C172B9AC125714F00538ED1/\\$file/Croatia\\_overview\\_April2006.pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/5A32E9E12C172B9AC125714F00538ED1/$file/Croatia_overview_April2006.pdf)>.

<sup>54</sup> *Ibid.*

them are elderly or vulnerable persons whose original homes are still occupied or were damaged by the war. On the other hand, 65 percent of ethnic Croat IDPs have returned to Eastern Slavonia.<sup>55</sup>

Despite a 2002 constitutional law on minority rights to ensure proportionate representation of minorities in the public sector, throughout Croatia there are no Serbian returnees in the police, judiciary, or regional offices of the state ministries. The elderly remain in Eastern Slavonia, while younger Serbs relocate to Serbia, where there is more economic opportunity. Acts of violence against ethnic minorities—condemned at every level of government and by all political parties—are investigated but rarely prosecuted. Serbs also face unwarranted arrests for war crimes in Eastern Slavonia.

Most of the houses reconstructed by the government after the war have been almost exclusively allocated to ethnic Croats. The tenancy rights of Serbs who fled apartments during and after the war have been terminated by the Croatian government. In June 2003, Croatia adopted a set of measures to enable former tenancy rights holders in Zagreb and other big cities to rent or purchase government-built apartments at below-market rates. Two years later, only a dozen of those eligible had benefited from this program, despite the fact that 3,628 applications had been filed.

### **Applicability to Mitrovica**

The Eastern Slavonia model successfully completed its mission because UNTAES had a clear mandate and organizational structure, a pre-determined timeframe, a well-defined civil-military relationship, and strong leadership. The first Transitional Administrator, Jacques Klein, a retired U.S. Air Force general and member of the American Senior Foreign Service of the U.S. Department of State, was succeeded by William Walker, a career diplomat and former Ambassador to El Salvador. When necessary, UNTAES employed the strong use of force to fulfill its mandate. It was fully supported by member nations of the UN and had the close involvement of the Croatian and Serbian presidents. UNTAES also worked closely with such other organizations as the OSCE, IMF, World Bank, and International Committee of the Red Cross.

Both UNTAES and the mission in Mitrovica have had the advantage of a large number of troops and civilian police relative to the size and population of the region. In Eastern Slavonia, the 5,000 troops and 1,500 civilians of UNTAES were able to exert a high degree of control and coordination over the region. UNTAES conducted an excellent public relations mission that kept the citizens well informed of the mission and used Joint Implementation Committees to bring the two ethnic groups to the same table to work out differences. General Klein has observed that the ethnic Serbs trusted the UN staff (not Zagreb) and wanted the UN to stay in the area. Unfortunately, Serbs in Mitrovica, in contrast, have not cooperated with UN efforts thus far, and the Albanians would like the UN to leave; Mitrovica is a case in which “hearts and minds” will be hard to win over.

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<sup>55</sup> Ibid., 28

Furthermore, UNTAES had the support of Belgrade; Serbian agreement will be necessary again for an agreement to work in Mitrovica. Once Belgrade withdrew its economic, political, and military support of the RSK, ethnic Serbs in Eastern Slavonia were forced to comply with the agreement. However, this model may not apply to Mitrovica, as it is unlikely that Serbia will give up part of Kosovo, the “cradle of Serbian civilization,” as easily. Serbia currently sends 150 million euros a year into Kosovo, half of which goes to Mitrovica. These funds pay for salaries, pensions, public services, etc., for ethnic Serbs and enable the parallel structures to exist. This is in addition to the funds Pristina sends to the region for the same services. Pristina will not be able to afford to match the supplementals from Serbia. The loss of revenue could provoke Serb flight.

While UNTAES laid the groundwork for reintegration, most of its efforts have not succeeded due to Zagreb’s reluctance to support creation of an environment in Eastern Slavonia that would entice Serbs to remain. If Mitrovica is reoriented to Pristina, there should be a mechanism in place to ensure that reforms will still be honored by the state after the international mandate has ended. Zagreb has been slow to get rid of bureaucratic roadblocks to encourage Serbs to remain or return, and the economy continues to decline. Ethnic Serbs are unable to register as refugees in Eastern Slavonia and do not have the same rights as ethnic Croats in the region. In Eastern Slavonia, at least 40 percent of public-sector jobs were set aside for minorities per UNTAES, yet those positions have not been filled by returning Serbs. Serbs attempting to return to the area cannot easily get into public housing or reclaim property; ethnic Croats have not faced any problems returning to their original homes or buying housing. These problems need to be avoided in Mitrovica.

Eastern Slavonia and Mitrovica have the common enemy of time when it comes to reintegration. The return of displaced persons to Eastern Slavonia has been slow and now, 11 years after the Erdut Agreement, many of the Serbs who moved to the Danube region after 1991 wish to stay. Similarly, Mitrovica has been divided and operating under parallel structures for so long that its citizens will not easily reintegrate.





### 3. Brčko: International Incubation

By Melissa Sinclair

#### Case Study Model Characteristics and Conclusions:

- strong international authority;
- clear mandate;
- ethnically integrated and functioning institutions;
- strong dependence on an international supervisor.

#### Brčko History

Brčko is a small, five hundred-year-old city, advantageously situated on the south bank of the Sava River, which defines much of the northeastern border of Bosnia and Herzegovina (BiH) with Croatia and Serbia. The pre-war Brčko area was one of the most prosperous in the former Yugoslavia due to its well-developed agro-industries and its position as a commercial and transportation hub. The Sava River port was BiH's most important, providing a vital link to the Danube River and Black Sea Basin.

On April 30, 1992, shortly after the Republic of BiH declared independence from Yugoslavia, Bosnian Serb and Yugoslav National Army (JNA) units launched surprise attacks on the municipality of Brčko, in a brutal attempt to drive non-Serbs from the region and claim the area for a Greater Serbia. Houses, schools, and factories in the city center and outlying areas were reduced to rubble. One international agency counted over 9,000 homes utterly destroyed in and around Brčko city, which represented living quarters for 40,000 of the District's 80,000 inhabitants.<sup>56</sup> Thousands of inhabitants, primarily Bosniaks and Croats, were killed or simply disappeared.

The war dramatically changed the ethnic composition of the area. Yugoslavia's 1991 census recorded a population mix in Brčko of 45 percent Bosniak, 25 percent Croat, and 21 percent Serb. In 1996, shortly after the signing of the Dayton Peace Accords, the city center's population was estimated to be 97.5 percent Serb.<sup>57</sup> This Serbian majority, coupled with Brčko's strategic location in joining the two halves of the Republika Srpska (RS), led the Serbs to advocate at Dayton that Brčko be given to the RS.<sup>58</sup> The Federation, however, contended that Brčko should be returned to its pre-war majorities as a matter of equity and justice. The status of Brčko became so contentious that it nearly derailed the Dayton peace talks. In an attempt to salvage the negotiations, the parties agreed to leave the decision to binding arbitration under the rules of the United Nations.

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<sup>56</sup> Robert Farrand, "The Inevitability of Peace Operations?," remarks presented to the 95<sup>th</sup> annual meeting of the American Society of International Law, April 4–7, 2001. *Proceedings*, 229.

<sup>57</sup> International Crisis Group (ICG), *Bosnia's Brčko: Getting In, Getting On and Getting Out*, Balkans Report 144 (June 2, 2003), 3. Available online at <[http://www.crisisgroup.org/library/documents/report\\_archive/A400987\\_02062003.pdf](http://www.crisisgroup.org/library/documents/report_archive/A400987_02062003.pdf)>.

<sup>58</sup> Upon signing of the Dayton Peace Accords, BiH was divided into two entities: the Republika Srpska (predominantly Serb) and the Federation (predominantly Bosnian and Croat). Brčko is the slender link—at its narrowest point only five kilometers wide—that connects the two halves of the Republika Srpska.

After a year of intense deliberations, the Arbitral Tribunal<sup>59</sup> decided to place the Brčko municipality north of the Inter-Entity Boundary Line (IEBL) under the authority of an international supervisor. Since 1997 the Tribunal has issued three “Awards” to clarify and establish Brčko’s mandate. These awards have provided a clear path forward for the people of Brčko and the American Supervisors who have administered the District. In the spring of 1997 the first Supervisor arrived, American Ambassador Robert Farrand, who served from April 1997 to June 2000. He was followed by three career diplomats: Gary Mathews (June 2000–April 2001), Henry Clarke (April 2001–January 2004), and Susan Johnson (January 2004–present).

### **Post-Conflict Brčko**

Once considered the “black hole of chauvinism, intransigence, criminality and despair,” Brčko is now a model of relative economic prosperity and functioning multi-ethnic institutions for the rest of BiH and the region.<sup>60</sup>

*Security.* In December 1995, American IFOR<sup>61</sup> troops began building Camp McGovern in a cleared minefield just south of the center of Brčko. One American battalion, approximately 800 soldiers, remained a visible and active part of the Brčko community until the base was handed over to the District in a formal ceremony in September 2004. SFOR’s presence, particularly in the early days, was vital to quelling fears, building trust, and providing an atmosphere in which reconstruction and reconciliation could take place. Reminiscing, one local author notes, “the people will not forget the period after the arrival of the first troops...many of our citizens used to say that SFOR soldiers’ presence itself gives the feeling of safety that brings quiet sleep.”<sup>62</sup> Brčko, initially, also benefited from the close working relationship the Supervisor and the Commander of Camp McGovern shared. Sharing intelligence, goals, and the decision-making process enabled the international political and security forces to act in a unified manner. Farrand notes that “the authority of the Supervisor would carry far less weight if the local actors were not constrained by fear of SFOR reprisal.”<sup>63</sup>

Fundamental to the Supervisor’s goals was the establishment of the rule of law. Accordingly, the first of Brčko’s institutions to be reformed and unified was the police force. Based on the municipal election results of September 1997, the Supervisor worked with the UN International Police Task Force (UN/PTF) to establish a multi-ethnic police force that reflected the municipality’s ethnic distribution. This meant reducing the existing all-Serb police force to half its number and recruiting and training a new cadre of officers from all parts of the community. The effort, though not perfect, was widely

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<sup>59</sup> The Arbitral Tribunal is a three-person panel composed of local judges and American lawyer Roberts Owen as Presiding Arbitrator.

<sup>60</sup> ICG, *Bosnia’s Brčko*, 4.

<sup>61</sup> The NATO-led multinational Implementation Force (IFOR) began its mandate on December 20, 1995, to implement the military aspects of the Dayton Peace Agreement, On December 20, 1996, the multi-national Stabilization Force (SFOR) came into being, marking the completion of IFOR’s mandate.

<sup>62</sup> Peter Vasic, “The Model of District—the Initial Force of Development: 2000–2006.”

<sup>63</sup> Peter Farrand, “Lessons from Brčko: Necessary Components for Future Internationally Supervised Territories,” *Emory International Law Review*, 15, no. 2 (Fall 2001), 576-577.

considered a success. A public opinion poll conducted in 2002 showed that local police enjoyed the strongest public support of any institution in the District—about 50 percent.<sup>64</sup> In March 2002, Brčko's police force was the first in BiH to be certified by IPTF as meeting international criteria.<sup>65</sup>

Perhaps the biggest bang for the international community's buck came from a small, but highly influential group called the Brčko Law Revision Commission (BLRC), which began its work in June 1999. Mandated under the Final Award, the BLRC was established to harmonize the laws of the two Entities for the District.<sup>66</sup> It was composed of four members: a chairman, one representative from the RS and two representatives from the Federation. The commission established a process whereby all draft laws were forwarded to relevant OHR departments for review and comment and then sent to the Brčko District Assembly for consideration, amendment, and adoption. Rather than making cosmetic changes to existing laws, the BLRC embarked on a comprehensive overhaul intended to provide a uniform legal foundation for the District. Laws were drafted at a level consistent with European Union standards and the small but highly competent staff enabled the BLRC to work at a quick pace. The Commission drafted over 40 laws and numerous by-laws and regulations, oversaw the establishment of a new judiciary and court administration and oversaw the implementation of laws dealing with the judiciary, before being dismantled by OHR in October 2001. The District's courts have set the pace for legal reform in BiH. The sound legal assurances provided in Brčko continue to attract numerous investors, including foreign investors, to the District.

*Economy.* Immediately following the war it was estimated that 80–90 percent of Brčko functioned in the black economy.<sup>67</sup> The war had devastated the District's infrastructure. Factories, roads, and homes were in shambles. Silt filled the port, making it unusable. Also, like many post-communist communities, Brčko suffered from a centralized system of government that fostered corruption. The registration of businesses was cumbersome and expensive. At 87 percent of net salary, the income tax rate in BiH was the highest in Europe.<sup>68</sup> There were no small claims courts for businesses to make legal appeals, forcing companies to wait years while suits meandered through the regular court system, often ending in dishonest backroom deals and bribing of the judge.<sup>69</sup> Most businesses were forced to operate, at least partially, underground.

The BLRC was instrumental in reforming tax and business laws, making it advantageous for businesses and banks to open branches in the District. Registration was simplified and a complete re-registration of old firms was ordered to weed out fictitious ones. Brčko

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<sup>64</sup> Henry Clarke, "Brčko District, Bosnia and Herzegovina: Reasons for Successful Basic Reform," summary of a presentation at the Woodrow Wilson International Center, February 4, 2004, 2. Available online at <<http://www.wilsoncenter.org/topics/pubs/MR293Clarke.doc>>.

<sup>65</sup> ICG, *Bosnia's Brčko*, 21.

<sup>66</sup> Final Award, Annex, paragraph 6; Final Award, Revised Annex, August 18, 1999, paragraph 5.

<sup>67</sup> International Crisis Group (ICG), *Brčko: A Comprehensive Solution*, Balkans Report 55 (February 8, 1999), 5. Available online at <[http://www.crisisgroup.org/library/documents/report\\_archive/A400184\\_02021999.pdf](http://www.crisisgroup.org/library/documents/report_archive/A400184_02021999.pdf)>.

<sup>68</sup> *Ibid.*, 5.

<sup>69</sup> *Ibid.*.

became the first place in BiH to indict and try politically important people for corruption.<sup>70</sup> The honesty and efficiency of the District's custom service gave it a competitive edge over the RS and Federation on imports, which raised considerable revenue for the District budget. As the legal basis of the District strengthened, banks and businesses, including foreign investors, began to migrate to the area.

The growth of Brčko's economy is often attributed to the presence of the international supervisor and the political certainty and monetary assistance provided through this person. While true to a certain extent, the assessment does not tell the whole story. Brčko *did* benefit from its close link to the U.S. Government via a series of American Supervisors—this is a lesson learned. The supervision was not left in the hands of the nebulous “international community” but rather to one nation that felt very responsible for its success or failure. Brčko is often erroneously cited as having received large amounts of international aid, when in fact foreign assistance disbursed in Brčko was much less than in other parts of BiH. Former High Representative Lord Paddy Ashdown recently estimated that BiH has received \$16 billion (USD) in aid since the end of the war. From this Brčko has received an estimated \$70 million (\$30 million of which has come directly from the U.S. Government). In comparison, Mostar has received upwards of \$300-400 million (\$15 million of which was for the restoration of Stari Most, the Old Bridge). Obviously it is not the amount of money, but how the money is spent that is crucial to success.

Due to the vast destruction of the region during the war, large portions of Brčko's funding went directly to reconstruction. Reconstruction funds have come from a variety of sources; Saudi Arabia paid for the repair and construction of houses and mosques, the Italian government repaired cranes in the port, the Greek and Japanese governments contributed to de-mining activities, and innumerable agencies contributed to the reconstruction of schools and homes. While these reconstruction monies have been critical to restoring the District's physical structure, perhaps more beneficial to the long-term stability of the District have been the monies spent on “less visible” projects, such as the BLRC, the training of judges and legal workers, and EU assessments of agricultural and economic opportunities. The latter have been critical to the development of a framework in which the District can function effectively. The BLRC cost the U.S. Government less than \$1 million, but its contribution to creating an environment attractive to business has been invaluable. From this the real growth, and sustainable hope, of Brčko's economy has developed as the unsympathetic market continues to choose to invest in the District.

Today Brčko has regained its prominence as the most economically prosperous part of BiH. Since 2001, the District has maintained a balanced budget, completely financed by its own revenues. According a 2001 report, the Gross Domestic Product per capita in Brčko was 4,233KM in comparison to 2,570KM in the Federation and 1,770KM in the RS.<sup>71</sup>

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<sup>70</sup> Clarke, 2.

<sup>71</sup> Office of the High Representative (OHR), “Brčko Economy Fact Sheet,” December 10, 2002. Available online at <[http://www.ohr.int/print/?content\\_id=6139](http://www.ohr.int/print/?content_id=6139)>.

*Ethnic Composition.* Freedom of movement, as well as refugee and Internally Displaced Person (IDP) returns, were especially ‘hard nuts to crack’ in the early post-war days of the District.<sup>72</sup> During the war, ethnic cleansing pushed Croats and Bosniaks south of what became the Inter-Entity Boundary Line (IEBL), while Serbs, many of which were displaced from other parts of BiH, flooded the city center. The post-war housing situation was desperate. With an estimated 40 percent of the District’s housing destroyed, living space was limited.<sup>73</sup> Evicting squatters was politically delicate, as many IDPs had no safe place to go. Tensions ran high and residents were afraid to risk their lives crossing the IEBL. To further complicate matters, inefficient administrative system of the past had left the region without a clear record of property titles, making it nearly impossible to differentiate property ownership.

The Supervisor worked closely with OHR, OSCE, and the UNHCR, to construct an innovative and practical plan for returns. International and local lawyers drafted property laws that made returns attractive. Administrative procedures were established for adjudicating refugee claims, making awards, and overseeing the return of property. By the end of 1997, Bosniaks were starting to move north of the IEBL and back into the Brčko area of supervision. By 2001, well over 4,000 families had returned to the District, *accounting for just over 25 percent of all minority returns from the Federation to the RS*<sup>74</sup>—a remarkable proportion when one considers that the District occupies only 2 percent of the total territory of BiH.

Today the Brčko District has returned to its pre-war multi-ethnicity, with a current distribution of 40 percent Serb, 39 percent Bosniak, and 20 percent Croat. This ethnic balance holds the community in a positive tension, with no one group having a majority and all three being inter-dependent on fair and unbiased treatment. The District’s schools were the first in BiH to be fully integrated and have become the model for educational reform throughout the country (though without the equivalent of Supervisor authority at the State and Entity levels, progress has been much slower and uneven). A report by the District Personnel Officer revealed that the public workplace reflects the District’s ethnic composition.

Of 8118 job applications received in 2002, 40.5 percent were Bosniak, 40.43 percent were Serb, and 14.2 percent were Croat. Of the 2,456 hired, 47 percent were Serb, 38 percent Bosniak, 14 percent Croat, and 1 percent other. Distribution throughout departments is fairly even as well, as evidenced by the Administrative Support Department: Serb 37.5 percent, Bosniak 37.5 percent, Croats 25 percent.<sup>75</sup>

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<sup>72</sup> Farrand, “The Inevitability of Peace Operations?,” 230.

<sup>72</sup> Clarke, 1.

<sup>74</sup> Farrand, “The Inevitability of Peace Operations?,” 230.

<sup>75</sup> William Sommers, “Brčko District: Experiment to Experience,” (a paper prepared for the 10<sup>th</sup> NISP Acee Annual Conference in Krakow, Poland April 25-27, 2002, 10). Available at <<http://unpan1.un.org/intradoc/groups/public/documents/nispacee/unpan003596.pdf#search=%22Brčko%20District%20experiment%20to%20Experience%22>>.

It is interesting to note that most of the District's by-laws avoid prescribing rigid ethnic quotas. Rather, fluid terminology such as "to reflect the District's ethnic composition" is used. This allows the District maximum flexibility, to grow with and respond to the community, while still holding the administration accountable. Such language should be considered in other parts of BiH and for other post-conflict communities. Quotas are not a cure for an unhealthy community and their permanent prescription should be avoided whenever possible.

*Elections and Governance.* The first Award (1997) left the status of Brčko undefined. The Final Award (1999) established the entire pre-war Brčko District as a unique unit of self-government, held in condominium between the two Entities. On March 8, 2000, Ambassador Farrand proclaimed the creation of the District and promulgated its statute. He then proceeded to appoint an interim government and a 29-member Assembly. These appointments continued until the first District election was held in October 2004. The delay of elections in Brčko has been controversial. Some believe that allowing the Supervisor to appoint (and expel) District officials has kept nationalist spoilers out of power and enabled the Dayton Peace Accords to be more fully implemented in the District. Others say it has been a denial of basic democratic rights and retarded the District's ability to develop self-governance skills. Such a philosophical debate is beyond the scope of this paper; however, it does seem worth pointing out that, as Supervisor Clarke once stated, "there is a lot more to democracy than holding an election."<sup>76</sup> Clarke goes on to cite problems that the city assemblies in Sarajevo and Banja Luka have had in implementing democratic standards, primarily with the assemblies becoming deadlocked. Brčko did not suffer such dramatic set-backs because the Supervisor was able to issue Orders that forced change. Since 1997, 86 Orders have been issued on a variety of topics such as the collection of taxes, the integration of institutions, the amendment of laws, and the appointment or removal of individuals from public office. This number is much lower than the number of orders imposed from the Office of the High Representative on the state of BiH.

### **Long Term Prospects for Brčko**

On one hand, Brčko's future looks bright. Brčko has recovered relatively quickly from the war; ethnic integration, economic development and other social indicators are the strongest in the country. On the other hand, the District's success is highly dependent on the presence of the Supervisor and the large number of competencies held at the District level. Both of these items are being reviewed as the government of the State of BiH is strengthened and OHR prepares to leave the country. What this will mean for the District is unclear. The District is in negotiations with OHR and BiH actors to increase its representation in Parliament and its ability to defend its interests at the State level.

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<sup>76</sup> Clarke, 4.

## Applicability to Mitrovica

A cursory look at the Brčko model has led some to believe that “a strong supervisor with a clear mandate worked in Brčko, therefore the same should be implemented in Mitrovica.” One must think carefully before undertaking such a drastic measure, however. Is the timing right for such a drastic measure in northern Kosovo? Will the international community have the dedication to see the project through to its completion? Can Kosovo sustain the results after the international community leaves?

The process to define Brčko’s status began at the signing of the Dayton Peace Accords. A transparent process led to a clearly defined outcome within four years. A strong international presence was sent to implement this decision. In contrast, Kosovo’s status has been left in limbo for more than six years. No clear mandate has ever been given to Mitrovica or the northern region of Kosovo. International presence in the region has been weak at best, with the United Nations Regional Representatives having little authority or funding to implement severe changes and KFOR forces serving as monitors rather than preventors of violence. The international community has not only allowed communities on either side of the Ibar River to develop separately, but indeed has enforced this separation by preventing locals from crossing the bridges. To establish an all-powerful Supervisor to unify northern Kosovo at this point would be an uphill climb toward futility. It would be perceived as a step backwards in self-governance, especially by the Albanians who are eager to govern themselves. The chances that the international community would give the project the funding and support needed are slim. The international community, including the United States, is looking for a way out of the Balkans, not an opportunity to entrench itself. A better model for the region will be one that recognizes and incorporates the ethnic divisions the city has grown accustomed to, while integrating these parts into the whole of Kosovo.

Furthermore, one must remember that Brčko, and BiH in general, has a history of greater ethnic integration than does Kosovo. The three constituent peoples of BiH are all of South Slavic origin and speak a mutually-comprehensible language. Ethnic integration in public and private life was common, as evidenced by the fact that before the war 27 percent of all marriages in Brčko were of mixed ethnicity.<sup>77</sup>

Kosovo, however, has a history of ethnic division. Albanians are the only major people group in the former Yugoslavia without Slavic origins. The Albanian language is entirely distinct. Mixed marriages were virtually unknown in Kosovo.

In a sense, then, helping the citizens of Brčko heal from the debilitating wounds of war is an attempt to return the region to multi-ethnic, functioning pre-war state. In Mitrovica it seems the best one can hope for is a return to pre-war tolerance. Ethnic groups may live and work side by side without killing one another, but the history of mistrust, division,

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<sup>77</sup> Robert Farrand, “Brčko, Crucible of Peace in the Balkan,” Alexander R. Woodcock and David F. Davis, editors, *Cornwallis Group VII: Analysis for Compliance and Peacebuilding*, (Clementsport, Nova Scotia: The Canadian Peacekeeping Press, 2003), 103.

and power-mongering that has divided the region for the memorable past stymies hopes for true ethnic cooperation and integration.

It seems then, that “international incubation” may not be the best model for Mitrovica. The project is too late, the price tag too high and the end-state too ambitious for the expected future of the region. Though the overall model may not fit, there are many elements of the Brčko experience that provide valuable lessons for northern Kosovo. Ethnic integration, economic vitalization, and the role of the international community provide valuable lessons learned.

One of the most important and often over-looked keys to Brčko’s success has been the number of competencies retained at the District level. In comparison to other local governments in BiH, which are largely subject to entity (and in the Federation, cantonal) control, Brčko enjoys an exceptional amount of local autonomy. This has allowed the District to advance more quickly than other parts of BiH. Today the fear in Brčko is that integration into the State of BiH will mean digression in the District’s standards. The challenge in Kosovo will be a bit different, but the basic premise is the same. In Kosovo the challenge will be to set high standards at the State level, and allow local municipalities to govern themselves, in accordance with those standards. Whereas in Brčko the fear is that integration will mean digression, the fear in Kosovo is that decentralization will mean governance below the minimum standards. The truth in both cases, however, is that locals do not trust the State and democracy requires individual participation to work properly. Thus, it is imperative that, in both cases, the following competencies be held at the local level, with minimum standards being set by the State: police, judiciary, taxation, educational system(s), and the health care system.

In keeping with this, a BLRC-like body to evaluate municipalities’ legal bases should also be considered. The parallel systems currently functioning in northern Kosovo must be compatible, initially united on paper if not in practice, in order to lay the foundation for future unification. The laws governing future municipalities must be compatible with and meet the State’s standards.

Regarding the economy, northern Kosovo, like Brčko, is advantageously situated on the border with Serbia, a region more prosperous than itself. Northern Kosovo should take advantage of this unique position and strengthen its trade and commerce ties. The mining industry will never again support the number of employees it did in the past. For Mitrovica to flourish economically, it must look for new opportunities that offer a competitive edge in today’s market. Like Brčko, Mitrovica can prepare for becoming a trade hub by ensuring trade routes and venues are safe and secure for all people and that taxes are collected fairly and honestly.

The Brčko model also teaches that the international community’s bark must be backed up with bite. In the case of Brčko, Ambassador Farrand asserts that the 800 American troops stationed at nearby Camp McGovern were critical to his ability to fulfill the Final Award mandates. Though the troops were never deployed for a serious threat, their presence intimidated spoilers and communicated the authority of the international community. In



Mitrovica international police and a robust KFOR force should continue to be a strong, visible part of the community. These troops should be multi-national and deployed on both sides of the river.

Northern Kosovo, like Kosovo in general, needs a clear resolution of its final status. The Final Awards have served as a guidebook for the people of Brčko. Mitrovica also needs a clear path forward, in writing, to guide its citizens.

If an international presence is to continue in Mitrovica, particularly if it is to be intimately involved in the affairs of the local government, staff must be willing to “stay for the long haul.” Three of the four Brčko supervisors stayed in-country more than two years, and the current Deputy Supervisor has been with OHR for eight years—six with OHR North and two with OHR South. The importance of longevity and continuity cannot be overemphasized. Relationships are key to the success or failure of international intervention missions. A high turn-over rate gives spoilers access points each time a new international element arrives and has to work its way up the learning curve.

Finally, the Brčko model strongly advises against establishing a pre-determined exit date. As one commentator notes,

If an internationally supervised territory is to have any chance of long-term success, the international parties implementing the agreement and engaging in the oversight of the territory must have the determination to ensure that the implementation phase will outlast the desire of those internal players who are bent on obstructing its implementation. Otherwise, the costs, both financially on the donor countries and personally on the people living in an internationally supervised territory, may be substantial.<sup>78</sup>

Though the overall model of Brčko, incubating a region with a strong supervisor and clear mandate for rapid integration, is inappropriate for the current situation in Mitrovica, there are many pieces of the Brčko model that can and should be applied. Brčko teaches that decentralization and local competencies are keys to the ability of a community to build itself up. A revision of the judicial, criminal, and administrative legal systems of the region will give the region a framework for success. Mitrovica’s economy must be reoriented toward a commodity that is competitive in today’s market. This may possibly mean becoming the hub of trade and commerce with Kosovo’s more affluent neighbors. An internationally binding agreement must be negotiated for northern Kosovo, bringing resolution to the status of the region and providing a clear path forward. And finally, the international community should commit to providing the visible security forces and quality staff needed to ensure the implementation of this agreement.

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<sup>78</sup> Farrand, “Lessons from Brčko,” 583.



# Workshop Recommendations

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Summarized by Melissa Sinclair<sup>79</sup>

## Introduction

As future status negotiations on Kosovo have begun, a key question will be “what to do” with Mitrovica and the northern region of the territory. To help provide ideas for the negotiators, policymakers, and implementers working on the issue, the Center for Technology and National Security Policy at The National Defense University pooled the collective knowledge of a group of approximately 15 Balkan experts. The following analysis is a result of that working group discussion.

## Four Options for Northern Kosovo

The northern, predominantly Serbian, portion of Kosovo and the Serbian enclaves throughout the region provide a spectrum of future status possibilities. Ranging from full ethnic integration and regional sovereignty to flat-out partition with Serbia, no one option will serve as the silver bullet for all interested parties.

*Partition.* Kosovo is legally still part of Serbia, although currently administered by UNMIK under Security Council Resolution 1244. Despite the Contact Group’s vow that the current borders of Kosovo will not change, many Serbs hold out hope that the land north of the Ibar River will be granted to the state of Serbia post-negotiations. Though this option is unrealistic, given the Contact Group’s stance, it does represent the hopes of the Serbian population in Kosovo.

*De Facto Partition with Parallel Structures.* The northern portion of Kosovo is currently, arguably, a *de facto* partitioned region. Though *legally* bound to Pristina, the north is *practically* financed and controlled by Belgrade. Eliminating the parallel structures in the north will require more political will and security enforcement than what the international community and local leaders have thus far been able to muster. Without the elimination of these structures, the Serbs of Kosovo will continue to look to Belgrade, not Pristina, for support, thus creating a *de facto* partitioned state.

*Ethnic Integration through International Incubation.* Ethnic integration and reunification with the rest of Kosovo is the ultimate goal of the Contact Group and international community. Decentralization, which Martti Ahtisaari made the first topic of the status negotiations, will be crucial to ethnic integration. A well-executed plan of decentralization will give the various sections of Kosovo confidence to administer their own affairs, while legally and broadly keeping the territory united. Establishment of the rule of law in all parts of Kosovo will also be crucial to integration. Citizens must be able to look to state-sanctioned security forces for protection and have confidence that the

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<sup>79</sup> Conclusions from a workshop held by the Center for Technology and National Security Policy at The National Defense University on March 31, 2006.

system will be ethnically impartial. Thus, if the option of ethnic integration is chosen, significant continued involvement from UNMIK's international successor and KFOR will be required until Kosovo has its own competent forces to serve as replacements.

*Rapid Reorientation and Serb Exodus.* A final option, undesirable to the international community but not beyond the scope of reality, is the implementation of policies that will lead to a massive Serb exodus. If Kosovo is granted full independence without adequate protection for minorities, this is a very real possibility. There is little left in Kosovo for the Serbs and, representing less than 10 percent of the population, non-Albanians feel powerless to effect change or protect their rights through the central government.

No one option provides a clear solution to the problems faced by Serbs in Kosovo or the region north of the Ibar River. Both partition and the continuation of parallel structures will meet significant opposition from Kosovar Albanians. Allowing the implementation of policies that will lead to the purging of non-Albanians is unacceptable to the Serbs and the international community. The international community seems to be wavering between the more ideologically acceptable solution of full ethnic integration, with unified multi-ethnic institutions administering the region, and an acceptance of the status quo, legitimizing parallel structures and weaving them into the framework of the region. The latter option, though initially easier to implement and less intrusive, would have to be handled very carefully. The path to parallel structures would begin with decentralization but in the end few efforts would be made to integrate the communities.

The recommendations that follow, then, are vital for ensuring that decentralization creates one unified Kosovo, not a *de facto* partitioned Kosovo. The working group concluded that moving toward ethnic integration is the only acceptable solution for the United States and our allies. This is also the most difficult option to implement. It will require long-term attention and resources. As opposed to monitoring the exodus of Serbs or maintaining the status quo, moving toward a unified Kosovo will require a concerted effort to transform attitudes.

This is not the first time the international community has faced such a challenge in the Balkans. The ethnically divided cities of Brčko and Mostar in Bosnia were each administered by supervisory regimes after the Dayton Accords. And the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) was established to oversee the integration of that Serb area back into the state of Croatia. Drawing on lessons learned from these UN missions, the working group made several recommendations that, if followed, give the region north of the Ibar River and the Serbian enclaves throughout the territory a chance at successful integration with the rest of Kosovo.

## **Recommendations**

The following recommendations are grouped into three broad categories: 1) the role of an international assistance mission, 2) the needs of the security sector, and 3) the social and political implications of the path of integration.

*International Assistance and Mandate.* If the option of ethnic integration is chosen, its implementation will require the assistance of the international community. This should not be a “monitoring” or “verification” mission, but rather a mission of political assistance, designed specifically to implement the policies that parties have agreed to in the status negotiation talks. It is important to note that whatever the status of northern Kosovo, it will be a status that all parties agreed to through the negotiation process. Thus, it will be the role of the United States and our allies to help Kosovo implement those decisions.

The mission does not need to be large, but should be tailored to support specific mission objectives and led by a strong, proven, and neutral international diplomat. The person chosen to lead the mission will be crucial. Per the experiences of previous supervisors and leaders in Bosnia and Croatia, the most important tool this representative can be given is an unambiguous mandate. The mandate should be strong but narrowly focused on the protection of minority rights and ethnic integration. It should establish the representative as the “final authority in theater,” as the High Representative is in Bosnia and Herzegovina.<sup>80</sup>

The group felt that this mission should function under the auspices of the United Nations, rather than the European Union. This conclusion was drawn in large part because of the EU’s poor performance in Mostar. The group also felt that, despite UNMIK failures over the past six years, the UN is still perceived by the Kosovars as a more legitimate and competent organization than the EU.

Finally, the budget given to this Representative does not need to be large, but should be highly flexible, allowing the Representative the freedom to support programs and projects as he or she deems appropriate.

*Security.* The mandate, no matter how strong, will be useless without security forces to add bite to the mandate’s bark. KFOR troop levels should remain constant and its capabilities should shift toward more constabulary forces. The troops should be authorized vigorous Rules of Engagement, with minimal national caveats. This will allow the KFOR commander to move troops firmly at the first sign of violence. The United States must remain in KFOR in a visible and significant way. Americans and Germans should be involved in the supervision of the northern region.

In addition to KFOR, it is vital that the size of the CIVPOL contingent in northern Kosovo increase. American CIVPOL, widely perceived as competent and tough police officers, should in particular be more numerous in the northern regions. The Kosovo Police Service (KPS) must have a healthy mix of Serbs in Serbian populated regions. All

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<sup>80</sup> Article V of The General Framework Agreement for Peace in Bosnia and Herzegovina designates the High Representative as the “final authority in theater regarding interpretation of this Agreement on the civilian implementation of the peace settlement.” These “Bonn powers” allow the High Representative to override domestic authority, ensuring that purposes counter-productive to the peace settlement are stymied.

KPS officers, regardless of ethnicity, should be trained side-by-side. In Eastern Slavonia it was found very beneficial to train officers outside the Balkans, where local pressures were diminished and the possibility of group cohesion increased.

Finally, there must be good lateral communications between the Representative and the military and civilian security forces. The Representative must know that security forces will support the implementation of his or her policies, if needed. Any perceived weaknesses in relationships between members of the international community will be exploited by spoilers.

The rapid establishment of the rule of law in Serbian areas, particularly the police, courts, and prisons, should be a first priority of the Representative. The Representative must significantly reduce the parallel structures that have been allowed to exist in Kosovo and reclaim Serbian areas for the integrated community at large. This responsibility is to be clearly outlined in the mandate, which should come from the UN Security Council.

*Social/Political.* The social and political aspects of the Representative's mandate will be the most difficult to implement. Comprising 10 percent of the population, non-Albanians are at a severe disadvantage in ensuring that their rights and interests are protected in Kosovo. A main responsibility of the Representative will be to guarantee that policies and systems are put in place to safeguard non-Albanians. One practical way of doing this is to make sure non-Albanians are appointed as Deputies to critical ministries such as Education, Labor, and Social Welfare.

Education in Kosovo, crucial to the success of future generations, presents particular challenges. Unlike other parts of the former Yugoslavia, Kosovo's ethnic groups are divided by completely dissimilar languages. For this reason, supporting the funding of language-neutral schools, such as schools that teach in English, German, or French, should be explored. Language-neutral schools not only diffuse the immediate ethnic tensions, which the language barriers embody, but they also equip the students with the life-skill of multi-lingualism, which will be vital to Kosovo's participation in the global market. An important responsibility of the Representative will also be to oversee the revision of the curriculum of the public school system—particularly the history curriculum. In Eastern Slavonia a moratorium was put on teaching local history for 10 years after the conflict.

Although a vibrant economy is vital to the success of Kosovo, the group concluded that the Representative should focus first on getting the politics right. This would include setting in place economic policies that encourage both foreign and domestic investment. If that is accomplished, the economy should naturally follow; an environment that fosters honest, fair, and impartial dealings will breed economic vitality. For this reason some in the group felt that a major Marshall-type plan for Kosovo is premature.

Finally, the representative will need a rigorous strategy for communicating with all ethnic communities in Kosovo. And as Bosnia showed, he/she will need good access to all forms of intelligence. Harnessing the media and staying in close communication with

local stakeholders will be crucial to ensuring that the Representative and Kosovo as a whole are moving in tandem toward the building of a multi-ethnic, integrated Kosovo.

## **Conclusion**

This is not the first time the international community has assisted new nations in taking the difficult path of ethnic, social, and political integration. Drawing on lessons learned in Brčko, Mostar, and Eastern Slavonia, the international community can help position Kosovo for success. Though an international regime in northern Kosovo will likely be less intense than the American supervision in Brčko, practitioners should look to Brčko's advancement in the following areas for guidance: rule of law, the construction of a multi-ethnic police force, legal and judicial reform, an enlightened education system, and the importance of a strong, clear mandate. Eastern Slavonia teaches us that the ready availability of and willingness to use force when necessary is also vital to success. UNTAES was also able to fulfill its mission because it worked closely with political leaders, including Belgrade, to find creative solutions to difficult problems. Mostar teaches us that without a strong mandate and the will to enforce it, conflict may cease but ethnic integration remain elusive.

Ethnic reintegration is both the most attractive and the most difficult of options for northern Kosovo's future. It is the option that requires the most assistance from the international community and the most dedication from the people of Kosovo. The task is large, but not impossible. Drawing on lessons from neighbors, the international community should work with the local community and Belgrade to ensure that the northern region is successfully integrated into Kosovo as a whole.

# Summary of Models for Mitrovica

	<i>Brcko</i>	<i>Mostar</i>	<i>E. Slavonia</i>	<i>Lessons for Mitrovica</i>
<b>Outcome</b>	Ethnic reintegration	<i>De facto</i> partition	Reorientation to Zagreb	Brcko most successful Mostar is Serb model E. Slavonia is Kosovar Albanian model
<b>Degree of Reintegration</b>	High	Low	Medium	Likely Low
<b>International Supervision</b>	Strong U.S. Supervisor	EUAM and EU Dep High Rep weak	Strong UN Transitional Administrator	Need Strong High Rep to reintegrate or reorient
<b>Duration of Supervision</b>	Decade	Decade	2 years	Long duration may be needed
<b>International Agreement</b>	1995 Dayton Peace Accords 1997–1999 Three Arbitration Awards	1994 Federation Agreement/EUAM 1995 Dayton Accords set up DOHR	1995 Erdut Agreement	Need agreement with both parties
<b>PKO Troops</b>	800 U.S. troops	Located in European force sector of IFOR/SFOR—no U.S.	5,000 UN troops and 500 CIVPOL	U.S. KFOR troops may need to move North of Ibar River
<b>Ethnic Mix in 1991</b>	Bosniak 45%; Croat 25%; Serb 21%	Bosniak 35%; Croat 34%; Serb 19%	Serb 36%; Croat 43%	Strong reintegration can stabilize ethnic mix
<b>Ethnic Mix After Supervision</b>	Bosniak 39%; Croat 20%; Serb 40% (2003)	Bosniak 47%; Croat 48%; Serb 3% (2003 est.)	Serb 30%; Croat 60% (2004 report)	
<b>Serb Flight</b>	Serbs stayed	Serbs fled	75,000 Serbs fled 1995–1999	Reorientation, lack of voice can cause Serb flight
<b>International Mandate</b>	Freedom of movement; returns; elections and institution building; revitalize the economy	Unified, multi-ethnic city admin; elections; protect human rights; effect returns; protect religious rights and cultural identify	Demilitarization and security, oversee return of refugees, organize elections, and integration into Croatia	Need clear mandate
<b>Population in Zone</b>	80,000 (1991, 2003)	1991: 126,066 2003: 105,448	1991: 201,400; 1998: 105,000	Mitrovica is a manageable size (80,000)
<b>Nature of Zone</b>	International zone, no physical barriers, IEBL ignored	City center; 6 municipalities—3 Croat, 3 Bosniak; river divides	No international zone; river divides	Nature of zone can influence outcome; avoid Mostar
<b>Major Issue Remaining</b>	How to integrate Brcko in BiH	Key BiH Flashpoint; much further reintegration required	Discrimination and Serb flight remain	Reintegration remains key Long-term issue
<b>Power-Sharing</b>	Excellent	Superficial	Croats dominate	Power sharing important for stability
<b>Economic</b>	Healthy economy	Recovery slowed by uncertainty	High unemployment rate	Stability and reintegration important for economic growth
<b>Integration of Law and Police</b>	High	Medium	High	Integration necessary for success
<b>Stability: Reason</b>	High: Reintegration	Low: Limited reintegration	High: Reorientation	Stability can be achieved through reintegration or reorientation