Lessons From Kosovo:

The KFOR Experience

Larry Wentz
Contributing Editor

CCRP

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The KFOR Experience

Larry Wentz
Contributing Editor

CCRP Publication Series

A
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SLOVENIA
HUNGARY
PANNONIAN BASIN
Zagreb
CROATIA
Vojvodina
BANAT
ROMANIA
TRANSYLVANIAN ALPS
Republika Srpska
Belgrade
BOSNIA AND HERZEGOVINA
YUGOSLAVIA
Serbia
Sarajevo
Federation of Bosnia and Herzegovina
DINARIC ALPS
DALMATIA
Montenegro
Nis
BALKAN MTS
Kosovo
CROATIA
Skopje
THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA
Adriatic Sea
Tirana
ALBANIA
ITALY
Bari
Brindisi
Lecce
Otranto
Strait of Otranto
Thessaloniki
GREECE
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Republic boundary
Autonomous province boundary
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(Dayton Agreement line)
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A B C D E F G H I J K L M
1 2 3 4 5 6 7
42° 30'
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Malisevo
Krajmirovce
Suva Reka
Zrze
Rogovo
V. Krusa
Pirane
Damjane
Paci
Krumë
ALBANIA
Dukagjin
Kukës
Kalimash
Prizren
Hoca Zagradska
Mušnikovo
Brodosavce
G.-Lubinje
Dragas
Tearce
Šipkovica
Tetovo
Brod
Restelica
Golema-Rečica
Želino
Vrapčište
Gostivar
Čajle
Brodec
Zirovnica
Lipljan
Krajište
Štimlje
Blace
Moujjane
Uroševac
D. Plešina
Grebno
Gatnje
Brod
Vrbestica
Strpce
Brezovica
Sevce
Kačanik
Pozaranje
Brasaljce
Gnjilane
Vitina
Bincea
Korbilla
Korbulë
Podgorc
Podgorce
Sušare
Presevo
Miratovac
Vaksince
Tabanovce
Slupčane
Kumanovo
Skopje
Draćevo
Titov Veles
THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA
SERBIA
MONTENEGRO
KOSOVO
ALBANIA
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0 10 20 30 40 50 km
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A B C D E F G H I J K L M
1 2 3 4 5 6 7 8 9 10
21° 00'
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The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.
SERBIA
MONTENEGRO
KOSOVO
ALBANIA
MACEDONIA
Grčak
Rataje
Aleksandrovac
Usce
Jošanička-Banja
Brus
Zlatari
Lepenac
Raška
Blace
Beloljin
Prokuplje
Lešak
Dren
Banja
Kuršumlija
Leposavić
Y U G O S L A V I A
Žitni Potok
Sočanica
Tutin
Bojnik
Banjska
Trepče
S E R B I A
Kosovska Mitrovica
Podujevo
Lebane
Lece
MONTENEGRO
Zubin Potok
Zvečan
G. Lapaštica
Glavnik
Batlava
Rožaj
Vučitrn
Orlane
Istok
Rakos
Rudnik
Nevoljane
Belo Polje
Vrela
Klaćenica
Srbica
N. Selo
Đurakovac
Poljance
Propastica
Ravna Banja
Lausa
Dobrusa
Cirez
Peć
Vitomirica
Obilić
Priština
Zlokućane
Dobrosevac
Marevce
Sidevo
Glogovac
Klina
Kosovo Polje
Ogoštel
Rausic
V. Belacevac
Novo Brdo
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Barana
Ugiarevo
Komorana
Janjevo
Eagles Nest
Kosovska Kamenica

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Section 4—Civil-Military Dimensions

CHAPTER XI

The Humanitarian Dimension in Kosovo: Coordination and Competition

Walter Clarke

> *...Kosovo is a political problem, with devastating humanitarian consequences, for which there is only a political solution...*[1]
>
> —Sadako Ogata—U.N. High Commissioner for Refugees (September 1998)

There are significant differences between the experiences, doctrines, responsibilities, and goals of the international humanitarian community and the military forces that support them in armed humanitarian interventions. While no one who has shared one of these intricate civil-military peace operation experiences is likely to disagree with this observation, it is also a fact that the two sides appear to spend little time trying to understand how the other is motivated or how it operates. The matter of mutual unintelligibility is especially confusing, wasteful, and potentially dangerous if those differences are ignored during the planning stages of military deployments to those manmade political-military-humanitarian crises that have become known as complex humanitarian emergencies (CHEs). Kosovo ranks very high on the list of the CHEs that have abused the conscience of the world in the post-Cold War era.

In Kosovo, NATO force planners' ignorance or misunderstanding of the dynamics and capabilities of the international humanitarian community created serious problems for trust and cooperation after the nature of the refugee crisis became clear. These matters eventually worked themselves out during the early months of the Kosovo Force (KFOR) and the U.N. Mission in Kosovo (UNMIK). However, NATO was not responsible for these problems in the civil-military interactions.

The international humanitarian system is frequently hampered by the policies and actions of the principal U.N. nations. If the world does not want to see its militaries engaged in international social work, then it must adequately fund and empower the civilian intergovernmental and nongovernmental agencies that are the core of the humanitarian response system.

But there are broad issues that fall within the competence of the principal world militaries. Despite the considerable experience obtained during the past decade as the world community has responded to many societal breakdowns, most militaries appear culturally unprepared to appreciate the positive side of cooperation with the international humanitarian community. The much-studied intervention in Kosovo may, hopefully, provide an important turning point for these attitudes. The problems associated with the coordination and response to the sudden refugee disaster in Kosovo were so glaring and avoidable that NATO and its members must revise their operational doctrines to avoid such confusion in the future.

An irony is that the military makes much of the alleged incapability of the humanitarian community to contribute to unity of effort. Even within the humanitarian community itself, coordination is voluntary and situational. The enormous diversity of organizational styles, specialized skills, funding patterns, and field experiences of international humanitarian agencies is a strength, not a weakness. These are not agencies that fit neatly into organizational charts and their interrelationships are often ambiguous, if not sometimes competitive. They do not submit themselves to a military chain of command. But their independence, impartiality, and neutrality in the midst of chaos and the fog of peacekeeping are also a strength, because humanitarian agencies can deal with all non-belligerents and gain victories without firing a shot. The elusive and ambiguous issue of unity of effort in the context of Kosovo is discussed at greater length below.

The military must accept that there is a fundamental difference between its training and attitudes and the experience of the international organizations and nongovernmental organizations (NGOs) engaged in relief and rehabilitation. As per their mandates, the humanitarian community must focus its planning energies on the victims of misadministration, cruelty, and disorder. These civilian organizations are committed by formal agreements and tradition to assist all non-

belligerents in need, without regard to ethnic group or political faction. The military in such operations must become familiar with the ethics of the international humanitarian community. The fact that impartiality and neutrality are critical components of humanitarian strategy is well known, but the combination of these two issues is another reason why civilian agencies and military forces have such different responsibilities in operations such as in Kosovo.

The ambiguities of these parameters were present among the planning concerns of each of the civilian organizations that had to close down their operations in Kosovo when the air war began. Cornelio Sommaruga, the President of the International Committee of the Red Cross, stated in late May that "the most urgent thing in Kosovo right now is the need for the creation of a humanitarian space...a physical, political, and psychological space in which neutral, impartial humanitarian organizations such as the International Committee of the Red Cross can work." While the ICRC head was also worried about the attitudes of the Kosovo Liberation Army (KLA), whose position was greatly strengthened during the air war, NATO had clearly not had meaningful discussions with the ICRC about these fundamental civil-military issues. Sommaruga showed his concern about the post-air war relationship: "Where are we allowed to work, how much notice do we have to give for movements of trucks?—what we will actually be pushing up against is the military imperative."[2] Militaries have difficulty with the concept of neutrality and acceptance of other priorities.

As the institution entrusted with providing a safe and secure environment for international humanitarian efforts, the military has a crucial protective role to play. While the military is expected to behave impartially and to apply its mandates fairly, military forces have no credibility if they strive to avoid politics on the humanitarian battlefield. A military deployment into a sovereign state, especially if its permissions are ambiguous—certainly the case in Kosovo—is a profoundly political act. Deployed beyond its borders, a military force may hope to be seen as a humanitarian actor, but that is both logically impossible and militarily self-defeating. A well-armed force in a politically disturbed environment must send a clear and unambiguous message that it is not aloof to what is actually transpiring on the ground. The military component cannot ignore injustice and lawlessness on the battlefield, and its rules of engagement must be crafted to ensure that its actions are productive to the overall goals of the operation. In this respect, the operation in Kosovo appears to have

had fewer problems of maintaining political clarity than the parallel operation in neighboring Bosnia.

A European liaison officer assigned to the NATO J-9 (civil-military operations) staff at the outset of the KFOR operation stated that "if you had seen the chaos in civil-military relations during the first 2 months of the NATO deployment into Kosovo, you would have said that we would never make it!" Fortunately, both the military and civilian sides of the Kosovo operation were quite professionally led, and productive civil-military relations were cemented within the early months of the commencement of joint activities on the very special Kosovo humanitarian battlefield.

Background to Tragedy

The collapse of the former Soviet Empire and the dissolution of Communist authoritarian regimes throughout Eastern Europe in the late 1980s and early 1990s left several of these dictatorships in place, notably in the Balkans. In the history of the Balkans, there were a few pieces and fragments of former empires, which did not appear to be significant in the heavy tides of ethnic nationalism, which caused the state of Yugoslavia to collapse in 1991. Kosovo was a confetti of empire which had long been a matter of domestic contention in Yugoslavia and its status was omitted during the negotiations that led to the Dayton Agreement. Despite former Yugoslav leader Milosevic's cruel manipulations of the Albanian ethnic population in Kosovo, the province did not become an area of serious international attention until 1998.

Kosovo was not an easy case for world concern. Under international law prevailing since the adoption of the U.N. Charter in 1946, all military interventions must either be sanctioned by the United Nations Security Council or be the consequence of multilateral or bilateral defense agreements. Given that neither Russia nor China in 1998-99 were likely to veto a resolution calling for U.N. intervention in the political and humanitarian emergency prevailing in Kosovo, NATO acted on its own.[3] The NATO decision to intervene was driven by a number of international humanitarian and political imperatives based on halting the ethnic pogroms carried out by the Yugoslav authorities. Kosovo became the first case of a totally unsanctioned military intervention to halt the depredations of a government against its own citizens. This unique situation was clearly one of the reasons for the difficulties in

coordination and understanding between the military and civilian participants at the outset of the Kosovo crisis.

These civil-military planning difficulties were not just legal and/or doctrinal. The uncertain relationship between the military and civilian sides during the air war manifested itself in an unhealthy competition between international humanitarian agencies and NATO when the air war was suspended. These attitudes were not necessarily based on skepticism or ignorance about the capabilities of the international humanitarian community. There were serious military institutional issues pertaining to the releasing of critical information, the lack of humanitarian input to planning, and the impatience on the part of military commanders with the relatively slow pace of international organization administrations.

NATO's concern about its public image was also a factor. It also appears likely that certain NATO forces wished to appear generous in the face of the enormous humanitarian crisis that developed for several weeks far below NATO's high-flying bombers. However, the members of the multinational NATO alliance and their partners each responded to the refugee disaster according to their own means and preferences, creating an image of competition within the military and with the international humanitarian specialists. This response was both dysfunctional and wasteful, and could have complicated the achievement of the overall humanitarian and military objectives of the Kosovo operation. Should there be future Kosovos, as there are likely to be, there must be a greater effort to build a humanitarian-military partnership which is prepared to recognize the strengths and responsibilities of each participant prior to the commitment of the military force.

Fortunately, the Kosovo operation has benefited from a substantial amount of attention by both participants and independent observers, and several very useful after-action reviews are now available, including those of certain U.N. agencies, NATO, DoD, NGOs, the State Department, and a number of independent academic groups and functional commissions.

The Kosovo Refugee Crisis

Nearly all post-Cold War armed humanitarian intervention situations are the direct response to crises that are defined by widespread repression against civilian populations. With the conscience of the

world still bothered by the lack of response to genocide in Rwanda, and the inability of the United Nations to contend with ethnic cleansing in Bosnia, Kosovo was important. Most governments are still searching for some formulae to handle the rising numbers of refugees and internally displaced persons (IDPs). The lessons of Kosovo are especially pertinent for a better understanding of the still ambiguous role of the use of force in humanitarian operations.

Despite a decade of provocative actions against the large Albanian majority in Kosovo by the Serbian-dominated government in Belgrade, the triggering event that eventually led to intervention by NATO forces may have come on February 28, 1998.[4] On that day, Serbian police arrested Adem Jashari, a local Albanian leader in Perkaze, who had reportedly joined the Kosovo Liberation Army (KLA). In the following week, 58 members of his extended family were systematically exterminated by Serbian military and police actions. When this crime became known, villages throughout Kosovo set up local defense groups to defend themselves. Although the KLA evidently played little role at this point in establishing these self-defense groups, the village defenders called themselves KLA, which facilitated the spread of that group. The conditions were set for ethnic cleansing and civil war. The world press soon took an interest in the growing number of Serbian massacres and the Albanian resistance throughout Kosovo. Milosevic had gone too far; he hoped to handle Kosovo as a minor internal problem, but his scheme of restoring a Serbian majority to Kosovo by chasing the Albanians away, or killing them outright, was simply too ugly to escape the world's attention.

Attempts were made to regulate the conflict through diplomatic means. The United States and NATO embarked on a gradually escalating campaign of words and gestures designed to increase pressure on Serbian authorities to relent in their campaign against both the KLA and innocent civilians. In June 1998, the NATO Council directed the military planning staff to develop a full range of options for the deteriorating situation in Kosovo.[5] Within days, NATO held air exercises over Albania; NATO clearly had the capability to project power anywhere over the troubled Balkans.

In October 1998, U.S. Special Envoy Richard Holbrooke and Serbian leader Milosevic negotiated preliminary Serbian troop withdrawals from Kosovo, but violence returned within a few weeks of that agreement.

Efforts by the United States and Europe to defuse the rising tensions in Kosovo led to direct negotiations between Serbian and Albanian authorities at Rambouillet, France in January-March 1999, but these efforts failed. The Serbian offensive against the KLA and Kosovar Albanian civilians grew in intensity, and the world became aghast at the savage war of the Serbian Government against its own ethnic Albanian citizens. In a dramatic move that surprised many, some 2,000 international observers placed in Kosovo in the autumn of 1998 in the so-called Kosovo Verification Mission (KVM) under the authority of the Organization for Security and Cooperation in Europe (OSCE) were quickly removed in mid-March. Most international agencies similarly evacuated their personnel from Kosovo in the face of potential hostilities. Among the last to leave were nineteen members of the International Federation of Red Cross and Red Crescent Societies, who left Kosovo on March 29, 1998.[6]

On March 24, 1999, NATO launched an air campaign over Kosovo designed to drive Serbian forces from the province. This action, done without the sanction of a U.N. Security Council Resolution, but judged illegal but legitimate by an Independent International Commission,[7] caused great concern among the international humanitarian community. How could that community, foresworn to apply assistance impartially and without taking sides, coordinate with NATO, an active belligerent in an unsanctioned war?

This dilemma greatly complicated relations between NATO and the international humanitarian community until the U.N. Security Council adopted resolution 1244 on June10, 1999. In so doing, the Security Council placed an *ex post facto* international stamp of approval on the NATO military campaign. UNSCR 1244 stipulated the return of all refugees and provided ground rules for the establishment of an international interim regime to govern Kosovo during its recovery. Some agencies, especially the UNHCR, remained concerned about working with an active belligerent but quickly resigned itself to working with military forces because no other organization could respond so effectively to the urgent humanitarian demands of the situation. The U.N. Security Council had learned about coordination issues from the operations in Bosnia, and instructed the Secretary General in paragraph six of UNSCR 1244 "to instruct his Special Representative to coordinate closely with the international security presence to ensure that both presences operate towards the same goals and in a mutually supportive manner."[8]

During the subsequent 9 weeks until the completion of the air campaign on June 11, nearly 860,000 Kosovo Albanians fled or were expelled to Albania (444,000), Macedonia[9] (344,500) and Montenegro (69,900). An estimated 590,000 more were displaced from their homes. An estimated total of 90 percent of all Kosovar Albanians became homeless in this period.[10] Such vast numbers in such a narrow time period were unusual in the history of refugee operations; only during the Kurdish-Iraqi war of 1991 and the period following the Rwandan genocide of 1994 had the UNHCR seen such refugee and displacement figures.

Despite the buildup to the air campaign, the UNHCR and the international humanitarian community in general were unprepared and initially overwhelmed by the enormous numbers of refugees that were generated by increasingly repressive Serbian acts during the air war.[11] Although most observers agree that the basic needs of the refugees were met during and after the air war, this was a particularly stressful period for military-humanitarian relations. The UNHCR remains especially troubled because during this period it saw itself marginalized by uncoordinated bilateral efforts carried out by various NATO coalition members and competition by other international agencies. Internationally accepted standards for refugees were either unknown or scorned by participants, causing great confusion and considerable waste. With a declining number of personnel in the area, the UNHCR was primarily focused on the needs of the estimated 260,000 IDPs in Kosovo. Refugees were a secondary concern with an estimated 35,000 in countries bordering the former Yugoslavia.[12] While there was great concern within the humanitarian community about the need to evacuate monitoring and humanitarian personnel in the event of a conflict, conventional wisdom within the community was that the air war would be a solution rather than a problem. The air campaign would be brief, and in the absence of Serb army and police, humanitarian efforts would be adequate to cover basic human needs.

Various agencies had widely differing estimates about the scale of refugee flight expected when the air war began, with the OSCE initially planning for 50,000. After several discussions with both military and diplomatic authorities in early March 1999, the UNHCR settled on 40,000 to 80,000 refugees as a planning figure. Some alarmists believed that as many as 100,000 new refugees would be generated by the air campaign, but they were confident that the UNHCR could handle that number, and that was the number adopted by the UNHCR in its final report

before NATO started dropping bombs. Following the first salvos of the air campaign, however, the UNHCR found itself seriously undermanned and unable to handle the requirements.

There are reports that indicate that U.S. military and civilian intelligence services were aware of Milosevic's plans to initiate massive reprisals in the event that NATO decided to intervene in Kosovo. If so, it is unfortunate that some means to inform the humanitarian community of the broader threat was not available.

The internal debates within NATO and, notably, within the U.S. European Command (EUCOM) about the virtues of air or ground-based combat to rid Kosovo of its Serbian overlords focused on potential personnel losses. From the humanitarian perspective, the decision to bomb Serbian targets from 15,000 feet was a particularly difficult one to accept because of the increased risks of actually bombing the victims of Serbian repression. After several NATO bombing errors led to a number of non-combatant deaths, military-humanitarian relations were greatly strained. Whether it was the stressed relations with the humanitarian community that they did not understand or trust, guilt over the bombing incidents, or the enormous internal displacement and flight of refugees into surrounding countries, the various militaries within the alliance all looked inwardly in planning for the victims of the Kosovo conflict.

UNHCR Is Unready

In Albania, where some 64,000 refugees arrived around in late March, there was a single national staffer in the UNHCR office at the Kukes crossing point. The small UNHCR office in Tirana quickly initiated emergency procedures in order to provide more staff and refugee resources for the Kukes office. An emergency response team (ERT) was set up at UNHCR Geneva on March 29, and it was ready to travel the next day, well within the normal 72 hours emergency response time standard set by the UNHCR. Its departure was delayed an additional day because NATO/EUROCOM in Tirana could not provide an arrival slot for the UNHCR-chartered aircraft.[13] Particularly vexing to the UNHCR was the fact that the same day in which the UNHCR was denied a landing slot, the EU Commissioner for Humanitarian Affairs arrived in the region on board a NATO aircraft accompanied by the

Deputy SACEUR.[14] It took the UNHCR ERT a full day to travel by road from Tirana to Kukes, and it did not arrive on the scene until April 2. In the meantime, the UNHCR Special Envoy in Tirana had left for Kukes on March 30.

No international agency can compete, however, with the resources available to an individual sovereign state determined to exercise national policy imperatives. This was certainly the case of the UNHCR. The Interior Minister of the Italian Government had already been to Kukes, and she met the UNHCR Special Envoy heading up the road while she was on her way back to Tirana. The Italians already had a convoy of relief goods on the road to Kukes; in fact, the convoy was blocking the road where the two officials met. The Italian Government acted quickly because it feared an avalanche of Albanians pouring clandestinely by boat into Italy following the several thousand illegal Albanian refugees who were already there. Sharp words were reportedly exchanged; the Italian minister made special note of the fact that approximately 85,000 refugees had already presented themselves at the border, and there was no sign yet of UNHCR assistance.[15]

On the Albanian front, there was clear evidence that the competition between bilateral national interests and international solutions was already causing problems because the lack of clarity about who was in charge created opportunities for potential manipulation by end-users. For the Albanian Government, the Kosovo crisis was a means to advance its relationships with NATO and the West, and it became the only front line state to offer full and unrestricted use of its territory and air space to NATO. In contrast, the UNHCR had nothing to offer the Albanians politically, and it saw the Albanian Government place primary responsibility for response to the refugee crisis in the hands of NATO, which sent in its own team of experts to coordinate the situation. National delegations from Germany, France and Italy visited Tirana on March 31 to discuss assistance to the refugees. These talks developed into an EU meeting held in Luxembourg, where specific assistance packages were discussed, including the relocation of many of the refugees from the border zone to third-party countries. The UNHCR was not invited to any of these various meetings. It was only informed later of the results.

In the crisis headquarters set up in the Albanian Prime Minister's office in Tirana, an Emergency Management Group (EMG) was established.

The EMG included a representative of the Prime Minister, two representatives of the OSCE, an American Embassy staffer and the local mid-level Tirana UNHCR representative. In the quest for institutional supremacy, the OSCE, which has long been critical of the UNHCR's primary role in refugee support and, in any case, because it represented another meaningful outlet to the western world for the Albanians, the OSCE won out. Proof of this came in late April, when the Italian Government proposed to turn over its refugee camps to the UNHCR. The Albanian Government initially protested, but with obvious misgivings, eventually agreed.

Each of the former Yugoslavian states included a mosaic of ethnic groups, and in Macedonia, approximately 25 percent of the population is composed of Albanians. Before the air campaign, the Macedonian Government had freely permitted refugees from Kosovo onto its territory. It was unprepared for the refugee onslaught that began to skyrocket on March 30-31. With a line of cars and trucks stretching out over six miles from the crossing point at Blace, and the arrival of six trains on April 1 containing 25,000 refugees, the Macedonians closed the frontier. It feared that unrestricted access to Macedonian territory by the refugees would upset the small country's fragile ethnic balance. Only 3,000 of the train refugee arrivals were processed. There was no turning back, however, for the tens of thousands of prospective refugees at the border. The spectacle of the refugee hoard blocked on the large muddy field outside the Blace crossing was flashed on nearly every television screen in the world. This was a crisis that only the military could resolve. Although the UNHCR was initially reluctant to turn the responsibility of building camps over to the military, NATO forces built several refugee camps in Macedonia, some literally overnight. Between April 4-6, the Blace field was emptied.

Although some refugees found their way to Montenegro, the presence of Serbian military forces in that part of former Yugoslavia made that a very dark alternative for ethnic Albanians. The UNHCR also fretted over the lack of standards for the camp construction, especially in Albania. The military units involved used the only plans they knew for building housing, and it was clear that many of the resulting structures were more suited to serve as barracks than they were for refugee families. The standards for construction varied from the air-conditioned premises built by the Kuwaitis to the rudimentary shelters built by the Turkish contingent. The care and feeding of the camp populations was also

vastly different, as certain NATO units provided three warm meals a day, and the Americans passed out meals ready to eat (MREs) once a day. This competition not only demonstrated significant disparities between various national camp providers at a time that NATO was struggling to maintain the appearance of unity but also created a very difficult situation for the transition to NGO control of the camps. As Karen Koning Abuzayd, regional representative for the UNHCR, noted in a Washington, D.C., press conference during the peak of the crisis, certain refugees "in the Italians camps and German camps [have] been provided three hot meals a day and hot showers. This has been another one of the problems we face when the NGOs take over. None of us can quite keep up the standard of the Italian camp or the German camp."[16] There were surprises on both sides. After a 600-man Italian military unit set up and began administration of a refugee camp, the force commander was astonished when just a handful of UNHCR personnel showed up to take charge of the installation.

The military construction was vital under the circumstances; it provided shelter for those refugees who had no families in Albania to assist them. According to academic analysts, of the 480,000 refugees who took refuge in Albania at the peak of the crisis, only 87,000 were originally placed in tented camps, thereby qualifying for more secure shelter. About 100,000 were placed in collective shelters and 300,000 stayed with relatives, friends and rented quarters.[17]

Part of the agreement between the Macedonian Government and NATO to build the temporary camps was that many of the refugees were admitted on a provisional basis and that they would be quickly relocated to other countries. Although the relocation arrangements were in direct opposition to international refugee conventions that call for free entry of refugees into receiving states, several thousand refugees were transported, with U.S. assistance, to Turkey, Greece, and Albania. A later offer to accept refugees was accepted from Norway, which took 6,000 refugees from the scene. For a summary of the refugees taken from Macedonia in June 1999, see Figure 1.

Germany 14,254	Sweden 3,245	Czech Republic 824
Turkey 8,013	Australia 2,932	Slovenia 745
Norway 6,070	Denmark 2,507	Croatia 284
United States 5,997	Switzerland 1,517	Israel 206
Italy 5,829	Portugal 1,271	Malta 105
France 5,338	Spain 1,240	Slovakia,
Canada 5,174	Belgium 1,223	Iceland,
Austria 5,080	Poland 1,049	and
Netherlands 4,067	Finland 958	Romania <100 each
United Kingdom 3,446	Ireland 893	

Figure 1. Refugees Evacuated from Macedonia (June 1999)

In the swirl of diplomatic activity that surrounded the crisis at the Macedonian and Albanian borders, local UNHCR representatives faded into the background. The international After Action Review team engaged by the UNHCR is unstinting in its criticism of the UNHCR for the inability of its local officials to project a stronger agency presence during the crisis period.[18]

As the air war increasingly frayed the FRY economy and Serbian public support of Milosevic waned, there were intensive diplomatic exchanges within the NATO alliance to bring the campaign to an end. On June 1, 1999, Serbian authorities informed the German Government that it accepted the stipulations proposed by the Group of 8 and called for an end to NATO bombing. Two days later, a joint EU-Russian delegation traveled to Belgrade, where it seemingly secured FRY agreement. However, on June 7, Belgrade signaled that it could not agree to the terms for the complete pullout of military and police units from Kosovo. In response, NATO turned up the pace of bombing, and Belgrade finally capitulated.[19]

On June 9, 1999, NATO and FRY officers signed a military-technical agreement (MTA) which provided for the rapid withdrawal of all Yugoslavian military and police forces from Kosovo. The NATO-led force to be deployed into Kosovo was designated the Kosovo International Security Force (KFOR). On June 10, NATO Secretary General Solana announced the suspension of air strikes. By June 20, all Serb forces had completely evacuated Kosovo, and Solana announced that the bombing campaign in the Federal Republic of Yugoslavia was finished.

In addition, there was a considerable scramble among the NATO coalition and other members of the world community to relieve the pressure on Macedonia and the plight of the refugees who were not permitted to remain there. More than 82,500 Kosovars were evacuated

from Macedonia in June 1999. Although the political purposes of this massive movement of refugees were clear, for many in the humanitarian community, this hurried movement represented a significant breach of existing international refugee standards. Existing conventions require that refugees be given temporary asylum as soon as they cross an international frontier. Moving them to a third country amounted to a new form of *refoulement*, or rejection of asylum.

The Refugee Rush Home

The United Nations system relies greatly on its abilities to maintain reasonable relations with all sides of a conflict, particularly when a substantial humanitarian crisis threatens to erupt. This was certainly true during the air war over Kosovo, when U.N. Secretary General Kofi Annan dispatched one of his principal deputies, Under Secretary General Sergio Vieira de Mello, to head a Needs Assessment mission to Belgrade and Kosovo. The mission, which included representatives from numerous international humanitarian agencies both inside and outside the U.N. community, spent May 15-26, 1999 crisscrossing Serbia and Kosovo. In his report, Vieira de Mello indicated that he and his delegation had received good cooperation with the Serbian Government, although much less so with the Serbian military. His team met with representatives of the Albanian ethnic IDPs, finding in some areas over 80 percent of houses destroyed, a near total absence of public utilities and services. The Vieira de Mello mission found "indisputable evidence of organized, well-planned violence against civilian, aimed as displacing and permanently deporting them…" With more than two-thirds of Kosovo's population dispersed through the countryside and in surrounding countries, the mission pronounced the humanitarian needs of the province to be urgent and immense.[20] The U.N. system began to prepare for the post-air war Kosovo humanitarian emergency.

On the basis of his vast experience in disasters and peace operations around the world, and his preliminary report on the Kosovo crisis, Vieira de Mello was named Head of Mission in Kosovo, pending the arrival of Bernard Kouchner, whose selection as the Special-Representative of the Secretary-General in Kosovo was announced on June 1. Heading a large team of experts, and a 50-vehicle convoy, including 250 tons of relief goods, Vieira de Mello arrived in Pristina on June 13. Both the United Nations and NATO was already aware that, in

the interim period after the withdrawal of Serbian forces and the establishment of an international presence, the KLA was setting up its own administration in liberated areas. This would continue to be a problem for several weeks, despite the stipulation in the MTA that the KLA would soon disband itself.

As in Bosnia, the initial interests of the participating governments and international agencies were to provide assistance to homeless IDPs and to get the refugees home. With most routes made risky by the presence of landmines, and with tens of thousands of homes rendered uninhabitable through Serbian actions during the ethnic cleansing period, it was believed that repatriation of refugees and the resettlement of IDPs would take 3 or 4 months.[21] The UNHCR informed refugees arriving at the frontiers that they were proceeding at their own risk if they did not wait for certification of the routes. In a visit to Macedonia on June 23, U.S. President Clinton pleaded with a refugee group not to move too quickly.[22] In fact, the return of Kosovar Albanians almost immediately reached flood proportions. Winter comes early in the Balkans, with snow often in September, and everyone wanted to have his or her families under cover before the cold season. On June 23, the UNHCR reported that 34,500 Kosovars crossed the border from Albania that day, bringing the return of refugees "to more than a quarter of a million the overall number of returnees in just 9 days."[23] By the end of July 1999, the cumulative total of refugee returns to Kosovo was 737,000.[24] Those Kosovars who were refugees from both Kosovo and Macedonia were returned from their diverse countries of asylum in July and August 1999 in a series of airlifts organized by the International Organization for Migration (IOM), working in partnership with the UNHCR.

The Competitive Scramble on the Humanitarian Battlefield

The competition among military units and between the military and the international humanitarian community to demonstrate their capabilities to bestow largess on the victims of the Kosovo civil war provided displays of uncoordinated national and organizational chauvinism that has few equals in the history of multilateral humanitarian operations. Among the many examples of bilateral competition and national favoritism were the following:[25]

German food allocated to the U.N. World Food Program was routed to Kosovo under German military control for use in German military bakeries producing bread for Kosovar civilians being assisted by German NGOs.

The French military contingent did not appear to have substantial assistance funding for civil projects, so it focused on French language instruction.

Greek bilateral assistance went directly to Greek military and civilian engineers who were building shelters for Kosovars.

The Danish battalion insisted that the Danish aid agency (DANIDA) provide funding in their sector, although no housing reconstruction or rehabilitation issues existed.

The UK aid agency gave grants to British KFOR units for small projects that easily could have been handled by international or domestic NGOs.

The Italian contingent was particularly adamant about retaining control over national funding, and its aid funds were allocated to the Italian civil defense ministry for civilian police training in its sector.

The European Community Humanitarian Office (ECHO) reportedly turned down projects to be funded by NATO contingents because it could not guarantee that their traditional vendors would undertake these projects.

Another area of competition, which impeded unity of action in Kosovo involved the way different military units supported their own national nongovernmental organizations (NGOs). Some NATO units were funded by their ministries of defense specifically for this purpose.

The Greek contingent appeared uncertain about its plans for the maintenance of a newly built refugee camp, but hurriedly passed that responsibility over to an NGO when the owner of the land upon which the camp was built showed up with a bill for the use of his property.

There was a proliferation of so-called briefcase NGOs, principally in logistics, whose presence was fostered by national governments of forces in the operation to obtain contracts from the international agencies. These acted as agents for the forces in dealings with local truckers, thereby skimming some of the benefits for outsiders and possibly creating an image of impropriety for the military forces.

As the world rained largess on Kosovar refugees and IDPs, there was little transitional planning on how to turn the newly built installations over to the humanitarian operators. After certain administrative improvisations, the camps were turned quickly over to humanitarian agencies. Ironically, all of the refugee camps built in Albania, Macedonia, and elsewhere outside of Kosovo, were used only during the air war and for a few weeks after the suspension of hostilities. Nearly all of the camps were emptied within weeks of Serbian capitulation at the end of the air war. The humanitarian agencies were left with the expense of disposing of equipment which was either too expensive and inappropriate for them to use in their own relief campaigns, thereby diverting their attentions from other more pressing requirements in Kosovo.

In the midst of this post-air war humanitarian spree, U.S. defense officials decided to make public their dissatisfaction with the United Nations civilian effort in Kosovo. On July 20, 1999, both Defense Secretary Cohen and the Chairman of the Joint Chiefs, General Henry H. Shelton appeared before the House and Senate defense committees and complained that the U.N. was moving too slowly in Kosovo.[26] In an uncharitable and undiplomatic phrase, Secretary Cohen lamented to the press and sympathetic Members of Congress that "professional soldiers should not be expected to adopt policing, administrative, and judicial roles whilst grappling with huge population flows, de-mining and aid distribution…" In fact, all of these responsibilities were soon taken over by international agencies and nongovernmental organizations.

Public complaints from the U.S. Government about U.N. performance in Kosovo brought a rejoinder from Secretary-General Kofi Annan, who remarked, "There is too much work to do for finger-pointing." His senior advisor, Assistant Secretary-General John Ruggie, stated that the U.N. was moving at unprecedented speed to get an international police force on the ground and to set up a civilian administration. Ruggie further noted that "it was never planned that the U.N. operation would be fully operational within 6 weeks of the Security Council's adopting a resolution. That would have been humanly impossible."[27] No one would necessarily disagree with the frustrations of the U.S. defense chiefs, but the unfortunate spectacle of the U.N. and NATO leadership exchanging brickbats at the beginning of a major civil-military operation would not have happened had there been greater understanding on the part of the U.S. military of the procedures and processes of the international humanitarian system. In its review of the Kosovo

operations, the State Department stated that the "UNHCR's response was weak, [but] the system which supports the international agencies is also very weak."[28]

Rebuilding Kosovo

U.N. Security Council Resolution 1244, adopted on June 10, provided for the "deployment in Kosovo, under United Nations auspices, of international civil and security presences." The resolution empowered the Secretary General to appoint a Special Representative "to control the implementation of the international civil presence" and further requested the Special Representative "to coordinate closely with the international security presence to ensure that both presences operate towards the same goals and in a supportive manner." The designation for the operation was Operation Joint Guardian. The text of resolution 1244 suggested the four pillars for what became known as United Nations Mission in Kosovo (UNMIK). Emulating the framework selected for implementation of the Dayton Accords, the civilian side of the operation formed four pillars for the interim administration of Kosovo. The organization of the implementation mechanism for Kosovo rehabilitation was formed as follows:

- Pillar I: Humanitarian affairs, under the direction of the UNHCR;
- Pillar II: Civil administration, led by UNMIK;
- Pillar III: Democratization and reconstruction, under the auspices of the OSCE; and
- Pillar IV: Economic development, led by the European Union (EU).

Former French Minister of Health and founder of the Medecins sans Frontieres (MSF) Bernard Kouchner was named Special Representative of the Secretary General (SRSG) and took office in Pristina on July 15, 1999. Although UNSC 1244 accorded virtually unlimited powers to the SRSG, his focus was on the rebuilding of civil society and the structures of government in Kosovo. U.N. personnel insisted that Kosovo is not a protectorate. They emphasized that UNMIK was an interim administration which was designed to turn over its executive functions to the people of Kosovo in as brief a time as possible. With a small but devoted nucleus of international civil servants, whose numbers never

exceeded 240 expatriate personnel, Kouchner governed a province of approximately 1.5 million seriously uprooted inhabitants, establishing everything from a new judicial system to voluntary agencies.

Meeting daily, the SRSG and the KFOR commander built an atmosphere of trust and friendship that smoothed over many of the coordination issues that emerged during the air campaign and the initial intervention on the ground. The civil-military operations (CMO) system established by NATO is certainly a model for future multilateral operations. There remain some rough edges. From discussions with participants on both sides, it is clear that there remain some very serious divides between the two cultures. Although both communities relied upon the structures that were created over the two years of experience working together, there was still very little understanding of each other's working cultures. There remained an us-and-them mentality. Military representatives are somewhat disdainful of their civilian clients and fret that civilians are not sympathetic to their concerns.

UNSCR 1244 provided a clear sanction for UNHCR to coordinate the humanitarian operations in Kosovo. It took a while for that idea to take hold, but the return of Kosovar Albanians to their homes was largely successful. The issue of Serb displacement and Kosovar Serbian refugee populations went beyond the mandate of the UNHCR and remained dependent upon the ability of the OSCE to develop space for the Serbs to co-exist with their Albanian neighbors in a democratic Kosovo. The humanitarian phase of the Kosovo intervention could be deemed successfully completed on June 15, 2000, when the UNHCR humanitarian pillar was dissolved. The UNHCR remains in Kosovo as one of several international humanitarian agencies.

At the beginning of 2001, there was a significant change in the leadership of UNMIK. Bernard Kouchner was believed to be a strong candidate to take over the leadership of the UNHCR from Mrs. Ogata, who was retiring after 10 years as UNHCR High Commissioner. Kouchner, however, was passed over in favor of a Dutchman, Karl Lubbers. Kouchner returned to the French Government to his former position as Minister of Health.

In January 2001, Hans Haekkerup, a former Danish diplomat and defense minister replaced Kouchner. He injected his own team into the UNMIK operation. He put off the provincial elections that were originally planned for the spring of 2001 to late autumn. The SRSG now meets

three times a week (rather than five during the Kouchner years) with the military commander. Haekkerup's initial priorities were focused on (a) broadening Kosovo's legal framework for the early installation of a provisional self-government, (b) development and execution of the law through more intense police training and the establishment of competent judiciary, (c) improving relations with the FRY, including the opening of an UNMIK office in Belgrade, and (d) improved Kosovar administration to resolve property issues, the development of a provincial budget, and the re-establishment of industries which can contribute taxes to the provincial government.[29]

The change of administration in Belgrade under newly elected President Kostenic eased relations between the international Kosovo operation and the FRY. UNMIK's decision to permit the Yugoslavian army to reoccupy its positions in the Presevo Valley demonstrated that growing confidence.

The NGO presence in Kosovo decreased substantially. The range of NGO activities narrowed to support of UNMIK's efforts to foster societal rehabilitation and related nation-building subjects. The operation still lacked overall coherence in the sense that the political end-state remained defined in terms that were utterly unacceptable to the Kosovar Albanian population. The U.N. operation in Kosovo maintained that it was preparing a self-governing Kosovo to remain in the Yugoslav Federation. The ethnic Albanian population appears to assume that the only goal of the current operation can be independence.

Unity of Effort

It is easy to speak of unity of effort when each side assumes that its objectives are the only valid ones in an operation. Kosovo provides a good example of the observation that the worlds of the military and the humanitarian communities cannot be more different. Militaries are created to defend their national territories, and if deemed to be in the national interest, to project power beyond their national boundaries. Militaries are command-driven, complex, and comparatively rich in resources. When compared to the voluntary, loosely structured, and meagerly endowed international humanitarian community, there can be no wonder that so many of the stricken peoples and states in the Balkans look back so favorably at the NATO intervention. The military can mobilize personnel and resources like no other institution. It can

carry those resources great distances. The humanitarian world is very different. It is primarily built on donations, good intentions, and individuals willing to risk their safety for their beliefs and ideals. These sentiments are not totally foreign to the military; we all know military personnel who have retired to work in international humanitarian organizations and nongovernmental agencies. But the primary role of the military is to provide a meaningful security presence. It must be prepared to accept the fact that this is an inherently different posture than the civilian community it supports, and that unity of effort has only the most general common meaning in a peace operation. Please examine Figure 2 for a summary of those distinctions.

The Conflict of Cultures

Military	Humanitarian
• Hierarchical, command-driven	• Loosely structured
• Tactically oriented	• Concern for long-range results
• Single-source financing	• Each organization has its own (uncertain) sources of funds
• Long tradition of training	• Minimal training
• Spring from a common institutional tradition	• Widely-varying backgrounds
• In comparative terms, very resource-rich	• Must depend upon contributions
• Highly-specialized	• Increasing specialization but most are generalists
• Young, excellent physical training	• Tend to be older, less fit
• Well-paid, highly motivated	• Poorly paid, highly motivated
• Huge logistical train	• Little support in the field
• In Kosovo, six month tour of duty	• Irregular, longer tours of duty
• Superior communications	• Rudimentary communications

Figure 2. The Conflict of Cultures

Whatever the distinctions, in emergency situations, the military must accept that there can be no substitute for the international humanitarian community. During the past decade, that community has further refined its specialties and become much more effective in responding to human needs and the restoration of civil societies. It is incumbent upon all military planners to know which groups are on the ground prior to the

military deployment and the identities and specialties of those that show up because the military has restored a secure environment so that they may operate. From the perspective of its prospective civilian humanitarian partners, the military faces very unconventional enemies in peace support operations (see Figure 3).

Enemies on the humanitarian battlefield

- **Water-born disease**
- **Displacement, lack of shelter**
- **Lack of food**
- **Fear and uncertainty**
- **Impunity of warlords and other lawless elements**

Figure 3. Enemies on the Humanitarian Battlefield

Not many humanitarian field workers would necessarily recognize the military five-paragraph field order format indicated above. And in the elaborate crisis-action planning context of a military operation, these items figure only on the far periphery of concerns. There are no humanitarian voices to be heard at the national or operational levels in force planning for armed humanitarian interventions. Until national policies and military doctrine can accept victims-based planning, true unity of effort on the humanitarian battlefield will be illusory.

Unity of effort, as a military mantra, may be misconstrued by the civilian participants in a humanitarian operation as a semantic device to place the military in command of the overall operation. Given the inherent leadership qualities and discipline of the military, this may appear to be an attractive possibility for tactical commanders. This is a recipe, however, for the misapplication of resources and probably ensures a very long stay for the military participants. The key to effective coordination lies in mission planning. In an era in which civilian and military agencies commonly work together on the humanitarian battlefield, it is within the competence of military planners to either solicit information directly from the

international humanitarian agencies and principal NGOs who are already there or who plan to take part. A properly planned civil-military operation must include firm facts or estimates on the objectives and facilities of the international humanitarian community. Comprehensive resource planning would require all parties to be open and frank with each other. Given the reservations about working with the military on the part of many international organizations and NGOs, this will prove difficult, but it is vital for the efficiency and effectiveness of such operations. This offers a more practical approach to cooperation than simply invoking unity of effort as a general goal. A more useful slogan would be "broad-based comprehensive planning for common purposes," or some other more artful phrase that might focus our planning energies on developing logical synergies for the civilian and military components engaged in preparing to respond to CHEs.

Some Other Lessons from Kosovo

Better understanding of the civilian humanitarian actors. While military personnel may complain that it is unfair to give them the primary responsibility for understanding the complexities and potential requirements of civilian organizations on the humanitarian battlefield, but as the larger, better-endowed, and more disciplined institution, only the military has the resources to take on that task. The resulting assessments and understandings of the humanitarian community should be made part of the standard deliberative planning processes for NATO militaries long before humanitarian contingencies occur.

The need for military transparency. Although the level of sophistication of the LNO services rendered by KFOR is higher than in any other civil-military operation with which we are familiar, there remain some bitter attitudes that the civilian side makes little or no effort to understand how the military works. It is a fact that many representatives of humanitarian agencies harbor bitter resentment and opposition toward the military profession. This must be overlooked. They do not have the time to understand military organization, and the sure sign of LNO effectiveness is to ensure that prospective clients look to them as their primary contacts.

Learn the specialties of the humanitarian community. Everyone knows that there are significant differences between the doctrines, responsibilities, and goals of the international humanitarian community

and the military forces that support them in peace operations. The results in the field, however, indicate significant gaps in military awareness of these differences with resulting confusion, waste of resources, and the possibility of increased risks to our personnel. There is a critical need for senior military leaders and campaign planners to expand the traditional military doctrine and see the positive side of cooperation with the international humanitarian community.

It takes awhile for the international community to respond. Many agencies will already be represented on the ground before militaries are deployed. However, as learned in Kosovo, while the international community includes expertise for nearly any humanitarian or peacekeeping mission, its funding capacities are limited for quick onset emergencies. There are special military requirements for the outset of such missions. It may be necessary to provide some (or a great deal of) humanitarian support, but the limitations of the agencies will always become apparent. There is little use establishing a high-tech facility if the cultural environment cannot sustain such an installation. Intelligent planning will only come with a broad understanding of the doctrine and requirements of the civilian partners on the humanitarian battlefield. If this dictum is followed, the effectiveness of the military force will be greatly enhanced, and the resultant efficiencies can shorten the deployments and demonstrate to the world how well NATO projects essential Western values.

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[1]Quoted in Nicolas Morris, "Origins of a crisis: An operation as difficult and complex as any UNHCR has faced," *Refugees* Magazine (issue 116, 1999).

[2]Cornelio Sommaruga, "Kosovo: All Sides Must Let the Red Cross Work in Kosovo," *International Herald Tribune* (26 May 1999).

[3]See Richard Caplan, "Kosovo: the implications for humanitarian intervention," *Forced Migration Review* (5 August 1999), for a brief but insightful discussion of the international authorization dilemma.

[4]The Independent International Commission on Kosovo *The Kosovo Report: Conflict, International Response, Lessons Learned* (Oxford: Oxford University Press, 2000), p. 55. This valuable survey and analysis by a group of independent international experts was originally the initiative of the Prime Minister of Sweden, Mr. Goran Persson, who was concerned by the lack of independent analysis of the conflict in Kosovo. The idea was endorsed by the Secretary-General of the U.N., and the commission was established on 6 August 1999 under the leadership of Justice Richard Goldstone of South Africa. This report will hereafter be cited as *KRCIR*.

[5]United Nations High Commission for Refugees, Evaluation and Policy Analysis Unit, *The Kosovo refugee crisis: An independent evaluation of UNHCR's*

emergency preparedness and response (Geneva: UNHCR, February 2000), hereafter cited as *IE-UNHCR*. The international team that supported this initiative was asked to "consider the role and impact of other actors involved in the crisis, to the extent and insofar as they affected UNHCR's operations". See endnote 3 for a more complete description of the early NATO actions.

[6]Pierre Krahenbuhl. "Conflict in the Balkans: Human Tragedies and the Challenge to Independent Humanitarian Action," *International Review of the Red Cross* (Geneva: No. 837, 31 March 2000), p. 15.

[7]*KRCIR*, p. 4. See also James A. Burger, "International Humanitarian Law and the Kosovo Crisis: Lessons Learned or to be Learned," *International Review of the Red Cross* (31 March 2000), no. 837, p. 129-145. Burger is a retired U.S. Judge Advocate and former IFOR legal advisor. He notes that "the Kosovo conflict was precipitated by a humanitarian crisis of huge proportions…" but raises the question of the extent to which the laws of armed confliction can be applied to an ongoing humanitarian disaster.

[8]As noted in International Crisis Group. *The New Kosovo Protectorate* (ICG Balkans Report no 69, Sarajevo, 20 June 1999), p. 4.

[9]In all references in this paper to Macedonia, or the Republic of Macedonia, we have dispensed with the use of the internationally agreed title and its frightful acronym, the Former Yugoslav Republic of Macedonia (FYROM), in the interests of both space and aesthetics.

[10]*KRCIR*, pp. 90-91.

[11]*IE-UNHCR*, p. 6.

[12]*Ibid*., p. 18.

[13]*Ibid*, p. 33.

[14]International Council of Voluntary Agencies (ICVA), "The Independent Evaluation of UNHCR's Emergency Preparedness and Response to the Kosovo Refugee Crisis," in *Talk Back: The Newsletter of ICVA* , vol 2, no. 1 (18 February 2000).

[15]*Ibid*, p. 34.

[16]"UNHCR Representative holds briefing on Kosovo Humanitarian Crisis," (Washington, DC: National Press Club, 5 May 1999), p. 12 of 13.

[17]Larry Minear, Ted van Baarda, and Marc Sommers, *NATO and Humanitarian Action in the Kosovo Crisis* (Providence, RI: Thomas J. Watson Jr. Institute for International Studies, Brown University, Occasional Paper #36, 2000), p. 25.

[18]*IE-UNHCR*, pp. 39-40.

[19]See U.S. Department of Defense, *Report to Congress: Kosovo/Operation Allied Force After-Action Report* (Washington, DC: 31 January 2000). In a chapter entitled "Why Did Milosevic Capitulate?" (pp. 10-12), DoD analysts note that because Milosevic could not defeat NATO militarily, his only hope was to split the unity of the NATO alliance. This tactic did not work, and in the end, "diplomatic and economic leverage combined with superior military force" brought the crisis to an end.

[20]U.N. Office for the Coordination of Humanitarian Affairs (OCHA). *Briefing to the Security Council by Under-Secretary-General Sergio Vieira de Mello on the U.N. Inter-Agency Needs Assessment Mission to the Federal Republic of Yugoslavia* (Geneva: OCHA ReliefWeb site, 2 June 1999).

[21]UNHCR. *UNHCR Kosovo Return Plan* (Geneva: OCHA ReliefWeb site, 11 June 1999).

[22]Jeffrey Heller, "Kosovo refugees deaf to Clinton pleas," (Reuters, from Stankovic, Macedonia, 23 June 1999).

[23]UNHCR. *UNHCR Kosovo Crisis Update: 24 June 1999* (Geneva: OCHA ReliefWeb site, 24 June 1999).

[24]UNHCR. *UNHCR Kosovo Crisis Update: 30 July 1999* (Geneva: OCHA ReliefWeb site, 30 July 1999).

[25]Most of the following examples are taken from Larry Minear, et al, *ibid.*, pp. 28-33, and from the author's discussions with NGO officials who have served in Kosovo after the air war.

[26]See "Prepared Statement of the Honorable William S. Cohen to the Senate Armed Forces Committee Hearing on Operations in Kosovo," (U.S. Senate Testimony, 20 July 1999).

[27]"U.N. and U.S. military trade charges on Kosovo," (Reuters, 22 July 1999).

[28]Thomas S. Blanton, ed., "Lessons Learned from U.S. Humanitarian Interventions Abroad," from U.S. Department of State, *Interagency Review of U.S. Government Civilian Humanitarian & Transition Programs, Annex A, Kosovo Case Study* (Washington, DC: George Washington University, National Security Archive Electronic Briefing Book No. 30, April 2000). This unclassified internal State Department document was the result of an interagency study group chaired by USAID's James Michel and the State Department policy planning director, Morton Halperin. The group met between July and December 1999, and the report was drafted in January 2000. The State Department report was obtained by the GW center through the Freedom of Information Act.

[29]From UNMIK internal documents.

CHAPTER XII

Law and Order in Kosovo: A Look at Criminal Justice During the First Year of Operation Joint Guardian

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Center for Law and Military Operations[2]

Only after you have a secure environment, and an effective police force and non-prejudicial justice system in place, can you create the economic instruments necessary for fully functioning societies.[3]

When Task Force Falcon entered the province of Kosovo in June 1999 as part of the larger Kosovo Force (KFOR), it was confronted with a law and order mission not faced by U.S. forces since the post-World War II occupation of Germany and Japan.[4] KFOR and the United Nations Mission in Kosovo (UNMIK), the international civil presence tasked with maintaining civil law and order, executed a law and order mission complicated by the absence of an existing criminal justice system and unforeseeable planning factors. KFOR's public security measures, intended to be short term, continued through the first year of *Operation Joint Guardian*. KFOR's guidance to enforce basic law and order, combined with UNMIK's inability to establish the criminal justice systems necessary to assume the law and order mission, required Task Force Falcon to police criminal misconduct, provide judicial review for those arrested, and establish and run prisons. The success of Task Force Falcon in operating the criminal justice system illustrates the military's ability to adapt traditional combat roles to peacekeeping missions. Task Force Falcon's first year in Kosovo also provides a core set of lessons for future peacekeeping missions containing substantial law and order requirements.

The conceptual framework underlying this overview of Task Force Falcon's law and order mission during the first year of Operation Joint

Guardian is a combination of two models previously used to discuss law and order missions. The first, an analytical framework developed by the Institute for National Strategic Studies (INSS), was used to produce seven case studies of military peacekeeping operations. This model focused on analyzing the background, mandate, mission, coordination, and evaluation of U.S. military actions that included significant law and order missions.[5]

The second model has been described as the three-legged stool of the justice system. The three-legged stool was a graphic used by officials from the United States Agency for International Development (USAID) and the International Criminal Investigation and Training Assistance Program (ICITAP) of the Department of Justice, in conjunction with the Multinational Forces in Haiti, to address law and order challenges during Operation Uphold Democracy.[6] As reprinted below, the three-legged stool model is used to depict the importance of assessing, concurrently, three elements of a security triad: police, courts, and prisons. It recognizes that the progress in one area, or leg, is ineffective without timely improvements to the other two.

Figure 1. The Three-Legged Stool Model of Police, Courts, and Prisons

This article briefly reviews the public security triad in Kosovo prior to U.S. military entry and then focuses on the various agreements framing KFOR's public security mandate upon entry into Kosovo under U.N. auspices.

Law and Order in Kosovo, pre-June 1999

Since 1989, all branches of the public security triad in Kosovo, as well as many of the Serbian laws, were used as tools for Serbian State control and Albanian oppression. Traditional Western views of law and order as a public service apparatus designed to afford protection to the public were foreign to the citizens of Kosovo. In the months leading up to NATO entry into Kosovo, all public security systems were instruments of concerted violence, intimidation, and brutality that led to the massive refugee crisis in Macedonia and Albania reflected daily in the international media.[7]

Police

The Ministry of Interior Police (MUP) served as the primary law enforcement organization within Kosovo prior to June 1999[8] and consisted of three subgroups: the regular police (militia), specialized units (PJP), and special anti-terrorist units (SAJ).

MUP numbers in Kosovo increased significantly in February 1998 after the start of the armed conflict with the ethnic Albanian insurgency known as the Kosovo Liberation Army (KLA). The regular police, armed with light machine guns, numbered approximately 5,000 members prior to KFOR's entry. Armed with high caliber weapons, mortars, and armored personnel carriers, the PJP also numbered approximately 5,000 personnel in Kosovo. The SAJ, heavily armed with an arsenal that included T-55 tanks, armored vans, and anti-aircraft guns, numbered around 500 members in Kosovo prior to June 1999.

The MUP was considered an important element to the political survival of Yugoslav President Slobodan Milosevic's and received greater resources than the regular Army.[9] The MUP was accused of widespread abuses and atrocities, including summary executions, arbitrary and mass arrests, kidnapping, torture, rape, and looting. One report detailing Kosovo police activities remarked that "torture and ill-treatment…was widespread and an apparently integral element of police conduct…."[10]

In conjunction with the regular Yugoslav Army, the MUP conducted offensive military operations against the insurgent KLA. Under the guise of counter-insurgent military operations, the MUP frequently expelled entire Albanian communities from Kosovo.[11] The final

agreements providing the framework for the international security presence in Kosovo required all MUP to withdraw from the province.[12]

Courts

With the revocation of Kosovo autonomy in 1989, politically motivated and ethnically one-sided appointments, removals, and training resulted in the replacement of Albanian judges and prosecutors across the province. This judicial cleansing led to a judiciary in which, out of 756 judges and prosecutors in Kosovo, only 30 were Albanians.[13] As a direct consequence, judicial impartiality was questionable, and the Serb-dominated Kosovo judiciary was viewed as another instrument of the Federal Republic of Yugoslavia (FRY) executive's campaign of repression, rather than as an independent branch of government.[14] As a secondary consequence, the pool of trained Albanian legal professionals diminished as Albanian jurists were unable to practice their profession.

Serb judges in Kosovo were called upon to enforce often vague and discriminatory laws used to penalize a wide range of activities including criminal associations and terrorist acts throughout Kosovo.[15] The Serb judges' broad interpretation of accessory statues[16] led to the criminal prosecution of individuals for delivering humanitarian supplies and providing medical care to inhabitants of KLA controlled territories.[17] Although it is likely that some detained individuals did, in fact, cooperate with the KLA, the charge of "terrorism cast a wide legal net around many ethnic Albanians who [did] not have contact with the Albanian insurgents."[18]

Judicial monitors in Kosovo during the year prior to NATO intervention reported that Serb judges ignored evidentiary and procedural rules, conducted trials without the presence of defendants, and handed out substantially harsher penalties for Albanians convicted of crimes. For high-profile cases of Albanians accused of nationalist activities, judges of questionable independence from the police and prosecution were sent directly from the Serbian capital of Belgrade to preside.[19] The abuses of the judiciary during the ten years prior to KFOR entrance into Kosovo undermined the Albanian's belief in the courts as a law and order apparatus guaranteeing justice and fueled the flames of revenge that permeated the entire region.

Prisons

Prisons within Kosovo were another public security system subject to widespread abuses and discrimination. Detainees brought into the pre-KFOR prison system within Kosovo could expect to be beaten frequently and severely. Many Albanians were placed in the prison system without being charged or tried, interrogated for weeks, and then released or killed.[20]

Conditions in the prisons were exceptionally poor. Cells were overcrowded, detainees were deprived of water and food, and sanitation facilities were non-existent. Because many of the prisons were co-located with MUP stations or army encampments, they suffered damage during the NATO air campaign. Prisons that were not damaged or destroyed during the bombing effort were looted by withdrawing Serbs on the eve of KFOR's entrance into Kosovo.

Large prison facilities in Istok, Lipljan, Pec, and Pristina existed in Kosovo prior to KFOR entry into the province, but were located outside the area that the U.S. forces occupied. Local police stations and courts often contained small prison facilities, and two of these facilities were located in the U.S. Area of Responsibility (AOR) at Urosevac and Gnjilane. Both, however, were in extremely poor condition and unusable as jails upon U.S. KFOR arrival in Kosovo.

The Kosovo Force Law and Order Mandate

NATO's air campaign against the Federal Republic of Yugoslavia ended with the signing of the Military Technical Agreement (MTA) between the International Security Force (KFOR) and the governments of the Federal Republic of Yugoslavia and the Republic of Serbia on June 9, 1999.[21] The MTA provided Serbia's permission for KFOR to enter Kosovo for peacekeeping operations. In conjunction with the signing of the MTA, the United Nations Security Counsel adopted Security Counsel Resolution 1244 (UNSCR 1244), authorizing an international security presence (KFOR) and an international civil presence (UNMIK) within Kosovo.[22] Finally, the Undertaking of Demilitarization and Transformation of the Kosovo Liberation Army (hereinafter Undertaking) served as the insurgent forces' recognition of the end of hostilities and the legitimacy of the peacekeeping operation.[23]

Specifically enumerated within UNSCR 1244 as a KFOR responsibility was the task of "ensuring public safety and order until the international civil presence [could] take responsibility for this task."[24] The importance of the law and order mission was further emphasized in the Report of the Secretary General on the United Nations Mission in Kosovo submitted on July 12, 1999. In this report, the Secretary General noted that "the security problem in Kosovo is largely a result of the absence of law and order institutions and agencies…. The absence of a legitimate police force, both international and local, is deeply felt, and therefore will have to be addressed as a matter of priority."[25]

The authority and requirement for KFOR to undertake the police functions within Kosovo were clearly laid out in the Secretary General's description of UNMIK's three-phased policing plan for Kosovo. In the first phase, wrote the Secretary General, "KFOR will be responsible for ensuring public safety and order until the international civil presence can take responsibility for this task…. In the second phase, once UNMIK has taken over responsibility for law and order from KFOR, UNMIK civilian police will carry out normal police duties and will have executive law enforcement authority."[26]

UNSCR 1244 called for the deployment of international police (UNMIK-P) and the creation of local police forces (KPS) under the control of the civil presence. In his report to the United Nations, the Secretary General described the build-up of international police and creation of a local constabulary as the "two main goals…defin[ing] UNMIK's law and order strategy in Kosovo."[27]

Echoing the Secretary General's comments, the Special Representative of the Secretary General (SRSG) in Kosovo issued a statement of the right of KFOR to apprehend and detain persons suspected of having committed offenses against public safety and order. In that statement, Sergio Vieira de Mella, then acting SRSG in Kosovo, stated that "KFOR had the mandate and responsibility to ensure both public safety and order…until UNMIK itself can take full responsibility."[28]

While the policing mandate of KFOR seems clear in the documents providing the framework for Operation Joint Guardian, the sole document available to KFOR and Task Force Falcon for planning and preparing for the KFOR mission was the Rambouillet Accords: Interim Agreement for Peace and Self-Government in Kosovo (hereinafter

Rambouillet Accords), which provided a much different set of planning factors than those faced by Operation Joint Guardian under the MTA.

In February 1999, the Albanian leaders of Kosovo, including the KLA and the LDK (the predominate Albanian political party), and representatives of The Federal Republic of Yugoslavia met in Rambouillet, France to negotiate a peace settlement. The Rambouillet Accords were designed to serve as a cease-fire between the KLA and the Yugoslav government that would provide for the entrance of U.N. peacekeepers for monitoring and enforcing the cease-fire and for a civil presence for reconstruction. Although this agreement was not executed, its importance was not diminished, as subsequent KFOR framework documentation specifically contained the phrase "taking full account…of the Rambouillet Accords."[29] The drastic change in circumstances on the ground in Kosovo during the NATO intervention led to a shift in policy between the February Accords and the June MTA. While providing the underlying framework for the ultimate KFOR mission, the Rambouillet Accords contained provisions different from the settled-on terms of the three documents dictating the KFOR mandate. These differing provisions in the Rambouillet Accords and the MTA significantly affected the law and order mission of KFOR.

Framework for International and Communal Police Under Rambouillet and MTA/UNSCR 1244

The powers of arrest and detention by KFOR were not specifically enumerated in the Rambouillet Accords, which limited these powers to communal police (the remaining MUP), assisting international police, and border and customs officials. The Rambouillet Accords contained broad language that could have been interpreted to allow for arrest and detention by KFOR, if necessary.[30] The main obligations of KFOR under the Rambouillet Accords, however, extended to enforcing the cessation of hostilities, contributing to a secure environment, and protecting itself, the Implementation Mission, International Organizations and Nongovernmental Organizations.[31]

Both the Rambouillet Accords and the KFOR mandate under the MTA and UNSCR 1244 called for the deployment of international civilian police (UNMIK-P). Moreover, the need for international police became much more significant in Operation Joint Guardian as the result of a shift in policy following the breakdown of the Rambouillet negotiations.

The Rambouillet Accords called for a withdrawal of some members of the Ministry of Interior Police (MUP) and an overall reduction in the numbers of MUP remaining in Kosovo. Within 5 days of Entry into Force (EIF) of the Rambouillet Accords, all MUP units not assigned to Kosovo prior to February 1, 1998, were required to withdraw all personnel and equipment to locations in Serbia. The remaining MUP forces would have been required to withdraw to cantonment areas within Kosovo and to complete a phased drawdown. Within 20 days of EIF, all MUP offensive assets[32] would have had to be withdrawn. The drawdown would eventually have required a 50 percent reduction in force within 2 months, a drawdown to 2,500 total troops within 4 months, and a complete disbanding of troops within 1 year.[33]

Significantly, the MUP forces remaining during this drawdown would have had the authority to conduct civil police functions. This would have included the power of arrest and detention, under the supervision and control of the Chief of the Implementation Mission (CIM), an appointee of the Organization for the Security and Cooperation in Europe (OSCE).[34]

Unlike the Rambouillet Accords, the MTA required a phased, complete withdrawal from Kosovo of all MUP forces within 11 days of the signing of the agreement. All military and police forces of the FRY were required to withdraw from the area in which the United States would operate, within 6 days of the signing of the MTA. The complete withdrawal requirements of the MTA thus left Kosovo devoid of trained police forces.

Under the Rambouillet Accords, a civilian police force was to be established concurrently with the drawdown of the MUP forces, a communal police force numbering 3,000 members. The communal police force would have assumed all police functions within Kosovo. Members of the MUP were eligible to become members of the communal police after a vetting process. The partial withdrawal of MUP under the Rambouillet Accords, combined with the large population of eligible Albanians in the province, would have provided OSCE with a broad, ethnically diverse pool of applicants from which to select a communal police force.

The mission of establishing a communal police force set forth in the Rambouillet Accords was similar to the mission undertaken by UNMIK and OSCE to establish the multi-ethnic KPS within Kosovo after the

implementation of the MTA. The KPS was intended to eventually become the police force of Kosovo.

The Police Build Up in the UNMIK Mission

Despite the U.N.'s urgent call for upwards of 3,100 international police to assist with the UNMIK mission, the international community did not meet the U.N.'s request for almost a year. On June 27, 1999, the first international police arrived in Kosovo, from Bosnia, to serve as an advance party for the UNMIK-P mission. The first joint KFOR/UNMIK-P patrol did not occur until August 9, and UNMIK-P did not take police responsibilities for a city within Kosovo until August 27 when they assumed policing duties in the provincial capital of Pristina, located in the British AOR. At that time, UNMIK-P in Kosovo numbered 774 officers, with 663 of these in Pristina.

The number of UNMIK-P in Kosovo did not surpass 1,000 police officers until September 7, almost 3 months into the KFOR mission in Kosovo. Even then, however, the U.S. sector saw only 35 of these officers—all located in Gnjilane. On October 27, 1999, the United Nations Secretary General asked for an additional 1,600 international police to serve as UNMIK-P, bringing the total number of international police requested for the UNMIK mission to 4,700. By October 27, 1999, UNMIK-P assumed police primacy in Prizren, a city within the German AOR, and by December 1, 1999, UNMIK-P assumed responsibilities for the operation of a detention center also located in Prizren.

At the 1-year mark, UNMIK-P numbered just over 3,600 throughout Kosovo. At that time, the international police had assumed complete police responsibilities for only 2 cities, Pristina and Prizren. Within the U.S. area, UNMIK-P had assumed investigative primacy for the city of Gnjilane. Non-investigative law enforcement responsibilities within Gnjilane, and all police responsibilities throughout the remainder of the U.S. AOR, remained with Task Force Falcon.[35]

The establishment of the Kosovo Police Service also proceeded at an extremely slow pace. Under the direction of UNMIK, members of the KPS were selected from applicants across Kosovo. The few available Serb applicants hampered this selection process, designed to provide a fair representation of all ethnic groups in Kosovo. All members selected for the KPS attended the Kosovo Police Service School (KPSS), run by

OSCE. Training at the KPSS consisted of 9 weeks of instruction in patrolling, firearms, defensive tactics, police skills, crime investigation, and traffic control. At the completion of KPSS, members of the KPS were sent to the field for an additional 19 weeks of training along side UNMIK-P. After completing this field training, KPS members were given police authority. The first class of 173 KPSS students graduated on October 18, 1999. Three additional classes were to graduate before the KFOR mission's 1-year anniversary: a class of 176 on February 18, 2000; a class of 230 on April 22, 2000; and a class of 218 on May 19, 2000. Although the exact percentage of the KPS graduates operating within the U.S. AOR is unknown, those KPS personnel provided little relief to the overall Task Force Falcon policing responsibilities.[36]

A Comparison of the Police Build Up Accomplished During the UNMIK Mission and the Police Personnel that were to be Available under the Rambouillet Accords

A comparison of numbers alone does not explain all of the significant differences between the potential peacekeeping mission envisioned under the Rambouillet Accords and the actual peacekeeping mission dictated by UNSCR 1244 and the MTA. Had Rambouillet become the framework for a Kosovo mission, one million Albanians would not have been displaced from their homes, only to return to force out hundreds of thousands of Serbs. The Kosovo population and infrastructure would not have been subject to a NATO air campaign. The physical, emotional, and political climate of the region would have, in all likelihood, been entirely different. Nevertheless, a comparison between the numbers of international and local police within Kosovo during the first year of the KFOR mission and the potential numbers that may have been available under the Rambouillet Accords provides a stark illustration of the policing vacuum faced by KFOR.

The police buildup during the first year of the KFOR mission is displayed in Table 1.

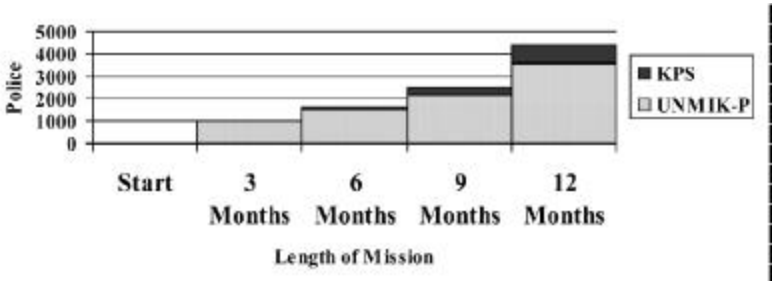

Table 1. Police Build-up During the First Year

An estimated number of police that were to be available during the first year in Kosovo under the Rambouillet Accords is represented graphically in Table 2.[37]

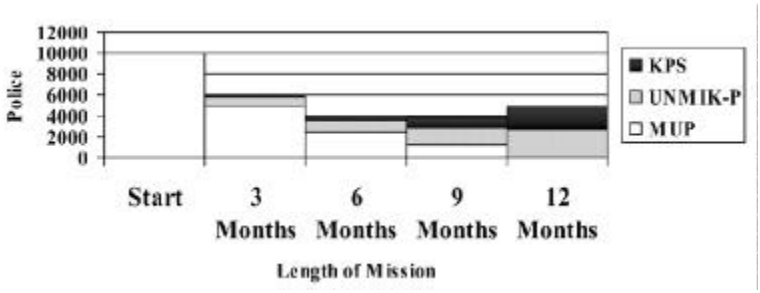

Table 2. Police Available During First Year

Table 3 illustrates the comparison of police that were to be available in Kosovo under the Rambouillet Accords and the actual number available under the MTA.

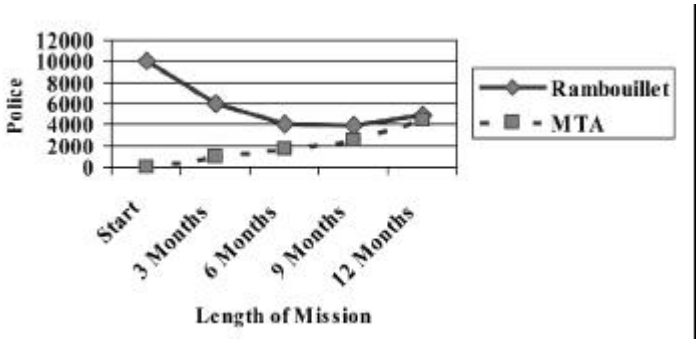

Table 3. Ramboullet Accords Police Estimate vs. MTA Police Availability

The complete withdrawal of the MUP, the slow deployment of UNMIK-P, and the slow establishment of the KPS combined to create a policing deployment gap that left KFOR as the only policing authority in most of Kosovo during the entire first year of operations.

Courts

The law and order vacuum in Kosovo extended beyond the absence of police to a complete absence of any competent judicial authority. UNMIK's efforts to establish a judiciary were hampered significantly by the scarcity of professional and lay jurists. Because of the exodus of Serbs from Kosovo, most of the Serbian-trained judiciary had left the province. The few judges who initially remained ultimately left because of security concerns. The remaining Albanian jurists were without judicial experience and lacked training in basic human rights. UNMIK also had few opportunities to select Serb lay judges (the rough equivalent of a jury member in U.S. criminal law) as a result of the Serb exodus following KFOR's arrival.

While UNMIK believed that only a multi-ethnic judiciary should serve Kosovo, it found this aspiration almost impossible to attain. The lack of Serb participation in the judicial process caused the Serbian population to question the system's fairness, and the actions of the Albanian-dominated Kosovo judiciary sometimes caused the international community to question the system's fairness as well.[38]

In planning for the KFOR mission under Rambouillet, no one expected to confront a vacuum of judicial experience. While the judiciary had been an instrument of ethnic abuses in the past, the international community believed, through vetting and training, a multi-ethnic and just system could be established. This system would have included practicing Serb legal jurists, combined with the Albanian jurists denied the opportunity to practice during the previous 11 years. Moreover, the existence of a basic legal infrastructure would have enabled the criminal process to continue to operate without significant delay after KFOR's entrance. This would have provided continuity and prevented the substantial backlog in the criminal docket that ultimately hampered the UNMIK effort.

UNMIK's plan to revive the judicial system was slow in developing and often confusing. UNMIK's charter in judicial affairs was to establish a

"fully functioning independent and multi-ethnic judicial system," as this charter was seen as the only solution to "existing security concerns in Kosovo" and as a tool for building public confidence in the UNMIK mission.[39] As a stopgap measure, the SRSG, between June 30, 1999 and September 1, 1999, appointed judges and prosecutors to an Emergency Judicial System (EJS). All SRSG appointees had served previously as judges or prosecutors, but most appointees had not practiced during the past 10 years. The SRSG made attempts to appoint a multi-ethic EJS, but Serbs refused to participate in the process.[40]

The primary mission of the EJS was to review the pre-trial detentions that mounted after KFOR's entry into Kosovo. It both conducted the initial detention hearings and reviewed the continued detention for criminal suspects of serious crimes.[41] At the 6-month mark, the SRSG had appointed 30 criminal law judges and 12 prosecutors across Kosovo to participate in the EJS. Prior to the KFOR entry into Kosovo, 756 judges and prosecutors had served as participants in the Kosovo judiciary.

While the EJS was able to conduct actual criminal trials in one area, their efforts in the U.S. AOR were limited to pre-trial case investigation and continued pre-trial detention review. However, significant material constraints and confusion over applicable laws hampered even this limited task of pre-trial criminal process.

The most significant obstacle to the efficient functioning of the EJS was the question of the law applicable in Kosovo.[42] The first UNMIK Regulation, passed on July 23, 1999, provided that the law applicable in Kosovo would be the law in place prior to March 24, 1999, the start of the NATO intervention.[43] The judges appointed to the EJS uniformly rejected this provision, opting to apply the Kosovo Criminal Code, annulled by Serbia in 1989 when Kosovo autonomy was revoked. This left both law enforcement officials and international lawyers uncertain of the applicable body of law. Adding to the confusion was the SRSG's attempt to remedy the situation by repealing sections of UNMIK Regulation 99/1, and allowing the use of the previously annulled Kosovo Code or laws enacted after 1989, if those laws provided additional protections for detainees.[44]

Within the Task Force Falcon AOR, no EJS teams were appointed. A mobile detention team from Pristina began regular hearings on pre-trial detention cases in the U.S. AOR on July 13, 1999, only 3 weeks after Task Force Falcon arrested its first long-term pre-trial detainee.[45] This mobile

team consisted of an Investigating Magistrate, a prosecutor, and two or three assistants responsible for clerical work. U.S. forces provided transportation, logistics, and interpreter support for the hearings.

None of the previously existing court buildings were capable of hosting the EJS in the U.S. AOR, and because the United States had established a detention facility on its primary base camp, the EJS conducted detention hearings at Camp Bondsteel three times a week. The hearings were conducted in a general purpose medium-sized tent, furnished with two large folding tables, two field desks, two folding card tables, four benches, and four folding chairs.

Just as U.S. soldiers filled the law enforcement gap resulting for the delay in the deployment of international police, U.S. legal personnel were tasked to fill the judicial gap.[46] This gap, created by the delay in appointing the EJS, and propagated by the significant backlog of cases, required U.S. legal personnel to continue to assist in the pre-trial judicial process throughout the entire first year of operations.

The EJS in Kosovo continued to serve as the only civilian court system until January 14, 2000 when the SRSG appointed permanent judges and prosecutors for the courts of Kosovo. After the judicial swearing in, courts in Gnjilane and Urosevac, both within the U.S. AOR, reopened. These courts, for the first time since U.S. KFOR's entrance into Kosovo, moved beyond pre-trial detention review and, in the U.S. sector, tried the first criminal case in the middle of February, 8 months after the United States entered Kosovo.[47] The same types of problems faced by the EJS hampered the permanent judicial system. Of the 280 professional judges, lay judges, and prosecutors sworn into service, only 17 were minorities, and only two of these were Serbs.[48]

The full-time judiciary also faced funding, supply, and support-staff shortages. Combined, these problems further delayed the efficient handling of criminal trials. Between February and June, the judiciary completed work on only six felony-level criminal trials within the U.S. AOR. The judiciary's inability to try any criminal cases within the first 7 months, and its inability to efficiently try criminal cases within the first year, led to significant criticism of this leg of the public security mission. This inability to try criminal cases eroded the local citizen's faith in the ability of KFOR and UNMIK to establish justice in Kosovo.[49] More importantly, this delay prevented the interim administration from holding criminals accountable for their actions when crime rates were

at their highest and at a time when a strong criminal justice response was needed to establish credibility for the overall mission.

Prisons

An agreement at Rambouillet would have prevented NATO action in Kosovo that led to the extensive damage to prisons caused by the Allied bombing campaign. More importantly, corrections police, under international supervision, could have continued to run the existing facilities. These circumstances would have provided the international community with both the physical structure and the inner-workings of a correctional system that could have prevented the necessity for KFOR's to establish and run long-term detention facilities.

Within the U.S. AOR, the detention situation was exacerbated by the lack of an existing large prison facility. Only small detention centers attached to local police stations were available in the Task Force Falcon area. As discussed below, KFOR opted not to establish a centrally located and jointly-run detention facility. It was left to the subordinate Task Force headquarters to establish detention centers within their respective AORs. Faced with no other option, Task Force Falcon constructed a facility for pre-trial detention on Camp Bondsteel.

Delays in the deployment of adequate police to the region led to delays in establishing permanent prison facilities. At the first anniversary of the KFOR operation, UNMIK-P oversaw detention facility operations in Prizren (100-inmate capacity), located in the German AOR, and in Lipjlan (46-inmate capacity), in the British AOR. Soon thereafter, UNMIK-P opened a 520-inmate detention facility in Istock, a city located in the Italian AOR.[50] Within the U.S. AOR, UNMIK-P reopened the small detention area attached to the Gnjilane police station (approximately 30-inmate capacity) in May 2000. All detainees accused of serious crimes and all Serb detainees continued to be transferred to the Camp Bondsteel Detention Facility.

The Kosovo Force Law and Order Mission

Police

The KFOR mandate under UNSCR 1244 and the broad provisions of the MTA combined to provide the basis for the KFOR law and order mission

in Kosovo. Contained within COMKFOR's order to all of the subordinate Multinational Brigades was the mission to "[i]nitially enforce basic law and order, transitioning this function to the to-be-formed designated agency as soon as possible." Within the U.S. KFOR AOR, the "to-be-formed designated agency" would not be prepared to accept the policing mission during the entire first year of the KFOR mission.

The order to enforce basic law and order resulted in KFOR soldiers becoming the police force of Kosovo in order to fill the existing law enforcement gap. This was a vastly different and more difficult mission than envisioned under the Rambouillet framework. Policing under the Rambouillet Accords would have fallen upon three policing entities: an International Police force, a new Kosovo civilian police force, and the MUP personnel who remained in place during the drawdown. Policing activities under the MTA fell solely upon KFOR, until a point in time at which UNMIK could establish an international police presence or local force.

While KFOR recognized that the powers of arrest and detention were generally to conform to the FRY standards,[51] the leadership also understood that KFOR was incapable of replicating the FRY legal infrastructure and criminal procedures for law and order. As a result, KFOR determined that internationally respected standards of law enforcement and detention, in keeping with the troop-contributing nations' own relevant procedures would provide adequate due process protections to the citizens of Kosovo. Initially allowing troop-contributing nations to apply familiar law and procedures served to reduce start-up delays that would have inevitably resulted from any attempt to promulgate a centrally run policing process. Even though detainees in the Italian AOR received Italian Process while detainees arrested in the U.S. sector received American Process, it was KFOR's belief that dealing with the issue of arrest and detention under the general legal framework of each troop-contributing nation was the only possible way to addressing the initial law enforcement gap.[52]

U.S. soldiers were instructed to detain persons who committed criminal misconduct under a familiar standard.[53] During each of the 1,300 patrols that U.S. soldiers conducted per week in Kosovo, arrest decisions were based upon the U.S. Uniform Code of Military Justice (UCMJ). If soldiers witnessed an act that would be a crime under the UCMJ, they arrested the wrongdoer. Crimes under the military code were augmented by mission specific crimes, such as weapons, uniform, and curfew violations.[54]

Soldiers were also authorized to arrest or detain local citizens who they considered a threat to the military or to the overall mission.[55]

Task Force Falcon Military Police (MP) and Criminal Investigation Command (CID) investigators were able to respond to only the most serious crimes; therefore, soldiers assigned to combat units were called upon to conduct basic criminal investigations in conjunction with detentions and arrests.[56] These soldiers had little or no law-enforcement or investigative training as the basic doctrine and mission essential tasks of combat units do not address law enforcement and criminal investigation. To assist soldiers with these unfamiliar investigation missions, the Task Force Falcon Legal Section created situational vignettes for basic law enforcement training. The training vignettes covered the topics of arrest, search, use of force, probable cause, and basic investigative procedures. Soldiers were thus instructed to take statements and document evidence seized at crime scenes for further prosecution efforts.

Task Force Falcon altered typical military missions so as to include special law enforcement instructions on confronting criminal misconduct. Intelligence gathering assets were focused on both the potential military threat and the criminal threat within the Task Force AOR. Field Artillery units sometimes fired night illumination missions to assist the law enforcement effort. Civil Affairs and Psychological Operations soldiers furthered this effort by explaining KFOR's policing policies to the local population. Specialized policing units from coalition countries were also attached to the Task Force to assist with the mission. In short, every staff section of Task Force Falcon was engaged in assisting the law and order mission.

When patrols arrested local citizens for committing criminal offenses, they delivered initial criminal packets and evidence, with the detainees, to the U.S. detention facility at Camp Bondsteel. At Camp Bondsteel, Task Force Falcon lawyers reviewed each detainee's case to recommend whether continued pre-trial detention was warranted and to ensure that the case file contained information sufficient enough to pass the cases to the civil prosecution system, once this system was established.

Courts

1. Upon Entry

KFOR's decision to decentralize the criminal justice standards required that the members of Task Force Falcon craft an orderly, principled, pre-trial detention review system that would pass the scrutiny of independent observers, the press, and a local population unfamiliar with the theory of due process. In the early stages of the deployment, the Judge Advocates of Task Force Falcon functioned as the only judicial review mechanism available for local pre-trial detainees. International standards, the Law of the Federal Republic of Yugoslavia, and U.S. law prescribed procedural safeguards for civilians taken into pre-trial detention. The Judge Advocates of Task Force Falcon drew on these source documents, lessons learned from previous U.S. deployments, and their own previous criminal law experiences to establish a thorough system of review for every detainee of Task Force Falcon.[57]

Guidance from COMKFOR concerning "continued pre-trial detention" enabled USKFOR to apply standards similar to those found in the Uniform Code of Military Justice. Specifically, within 48 hours of detention, Task Force Falcon would hold a hearing to determine whether continued detention was warranted.[58] This hearing was presided over by a Judge Advocate serving as a Magistrate.

In considering whether further pre-trial detention was warranted, the Magistrate would review the case file to determine whether:

1. An offense had been committed that would be triable by court-martial if it had been committed by a person subject to the UCMJ or if a mission-specific crime had been committed;

2. The person detained committed the offense; and

3. Continued detention was required by the circumstances.

To determine whether detention was required by the circumstances, the Magistrate would first have to determine whether:

1. The individual was armed and if his release would threaten civic order;

2. The individual posed a threat to KFOR, other protected persons, key facilities, or property designated mission-essential by COMKFOR;

3. The individual had committed serious criminal acts (defined as homicide, aggravated assault, rape, arson, robbery, burglary, or larceny); or

4. The individual had valuable information pertaining to individuals not yet detained to whom one or more of the above three stated grounds applied.[59]

The Magistrate would also consider whether the detainee posed a risk to flee Kosovo in order to escape prosecution, and whether the detainee would attempt to intimidate witnesses or obstruct justice.

Before and during the hearing another Judge Advocate was detailed to collect independent information and articulate the detainee's argument against further detention. This Judge Advocate, the Command Representative for the Detainee, would assist the detainee in rebutting the Command's grounds for continued detention. The detainee was also given the opportunity to address the Magistrate through an interpreter and to explain why continued detention was not warranted.

If the Magistrate believed that continued detention was warranted, he would recommend that the Task Force Falcon Commander order continued detention. If the Magistrate believed the standards for continued detention had not been met, he recommended that the Task Force Commander order release. The Task Force Falcon Commander personally reviewed all continued detention hearing recommendations during the first month of the mission. On July 13, 1999, the EJS began conducting hearings for detainees held by USKFOR. By this date, Task Force Falcon had detained a total of 27 Kosovo citizens. The Task Force Commander approved continued pre-trial detention for fourteen of those detainees.

2. Establishment of Emergency Judicial System

As the EJS became established, the Task Force pre-trial confinement procedures experienced subtle changes that, while continuing to protect the rights of detainees, also recognized that local systems that were coming into place to protect detainees' rights. The magistrate tasked

with reviewing continued detention began conducting the initial hearings entirely on paper, as detainees would receive a hearing in front of a Kosovar Investigating Magistrate should the Military Magistrate consider further detention warranted. The Commander's Representative for the Detainee was no longer needed, as detainees had access to defense attorneys. Additionally, the Task Force Commander delegated his continued detention authority to the Chief of Staff and the Provost Marshal, depending upon the severity of the charges. The Commander, however, maintained review authority over detainees suspected of war crimes and acts aimed at KFOR soldiers.[60] When it became apparent that criminal trials were not going to be conducted until some time in the significant future, detainees suspected of minor crimes could be ordered released prior to the Magistrate conducting a review of the detainee's case.[61]

When the EJS became operational in the middle of July, cases of continued detention were turned over to the EJS prosecutor for his introduction of those cases into the Kosovo criminal system. Continued detention decisions by the EJS were based entirely upon the criminal laws and procedures of Kosovo.[62] Criminal procedures of Kosovo allowed for the Kosovar Investigating Magistrate to order continued pre-trial detention for up to 30 days. Detention for greater than 1 month had to be approved by a three-judge panel, and cases that the EJS prosecutor and Investigating Magistrate believed to require pre-trial detention beyond 3 months had to be reviewed by the Kosovo Appeals Court. Existing Kosovo criminal procedure did not allow for continued pre-trial detention beyond 6 months.[63] To accommodate continuing pre-trial detention beyond the 6-month period, the SRSG created the Ad Hoc Court of Final Appeal[64] and empowered the court to order continued pre-trial detention for up to 1 year.[65]

Because an order to release a detainee from continued pre-trial confinement was tantamount to a release from prosecution,[66] all release orders of the EJS had to be delivered to the U.S. Magistrate for action. The Magistrate reviewed all cases in which the EJS had ordered release and made recommendations to the appropriate Task Force Falcon release authority. The U.S. military release authorities for EJS-ordered releases were the same authorities designated to review U.S. Military Magistrate recommendations for release after initial detention hearings. In practice, this method required Task Force approval for all releases, once detainees entered the Camp Bondsteel detention facility.

On occasion, the military release authority determined that detainees ordered released by the EJS should remain in continued pre-trial detention. When this occurred, the Military Magistrate discussed the continued detention with the Kosovar Investigating Magistrate and prosecutor in an attempt to have them revoke the release order and order continued detention. When continued detention could not be secured through negotiation with the EJS, the Task Force Falcon Commander would appeal to the Commander, KFOR (COMKFOR), to order continued pre-trial detention.

The COMKFOR Hold, as this appeal came to be known, was developed in response to a U.S. request to approve the continued detention (despite an EJS ordered release) of two Serbian males who had engaged in a gun battle with U.S. forces in late June 1999. COMKFOR's legal advisor, after detailing provisions of the MTA and UNSCR 1244 that he believed imbued COMKFOR with the authority to order continued detention, despite the issuance of a release order from the interim civilian judicial system, recommended that COMKFOR exercise this authority and order continued pre-trial detention.[67] COMKFOR's approval of continued detention in this early case completed the criminal procedure framework applicable to detainees held in the U.S. KFOR AOR for the first year of Operation Joint Guardian, illustrated in Figure 2.

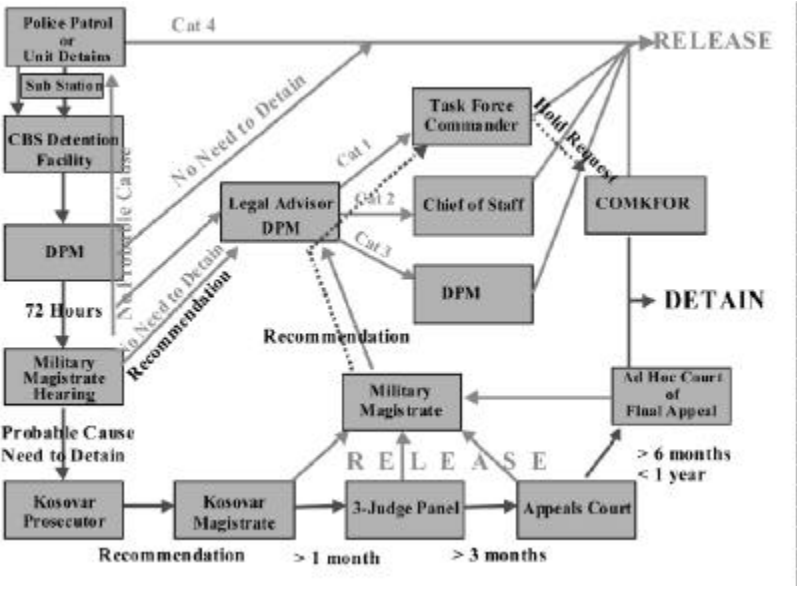

Figure 2. Criminal Procedure Framework in the U.S. AOR

Other changes in the Task Force detention procedures occurred as a result of the establishment of the EJS. The Task Force Magistrate continued to conduct an initial continued detention hearing prior to turning a case over to the EJS prosecutor. However, the 48-hour time limit was relaxed to 72 hours in order to bring it in line with what the Task Force believed to be existing local law.[68] The standards for pre-trial detention review remained the same, but the Magistrate exercised additional discretion in determining whether the severity of the charges warranted continued detention. Because of limited detention space, the recognition that criminal trials were months away, and the already full pre-trial dockets of the EJS, detainees accused of minor crimes were often ordered released prior to being sent to the EJS for action. Also, as a result of some questionable decisions made by the EJS, the ethnic background of a detainee played a role in any Task Force decision to transfer the case into the EJS, as well.

Shortly after the EJS became operational, questions arose over ability of the EJS to provide equal protection for Serb minorities under the Code, and a disparity in the treatment of detainees of different ethic backgrounds became apparent. Years of physical and legal oppression by the Serbian Government of Kosovar Albanians may have led to resentment on the part of the newly appointed EJS, which was predominately Albanian.[69] Alternatively, the Albanian EJS may have rightly believed that all Serb detainees were a flight risk, as thousands of Serbs left Kosovo in the first months following the entry of KFOR. Irrespective of the rationale, however, a pattern developed that resulted in the common continued pre-trial confinement of Serb detainees and the release of Albanians accused of similar misconduct.[70]

Because the result of release from pre-trial detention was, in essence, release from prosecution, the actions of the EJS freed Albanians accused of the same criminal misconduct for which Serbs were detained and prosecuted. Recognizing this, the JA Magistrate reviewing initial pre-trial confinement was left with the options of sending a Serb detainee into the EJS, knowing that lengthy pre-trial confinement and prosecution was imminent, or recommending release, if only to ensure the equal treatment of Serb and Albanian detainees.

The establishment of the EJS also raised the need for logistical support to the court system. If the Kosovar Investigating Magistrate needed to speak with witnesses, he would coordinate with the U.S. Magistrate in order to

have the witnesses brought to Camp Bondsteel for interviews. The U.S. Magistrate would then work with the staff officer responsible for current operations in order to ensure the proper unit was tasked to locate the witnesses and transport them to Camp Bondsteel for the EJS hearing.

EJS hearings were held in a medium-sized military tent inside the Camp Bondsteel Detention Facility. Task Force Falcon provided an additional tent so as to allow detainees to meet with their attorneys before and after the EJS hearings. The Task Force also provided interpreters for the hearings when U.S. soldiers were required to provide testimony. The transition from the EJS to a permanent judicial system also led to additional changes in the pre-trial detention procedures of the Task Force.

3. Permanent Judiciary

The establishment of a permanent judiciary in January 2000 was a significant step in the civilian administration's efforts to create a Kosovar-run system of justice. However, rather than easing the burden on USKFOR, the appointment of judges and prosecutors within the U.S. AOR increased the tasks involved in supporting the judicial mission.

The Task Force Magistrate continued to review new cases of pre-trial detention. Though the crime rates had subsided over the course of 7 months, there remained a significant number of new detainees per week. In addition to effecting coordination for new detentions, the Magistrate was responsible for coordinating with the newly appointed judiciary for criminal trials of long-term pre-trial detainees. Criminal trial courts were established by the SRSG in Urosevac, Gnjilane, Vitina, and Kamenica.[71] As a result, the U.S. Magistrate had to coordinate with multiple prosecutors and judges for pre-trial and trial matters. Because court matters were now being handled in multiple locations, more than one Task Force Judge Advocate was called upon to assist the judicial mission.

Significant Command and international interest in the criminal trials required that a Task Force representative attend the trials. This mission typically fell to the Military Magistrate and Provost Marshal, who observed and monitored the criminal proceedings that were often multiple-day events slowed by archaic court equipment and the necessity to translate the proceedings into no fewer than two languages.

Other staff sections and line units also gained additional responsibilities as a result of the appointment of a permanent judiciary. Courthouses

and judges required protection. During the time that the EJS held hearings within Camp Bondsteel, protection requirements posed a minimal burden. However, the establishment of a permanent judiciary, working in various courthouses within the AOR, in locations lacking an established UNMIK-P presence, required that soldiers provide courthouse and judicial protection.

The advent of a permanent judiciary and criminal trials required Task Force Falcon to transport detainees from the detention facility on Camp Bondsteel to courthouses for trial. Because the EJS had conducted all pre-trial hearings at the Bondsteel detention facility, detainee transportation was not necessary as detainees were walked from the detention tents to the hearing tents that were within the detention facility. Witness transportation issues were also complicated by the appointment of a permanent judiciary. Multiple hearing locations required additional support from line units to secure witnesses for hearings. With no established mail system in Kosovo, soldiers were used to deliver subpoenas to witnesses and often to deliver witnesses to trial.

Detention operations were also altered by the start of criminal trials. Kosovars convicted of crimes became prisoners rather than pre-trial detainees. Although distinctions in the treatment of the two categories of individuals were subtle, changes in the handling of a prisoner did occur.[72] Criminal conviction also required creating additional post-trial tracking mechanisms.

Prisons

The Task Force Falcon AOR did not contain a large detention facility like those found in Prizren, Istok, Lipljan, and Duprava. The lessons of Somalia and Haiti, however, foretold that U.S. KFOR would have to plan for short-term detention until detainees could be transferred to the host-nation system.[73] Under the proposed Rambouillet Accords, Task Force Falcon recognized that KFOR must be prepared to detain individuals who posed a threat to KFOR, but who should not be turned over to remaining MUP authorities. Task Force Falcon also recognized that the gap in establishing the communal police (when only the MUP remained) jeopardized the detention mission. Task Force Falcon pressed KFOR to take advantage of a centrally located and established Kosovo prison for use as a multinational KFOR detention facility. In a detailed

memorandum, the Commander, Task Force Falcon, recommended that COMKFOR "consider planning for and resourcing a multinational detention facility in the vicinity of Pristina for the first 60 to 90 days that KFOR is on the ground in Kosovo."[74] Despite the Task Force Falcon recommendation, KFOR did not address detention issues until after the signing of the MTA.

After the signing of the MTA, planners in Task Force Falcon continued to believe that a centrally-run detention operation was in the best interest of the KFOR mission.[75] Task Force Falcon thus proposed and drafted a complete detention facility plan for a centralized detention facility for KFOR.[76] As with policing and pre-trial detention review, however, KFOR made detention facilities a decentralized issue, to be handled by the troop contributing nations.

The first detainee, arrested 4 days into the Task Force Falcon mission, was initially housed in a small military tent, surrounded by concertina wire. A Humvee's headlights provided security lighting. The Task Force, required to care for the detainee at a level no less than that accorded a Prisoner of War, pieced together personal use articles, such as a razor, shaving cream, and a toothbrush, for the detainee.[77] The detainee was fed MREs and was dressed in a PT uniform, spray-painted with a mark on the back of his shirt to distinguish him from soldiers in PT uniforms.

From this spartan beginning, Task Force engineers constructed a detention facility based on existing military doctrine.[78] Operating on the belief that UNMIK would quickly take over detention operations, the initial detention facility was small, holding approximately 50 detainees. Upon the realization of the Task Force that UNMIK would not be able to assume the detention mission, a larger detention facility was constructed. When completed, this facility consisted of six, tier-three, GP medium tents, three GP small tents, a shower facility, visitation area, and court tent. A fence, concertina wire, and lights surrounded the entire compound. A diagram of the detention facility is in Figure 3.

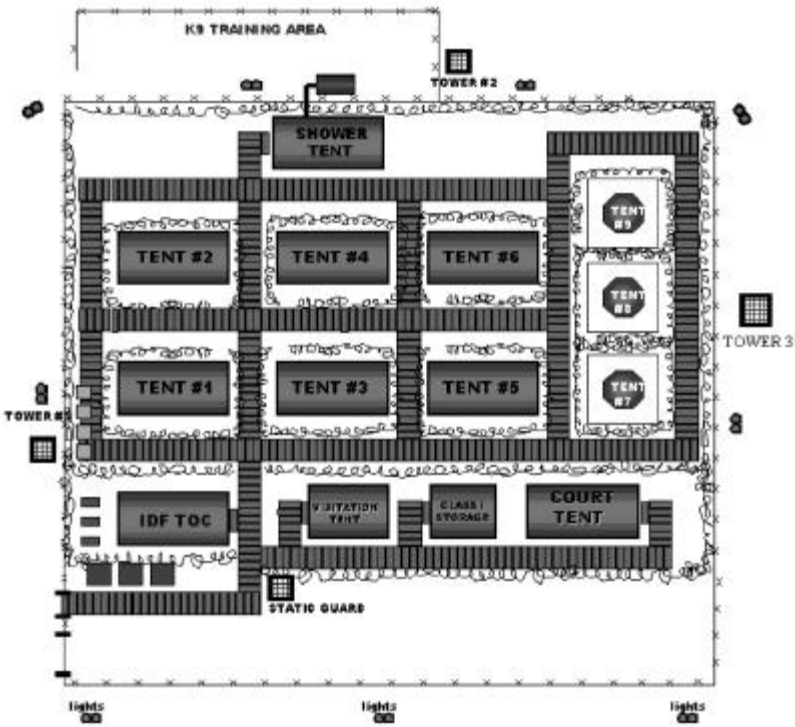

Figure 3. Diagram of the Camp Bondsteel Detention Facility

The ethnic background and sex of the detainees dictated tent assignments. Detainees slept on cots with sleeping bags. They were dressed in orange uniforms and athletic shoes. In the winter, the detainees were provided winter coats and boots. All support was provided through the Army's logistics system.

Detainees were allowed to smoke, write letters, and exercise, as well as receive visits from family members and attorneys. They were provided medical check-ups upon entry, and the detention facility was capable of dispensing medications. The condition of the detainees was reviewed by the International Committee of the Red Cross, the Organization of Security and Cooperation in Europe, the United Nation's Children's Fund, Amnesty International, and other human rights organizations. These organizations routinely gave the Task Force high marks for the care provided detainees.

A Military Police platoon operated the detention facility and detention facility operations were based on modified existing doctrine.[79] As detainees were brought into the facility, the MP prepared an entry in a detainee database that included the circumstances surrounding detention, basic background information, a photograph, and a listing of personal items confiscated from the detainee. MP and CID investigators, as well as counter-intelligence personnel, were able to interview the detainees upon their arrival at the detention facility. The detention facility at Camp Bondsteel processed a total of 1,800 detainees in the first year of operation. The largest population in the detention facility, at any one time during the first year, was approximately 110 detainees.

In March 2000, MP based in Gnjilane began work to improve the existing holding cells located adjacent to the Gnjilane courthouse in order to bring the condition of the cells to an acceptable standard. After completing improvements on the holding facility, it was turned over to UNMIK for operation. This facility allowed UNMIK to assume detention operations for less serious offenders as they awaited initial hearings before Investigating Magistrates. The Gnjilane holding facility provided some small relief to the detention operations at Camp Bondsteel. After 1 year, however, the Camp Bondsteel detention facility remained a major mission of the Task Force, and there was no clear plan by UNMIK to assume detention operations within the Task Force Falcon AOR.

Lessons

At the 1-year mark, it is impossible to evaluate the overall success of the law and order mission in Kosovo. The United States military's adaptability in confronting the law and order challenges provided a strong foundation for the overall UNMIK mission; however, the establishment of a fair and just public security system is not a short-term mission. Drawing on the observations of the first year, some remarkable accomplishments and apparent shortcomings are evident.

Generally, progress in one area of the security triad is ineffective without timely improvements in all areas. Additionally, improvements by the civil administration in one area do not necessarily result in diminished responsibilities for the military. To the contrary, the secondary and tertiary effects of civil progress can lead to increased military responsibilities in other areas of public security.

Police

The international community is incapable of rapidly recruiting and deploying international police. Moreover, the constabulary forces of the troop contributing nations may be insufficient to bridge the deployment gap. Line units must be prepared to discharge the policing function in the event that a law enforcement vacuum exists. U.S. peacekeeping doctrine dealing with law enforcement has not been sufficiently developed. A comprehensive review of doctrinal and training issues, such as basic law enforcement by line units, must be conducted in order to capture the successes of the policing aspect of the Kosovo mission.

Decentralizing the standards for law enforcement and detention may lead to differing levels of process provided to detainees by each troop-contributing nation, but this provides a framework for law enforcement that is easily understood and rapidly implemented by multinational participants.

Decentralized policing activities may lead to ineffective policing across Multinational Brigade boundaries as no centralized/unified criminal intelligence authority exists to provide review of criminal activity and poor lateral lines of communication between the independent Brigades prevents criminal intelligence sharing.

Courts

When operating under Chapter VII of the U.N. Charter, and faced with a law and order vacuum that includes a void in the judicial system, the United States must consider whether there exists legal authority for the conduct of emergency criminal trials. In the absence of such authority, the United States must encourage the United Nations to adopt *ad hoc* emergency procedures for criminal trials. When used upon initial entry, for a limited time, emergency procedures for criminal trials can enhance the legitimacy of the security force, prevent criminal wrongdoers from escaping justice, and afford the civil presence sufficient time to establish an appropriate, indigenous judicial system.

Prisons

Joint detention centers provide economies of scale that free up personnel assets that can be used for other security missions. If required to build

and operate a detention facility, the military using slightly modified, existing doctrine can accomplish this portion of the justice triad.

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[1]Judge Advocate General's Corps, United States Army. Presently assigned as Director, Training and Support, Center for Law and Military Operations, The Judge Advocate General's School, United States Army. B.A., 1990, Hampden-Sydney College; J.D., 1993, T.C. Williams School of Law at The University of Richmond. Formerly assigned as the Deputy Legal Advisor, Task Force Falcon, Kosovo, 1999-2000; Chief, International and Operational Law and Senior Trial Counsel, 1st Infantry Division, Wuerzburg, Germany 1998-99; Trial Counsel and Administrative Law Attorney, V Corps, Hanau Branch Office, Germany 1997-98; Trial Counsel, 19th Theater Army Area Command, Taegu, Korea 1994-96. Member of the Bar of the Commonwealth of Virginia. The author would like to thank the many individuals who commented on this article in its various stages of development—in particular, COL David Graham, LTC Mark Martins, LTC Sharon Riley, MAJ Mike Henry, MAJ Eric Jensen, MAJ Mike Lacey, CPT Brian Heslin, CPT Charlie Kovats, CPT Chris Jacobs, and CPT Tim Goloversic.

[2]The Center for Law and Military Operations is a resource organization for operational lawyers. It was created in 1988, at the direction of the Secretary of the Army, and is located at The Judge Advocate General's School of the Army in Charlottesville, Virginia. The Center's mission is to examine legal issues that arise during all phases of military operations and to devise training and resource strategies for addressing those issues. CLAMO can be reached at CLAMO@hqda.army.mil or (804) 973-6339.

[3]Ivo Daalder, senior fellow, Brookings Institute, quoted in James Kitfield, "Balkans Outlook," *National Journal*, December 23, 2000.

[4]U.S. forces have faced numerous peacekeeping deployments with difficult law and order missions. *See e.g.*, Colonel F. M. Lorenz, "Land and Anarchy in Somalia," *Parameters*, Winter 1993-94, at 27; *Law and Military Operations in Haiti 1994-1995: Lessons Learned for the Judge Advocate* at 63 (The Center for Law and Military Operations 1995)[hereinafter *Haiti*]; *Law and Military Operations in The Balkans 1995-1998: Lessons Learned for the Judge Advocate at 109* (The Center for Law and Military Operations 1998)[hereinafter *Balkans*]. Task Force Falcon drew on all of these experiences when addressing the broad Kosovo law and order mission.

[5]*Policing the New World Disorder: Peace Operations and Public Security*, (Robert B. Oakley, Michael J. Dziedzic, and Eliot M. Goldberg eds.), available at http://www.ndu.edu/ndu/inss/books/policing/cont.html. Appendix C describes the case study framework adopted by the editors to study peacekeeping operations. Where possible, this article attempts to answer many of the same questions posed to the contributing authors of the seven case studies.

[6]See generally *Haiti*, supra note 2, at 102 (discussing the three-legged stool).

[7]*Kosovo/Kosova As Seen, As Told: An analysis of the human rights findings of the OSCE Kosovo Verification Mission October 1998 to June 1999* at Ch. 6 "Torture and Ill-Treatment" (Organization for Security and Cooperation in Europe 1999)[hereinafter *Kosovo/Kosova*], available at http://www.osce.org/kosovo/reports/hr/part1/ch6.htm.

[8]The Armed Forces of Yugoslavia (VJ) were present in considerable numbers in Kosovo. Although a conventional military force, the VJ and the MUP were mutually supportive forces that often conducted joint operations. The authority to arrest and detain citizens of Kosovo did not extend to VJ forces; it is clear, however, that the VJ were heavily involved in both arrest and detention in the late 1990's. *Reality Demands: Documenting Violations of International Humanitarian Law in Kosovo 1999* at 50 (International Crisis Group 2000)[hereinafter *Reality*] available at http://www.crisisweb.org/projects/showreport.cfm?reportid=57; see also *Kosovo/Kosova*, supra note 5, at Ch. 3 "The Military/Security Context." Also within Kosovo, prior to KFOR's arrival, were various armed men described as "paramilitaries." These groups included "Arkan's Tigers" and "Frenkis." *Reality* at 54. The widespread abuses described above were not limited to those of the MUP but also included abuses effected by both regular military and paramilitary personnel.

[9]*Kosovo/Kosova*, supra note 5, at Ch. 3.

[10]Id. at Ch. 9 "Arbitrary Arrest and Detention;" see also *Reality*, supra note 6, at 61 (identifying standard MUP and VJ *modus operandi*).

[11]*Kosovo/Kosova*, supra note 5, at Ch. 3.

[12]See infra Section IIIB.

[13]"United Nations Interim Administration Mission in Kosovo: Report of the Secretary General," para. 66 (1999)[hereinafter *UNMIK Report*], available at http://www.un.org/Docs/sc/reports/1999/s1999779.htm; see also *Observations and Recommendation of the OSCE Legal System Monitoring Section: Report 2—The Development of the Kosovo Judicial System (10 June through 13 December 1999)* note 14 and accompanying text (OSCE 1999)[hereinafter *Report 2*], available at http://www.osec.org/kosovo/publications/law/legal2.htm.

[14]*Kosovo/Kosova*, supra note 5, at Ch. 10 "Violation of the Right to Fair Trial."

[15]XV Criminal Code of the Federal Republic of Yugoslavia (KZSRJ) art. 125 ("Whoever causes an explosion, fire or takes some other generally dangerous action out of hostile motives against the [FRY], or commits an act of violence which may create a feeling of personal insecurity in citizens or in a group of citizens, shall be punished by imprisonment for not less than five years."); XV KZSRJ 136 ("(1) Whoever sets up a cabal, band, group or any other association of persons for the purpose of committing criminal acts under [Article] 125…, or whoever forms a group for the purpose of transferring or dispatching citizens of the [FRY] abroad for the sake of carrying out hostile activities against the [FRY], shall be punished by imprisonment for not less than five years. (2) Whoever becomes a member of an association referred to in paragraph 1 of this article, shall be punished by imprisonment for not less than one year. (3) The member of an association referred to in paragraph 1 of this article who exposes the association before he has committed a criminal act defined in the provisions of this chapter in the association's ranks or on its account, shall be punished by imprisonment for a term not exceeding three years, but the court may also refrain from imposing a punishment on him."), translated and reprinted in *Kosovo/Kosova*, supra note 2, at Ch. 10.

[16]XV KZSRJ 137 ("(1) Whoever conceals, shelters or gives food, material, money and other means to the perpetrator of a criminal act referred to in [article] 136 … of this law, whoever serves him in maintaining liaison, undertakes actions aimed at obstructing the discovery or apprehension of the offender, or renders him assistance in any other way, shall be punished by imprisonment for not less than 1 year. (2) The sentence for the acts referred to

in paragraph 1 of this article may not be more severe by neither its type nor its gravity [sic] than the sentence prescribed for the criminal act which was the subject of the assistance."), translated and reprinted in *Kosovo/Kosova*, supra note 5, at Ch. 10.

[17]*Kosovo/Kosova*, supra note 5, at Ch. 10.

[18]*Detentions and Abuse in Kosovo* at 3 (Human Rights Watch 1998), available at http://www.hrw.org/reports98/kosovo2/Kos9812.htm.

[19]*Kosovo/Kosova*, supra note 5, at Ch. 10.

[20]Id. at Ch. 6 (detailing reports of activities in prisons across Kosovo).

[21]Military Technical Agreement between the International Security Force ("KFOR") and The Governments of the Federal Republic of Yugoslavia and the Republic of Serbia, 9 June 1999 [hereinafter MTA], available at www.nato.int/usa/policy/d990609a.htm.

[22]S.C. Res. 1244, U.N. SCOR, U.N. Doc. S/RES/1244 (1999)[hereinafter UNSCR 1244], available at www.un.org/Docs/scres/1999/99sc1244.htm.

[23]Undertaking of Demilitarization and Transformation by the UCK, 20 June 1999 [hereinafter Undertaking], available at http://www.legacyrus.com/NewsReel/Kosovo/KLADisarmAgreement.htm.

[24]UNSCR 1244, supra note 20, at para. 9(d).

[25]*UNMIK Report*, supra note 11, at para. 6.

[26]Id. at para. 61.

[27]Id. at para. 60.

[28]Summary *Statement of the Right of KFOR to Apprehend and Detain*, Special Rep. U.N. Sec'y Gen. (6 July 1999), available at http://www.un.org/peace/kosovo/news/99/jul99_1a.htm.

[29]UNSCR 1244, supra note 11, at para. 11(a).

[30]*E.g.*, Rambouillet Accords: Interim Agreement for Peace and Self-Government in Kosovo, unsigned, Fed. Rep. Yugo.-Serb.-Kosovo, U.N. Doc. S/1999/648 (1999)[hereinafter Rambouillet] Ch. 7, Art. VIII, Sec. 1 ("KFOR will deploy and operate without hindrance and with the authority to take all necessary action to help ensure compliance with this Chapter); Ch. 7, Art. VII, Sec. 3c ("KFOR shall have the right to fulfill its supporting tasks…which include the following…to help create secure conditions for the conduct by others of other tasks…[and] to assist international agencies in fulfilling their responsibilities in Kosovo."); Ch. 7, Art. VII, Sec. 6 ("COMKFOR shall have the authority, without interference or permission of any Party, to do all that he judges necessary and proper, including the use of military force, to protect KFOR and the IM, and to carry out the responsibilities listed in this Chapter."), available at http://www.kosovo.mod.uk/rambouillet_text.htm.

[31]The phrase "contribute to a secure environment" may also have provided a basis for arrest and detention by KFOR.

[32]Rambouillet, supra note 28, at Ch. 7, Art. 6, Sec. 1b(2) (Defining offensive assets as armored vehicles mounting weapons 12.7mm or larger and all heavy weapons of over 82mm).

[33]The 1-year deadline could be extended an additional year at the approval of the CIM to meet operational needs. Id. at Sec. 1c(4).

[34]Id. at Ch. 2, Art. VII, Sec. 1.

[35]See generally *UNMIK at 12 Months: UNMIK Civilian Police Services* (UNMIK 2000)(Providing an overview of the UNMIK mission at the 1-year anniversary), available at http://www.un.org/peace/kosovo/pages/

twelvemonths/civpol.html. The build-up of International Police (UNMIK-P) can be traced by reviewing the archives of "UNMIK Latest Development 'News Archive,'" available at http://www.un.org/peace/kosovo/news/99/kosarc.htm.

[36]See generally *OSCE Mission in Kosovo: One Year On* (OSCE June 2000)(providing an overview of police education and development). The build-up of police in the Kosovo Police Service can be traced by reviewing the archives of "OSCE—Latest news releases," available at http://www.osce.org/news_scripts/index.php3.

[37]The numbers of MUP available under Rambouillet are taken directly from the Rambouillet Accords. The estimated number of KPS available is based on the rate of recruitment of KPS during the UNMIK mission; however, the estimate assumes that the recruitment could have occurred more rapidly (3 months) and that the numbers would have been slightly higher (25 percent), based on the above described circumstances. The estimated numbers of UNMIK-P available is based on the rate of deployment of UNMIK-P during the UNMIK mission; however, the number is lowered by 25 percent because it is assumed that the need for an international police presence would not have been as high under the circumstances of the Rambouillet Accords.

[38]See *Background Report: The treatment of minorities by the judicial system* (OSCE 2000), available at http://www.osce.org/kosovo/publications/law/rep5.pdf.

[39]*UNMIK Report*, supra note 11, at para. 68.

[40]Seven Serbs were initially appointed to the EJS. One left Kosovo. The other six resigned, citing security concerns. The EJS did include four Bosniacks, one Roma, and one Turk. *Observations and Recommendations of the OSCE Legal System Monitoring Section: REPORT 1—Material Needs of the Emergency Judicial System* (OSCE 1999)[hereinafter *Report 1*], available at http://www.osce.org/kosovo/publications/law/legal1.htm.

[41]Within one Kosovo district (Prizren), actual criminal trials occurred under the EJS. *Report 2*, supra note 11.

[42]For a more complete description of this problem see *Kosovo: Review of the Criminal Justice System* at 12, 15 (Legal Systems Monitoring Section, OSCE 2000)[hereinafter *LSMS Report*], available at http://www.osce.org/kosovo/publications/law/crjustice.pdf; *A Fragile Peace: Laying the Foundations for Justice in Kosovo* at Sec. IIA (Lawyers Committee for Human Rights 1999)[hereinafter *Fragile Peace*], available at http://www.lchr.org/pubs/kosovofull1099.htm.

[43]*U.N. Mission in Kosovo, Reg. 1999/1, On the Authority of the Interim Administration in Kosovo*, (12 Aug 1999)[hereinafter *UNMIK Reg. 99/1*], available at http://www.un.org/peace/kosovo/pages/regulations/reg1.html.

[44]*U.N. Mission in Kosovo, Reg. 1999/24, On the Law Applicable in Kosovo*, sec. 1(4) (12 Dec. 1999)[hereinafter *UNMIK Reg. 99/24*], available at http://www.un.org/peace/kosovo/pages/regulations/reg24.html; *U.N. Mission in Kosovo, Reg. 1999/25, Amending UNMIK Regulation No. 1999/1 on the Authority of the Interim Administration in Kosovo*, sec. 1 (12 Dec. 1999)[hereinafter *UNMIK Reg. 99/25*], available at http://www.un.org/peace/kosovo/pages/regulations/reg25.html.

[45]*Task Force Falcon Detention Hearing Report*, 22 July 1999 (On file with the Center for Law and Military Operations). U.S. KFOR Detainee number 1 was accused of murder and attempted murder. He was detained by Marines of the

26th MEU on 18 June 1999. His criminal trial was concluded at the end of May 2000.

[46]See infra Section IV.

[47]The first case to be tried by the newly appointed courts was not U.S. detainee number 1, a Serb who had been in pre-trial detention since 18 June 1999. Rather, the first trial was of an Albanian detainee who was apprehended just four months prior to his trial.

[48]*LSMS Report*, supra note 40, at 13.

[49]See *Starting Over from Scratch in Kosovo: The Honeymoon is Over, ICG Balkans Report* No. 83 at 2 (International Crisis Group 1999)[hereinafter *Honeymoon*] (criticizing the delay in starting a judicial system), available at http://www.intl-crisis-group.org/projects/showreport.cfm?reportid=22; see also *Fragile Peace*, supra note 40, at Sec. III.

[50]*UNMIK 1st Anniversary Backgrounder—Reviving Kosovo's Judicial Systems* (UNMIK 2000)(Providing an overview of the UNMIK's efforts to establish a judicial and penal system), available at http://www.un.org/peace/kosovo/pages/twelvemonths/law.html.

[51]Because the deployment of forces into Kosovo, a province of the sovereign Federal Republic of Yugoslavia, was technically permissive, the body of international law applicable in wartime did not apply. Under prevailing peacetime international law, a sovereign nation applies its own domestic law within its sovereign territory. See *Restatement (Third) of the Foreign Relations of the United States*, sec. 206, cmt. b (1986). Although the KFOR mandate was not that of an occupier, had it been, the law of occupation also required the penal laws and tribunals of Kosovo to remain in force. Geneva Convention Relative to the Protection of Civilians in Time of War, Aug. 12, 1949, art. 64, 6 U.S.T. 3518, 75 U.N.T.S. 290 reprinted in *Dep't of Army, Field Manual 27-10, The Law of Land Warfare*, at para. 369 (18 July 1956). UNMIK further enforced this standard with the promulgation of its first regulation. *UNMIK Reg. 99/1*, supra note 41, at Sec. 3 (establishing the applicable law as that in force in the territory of Kosovo prior to 24 March 1999). But see, supra note 40 and accompanying text describing the difficulties in determining the applicable law in Kosovo; Memorandum from MAJ Michael J. Henry, Legal Advisor, Task Force Falcon, to Commander, Task Force Falcon, subject: Information on the Applicable Law in Kosovo (27 October 1999)(on file with The Center for Law and Military Operations).

[52]See Summary of Phone Interview by Frederick M. Lorenz with LTC Richard Batty, UK Army, Senior Legal Advisor, Allied Rapid Reaction Corps (ARRC), available at http://www.ilacinternational.org/Corporate_Structure/Structure.htm ("In Kosovo we let each Brigade develop its own arrest rules….This was because we had no time to train people and develop a new standard, and each of the national Brigades was compliant with basic human rights standards and/or the European Convention on Human Rights."). Beginning in July 1999, LTC Batty was the legal advisor to COMKFOR. While the law of the FRY was applicable, there was the practical problem that no one in KFOR had an English-language version of the FRY Code.

[53]See e.g., 1st Infantry Division, Leaders Legal Briefing, Slide 40 (1999)(explaining, *inter alia*, the right of soldiers to detain civilians who "commit criminal misconduct")(on file with The Center for Law and Military Operations). The Leaders Legal Briefing was designed to give officers and senior NCOs deploying to Kosovo an overview of the legal framework allowing

U.S. entry and operation as the security presence in Kosovo. It included a discussion of some mission specific ROE provisions.

[54]Command Policy Memorandum, Headquarters, Task Force Falcon, subject: Policy Letter #TFF-04 Detention Processing, para. 2c(3)(weapons violations), 2c(4)(UCK uniform violation), 2c(7)(establishing an unauthorized checkpoint), 2d(1)(curfew violations)(3 August 1999)[hereinafter *Detention Policy*]; see also Undertaking, supra note 21, at paras. 22-23 (detailing the demilitarization of the UCK); MTA, supra note 19, at art. II (explaining the cessation of hostilities and phased withdrawal of FRY forces), App. B, para. 5 (authorizing KFOR to compel removal, withdrawal, or relocation of weapons).

[55]*Detention Policy*, supra note 52, at para. 2a(1); see also *U.N. Mission in Kosovo, Reg. 1999/2, On the Prevention of Access by Individuals and Their Removal to Secure Public Peace and Order*, sec. 2 (12 Aug 1999)[hereinafter *UNMIK Reg. 99/2*](explaining right to detain civilians posing a threat to public peace and order), available at http://www.un.org/peace/kosovo/pages/regulations/reg2.html; MTA, supra note 19, at App. B, para. 5 (allowing use of force to prevent acts that are considered a threat to KFOR or the KFOR mission).

[56]*Detention Policy*, supra note 52, at para. 5b instructed soldiers responding to a host of crimes to establish control of the scene, notify the MP, take statements from the victims and witnesses (sworn statements when possible), prepare a sketch of the scene, render personal statements, account for all physical evidence on a DA Form 4137, and bring the suspect(s) and all documents to the nearest MP substation.

[57]See Email from LTC Mark Martins, the first Legal Advisor, Task Force Falcon, to CPT Alton L. Gwaltney, Director, Training and Support, Center for Law and Military Operations (10 January 2001, 6:09 PM EST)(on file with The Center for Law and Military Operations). The team of lawyers initially assigned to Task Force Falcon brought a host of experiences and training to the deployment. One had previously taught Comparative Legal Systems for The Judge Advocate General's School, Army, where he came into contact with numerous civil law systems, including FRYs; he also authored *Haiti*, supra note 2. All of the attorneys had criminal law training, and many had served as criminal prosecutors or defense attorneys prior to deploying.

[58]See *Manual for Courts-Martial, United States*, R.C.M. 305(h)(2)(A)(1998); *cf.* Riverside County v. McGlaughlin, 500 U.S. 44 (1991)(imposing a review within 48 hours of pretrial confinement); compare XV KZSRJ 192, 197 (requiring a review within 24 hours of pretrial confinement).

[59]*MNB-E Detention Process SOP, Office of the Staff Judge Advocate, Task Force Falcon*, at 3 (undated)(on file with The Center for Law and Military Operations). These standards were similar to those used in detention hearings in Haiti. See *Haiti*, supra note 2, at 68-69. The standards also had a basis in the Criminal Code of the Federal Republic of Yugoslavia. See XV KZSRJ 191(2) (allows for continued pre-trial detention if the following circumstances surround the grounds for custody: 1. If [the detainee] conceals himself or if his identity cannot be established or if other circumstances obtain which suggest the strong possibility of flight; 2. If there is a warranted fear that [the detainee] will destroy the clues to the crime or if particular circumstances indicate that he will hinder the inquiry by influencing witnesses, fellow defendants or accessories after the fact; 3. If particular circumstances justify a fear that the crime will be repeated or an attempted crime will be completed or a threatened crime will be committed; 4. If the crime is one for which a prison sentence of

10 years or more severe penalty may be pronounced under the law and if, because of the manner of execution, consequences or other circumstances of the crime, there has been or might be such disturbance of the citizenry that the ordering of custody is [urgently] necessary on behalf of the unhindered conduct of criminal proceedings or human safety.

[60]The basic criminal charges were broken into 4 categories. Category I crimes were hostile acts or threats toward KFOR and War Crimes. Category II crimes were murder, rape, kidnapping, arson, aggravated assault, any crime involving a suspect that had been previously detained by KFOR, and any crime in which a weapon was used in the commission of the crime. Category III crimes were burglary/housebreaking, larceny/looting, weapons violations, UCK uniform violations, driving under the influence of alcohol or drugs, prostitution, establishing an unauthorized checkpoint, destruction of property, black-marketing, simple assault, harassment, use or possession of illegal drugs, possession of stolen property, auto theft/carjacking. Category IV crimes were curfew violations and drunk and disorderly conduct. *Detention Policy*, supra note 52, at para. 2.

[61]On-scene Commanders had the authority to order the release of Category IV detainees in order that they not be transported to Camp Bondsteel. The Provost Marshal had the authority to release Category III or IV detainees, prior to the case being sent to the Military Magistrate. *Detention Policy*, supra note 52, at para. 3.

[62]See supra note 57 for the standards for continued pre-trial detention under the Criminal Code of the Federal Republic of Yugoslavia.

[63]XV KZSRJ 197.

[64]*U.N. Mission in Kosovo, Reg. 1999/5, On the Establishment of an ad hoc Court of Final Appeal and an ad hoc Office of the Public Prosecutor* (4 Sep 1999)[hereinafter *UNMIK Reg. 99/5*], available at http://www.un.org/peace/kosovo/pages/regulations/reg5.html.

[65]*U.N. Mission in Kosovo, Reg. 1999/26, On the Extension of Periods of Pre-trial Detention* (22 Dec 1999)[hereinafter *UNMIK Reg. 99/26*], available at http://www.un.org/peace/kosovo/pages/regulations/reg26.html.

[66]Assuming that the criminal charges were not actually dismissed, detainees released from pre-trial detention continued to face criminal charges and trial in much the same way as someone arrested in the U.S. system and released on bail continues to face criminal charges. Because of the extreme backlog of criminal cases faced by the judiciary, an overall lack of court officials and rudimentary systems (phone/mail), everyone understood that the only detainees who would be brought to trial were those who remained in detention until trial.

[67]Memorandum, LTC Richard Batty, UK Army, KFOR Legal Advisor to LTG Michael Jackson, Commander, Kosovo Forces, Subject: COMKFOR Authority to Overrule Judicial Release Order (30 July 1999)(on file with the Center for Law and Military Operations).

[68]But see *LSMS Report*, supra note 40, at 27 (explaining that the "72 hour rule" is not grounded in FRY Criminal Procedure and calling for a change in this procedure).

[69]See infra note 46 and accompanying text.

[70]See *LSMS Report*, supra note 40, at 61 (detailing specific cases that raised concern with the OSCE regarding the ethnic bias of the courts).

[71]Gnjilane was a district court. District courts had the authority to hear criminal cases and adjudge more than 5 years confinement upon conviction. The other

courts were Municipal Courts. Municipal Courts could adjudge up to 5 years confinement upon a criminal conviction. Initially, only the Gnjilane courthouse was available for trials. The court building in Vitina was being used as a Company Command Post, and the courthouse in Urosevac was a Battalion Headquarters. Initially, the Urosevac courts continued the pre-trial detention hearings at Camp Bondsteel. Trials for the Urosevac municipal court were conducted in Pristina, the higher district court for Urosevac. Both the Company CP and the Battalion HQ eventually moved to new locations so that the courts could be improved and used for trials. Trials for Vitina and Kaminica were conducted in Gnjilane until the physical court facilities could be brought to an acceptable physical and safety standard.

[72]See e.g., *Manual for Courts-Martial, United States, R.C.M. 304*(f))(1998)(pre-trial prisoners not punished; cannot wear uniform of post-trial prisoner).

[73]See supra note 2.

[74]Memorandum from Brigadier General Bantz Craddock, Commander, Task Force Falcon, to LTG Michael Jackson, UK, Commander, Allied Rapid Reaction Corps, (25 March 1999), summarized in e-mail, LTC Mark Martins, first Legal Advisor, Task Force Falcon, to CPT Alton L. Gwaltney, Director, Training and Support, Center for Law and Military Operations (11 Jan 2001 12:30 PM EST)(on file with The Center for Law and Military Operations).

[75]See e-mail, Legal Advisor, Task Force Falcon to Staff Judge Advocate, U.S. European Command, subject: Update, para. 3 (12 July 1999 3:22 PM CET)("Compared notes today with Lt Col Redden, 5th UK (Abn) Bde Legal Advisor and his PM on detention and related issues. He is keen, as are we, to turn the jailing and detention process over to UNMIK. We have to try to use one of the hardened jails in the Pristina area and set up the provisional judges nearby in an office.")(on file with The Center for Law and Military Operations).

[76]Detention Facility Plan drafted by Task Force Falcon for KFOR (13 June 1999)(on file with The Center for Law and Military Operations).

[77]See generally Geneva Convention Relative to the Treatment of Prisoners of War, Aug. 12, 1949, 6 U.S.T. 3316, 75 U.N.T.S. 135; North Atlantic Treaty Organization Standardization Agreement 2044, Standard Procedures for Dealing with Prisoners of War (6 Mar. 1957), reprinted in *U.S. Department of Army Field Manual 19-40, Enemy Prisoners of War, Civilian Internees, and Detained Persons*, App. B (27 Feb. 1976)[hereinafter *FM 19-40*].

[78]*FM 19-40*, supra note 74; *U.S. Department of Army Field Manual 19-4, Military Police Battlefield Circulation Control, Area Security and Enemy Prisoners of War Operations* (7 May 1993).

[79]Lieutenant Colonel Richard W. Swengros, "Military Police Functions in Kosovo," *Military Police Bulletin*, May 2000 at 8.

CHAPTER XIII

The Operational Art of Civil-Military Operations: Promoting Unity of Effort

Christopher Holshek

If "in war, even the simplest things become difficult," as Clausewitz observed, then in peace they are just about impossible. Nowhere has this been more true than in the complex international emergency humanitarian relief, peacekeeping, and peace building missions of the past few years, particularly in Kosovo. The efforts there to end violence and suffering and establish law and order, public administration, public services, and economic self-sustainability have been the most elaborate international endeavor of its kind since the late 1940s. Especially in the early phases, the crossroads of these activities in-country lie horizontally between the civilian organizations, which now lead the full spectrum of humanitarian relief to reconstruction activities in post-conflict environments, and the military forces deployed to secure and stabilize the area and help enable these efforts. Vertically, the critical level is where resources can be most effectively mobilized, so that the whole international community, paradoxically, can leave soonest. If civilians, not soldiers, are now the nation-builders, then a salient lesson is coming into focus as a result of missions like Kosovo. The major challenge to present and future peace operations will be to improve the ability of the many players in the field to work together more effectively. Consider this single fact: According to a NATO Kosovo Force (KFOR) database, in September 2000, there were over 650 separate international, nongovernmental, and private voluntary organizations (NGOs/PVOs)[1] in Kosovo—an area the size of the U.S. state of Connecticut or Yorkshire county in England. It is not that the international presence in Kosovo has been too small. It has been largely uncoordinated. By promoting unity of effort, operational civil-military operations (CMO) can be the fulcrum to leveraging the success of these missions.

This treatise, therefore, focuses on the operational level of CMO in the NATO Kosovo Force (KFOR), not because there has not been valuable work done at the multinational brigades (MNBs) conducting tactical-level CMO[2], but simply to limit discussion to this emerging aspect of military peace support operations (PSO).

Strategically driven CMO has rapidly changed emphasis from the military's conduct of nation building (or what the U.N. calls peace building). Over the past 10 years of peace operations, the military has by and large gotten out of the business of conducting nation building as international organization and NGO/PVO capabilities improve. Tactical-level CMO has likewise shifted to the support of civilian-led peace building at local levels, as well as expanding its more traditional activities to promote the legitimacy of mainly the military's presence and operations among locals while minimizing friction between the military and the multiplying civilian players in the field. As civilian-led peace operations have become more complex, the critical juncture has likewise become the level at which the coordination of the overall effort takes place at the theater, joint task force (military), or U.N. mission headquarters level.

Operational-level CMO is critical to present and future peace operations, not just because it lies between the strategic and tactical centers of gravity of a PSO (and impacts both). More so, it is the level where the challenges to the success of an international peace operation are the greatest. These are not only in the coordination and synchronization of the myriad activities of the expanding number of donor-funded international organizations and NGOs/PVOs. More importantly, it is in the flow and management of information. This information is not just valuable to inter-entity coordination, to efficiently and effectively mobilize and distribute resources (to include funding), but also to win in a battlefield no longer measured by traditional indicators of operational success. It is measured by hearts and minds—not just local attitudes and the perceived legitimacy of the international presence and aims at the tactical level and the support for the international effort of the public constituents of the contributing nations at the strategic level, but the ability and confidence of the in-country international civilian and military presence to convince the resident political leadership to come to terms at the operational level.

There are key differences in the *modus operandi* of military versus civilian organizations. While the military normally focuses on reaching

clearly defined objectives through linear operational (planning and execution) progressions with given timelines under a unified command and control structure, civilian organization are concerned with a process of fulfilling changeable political interests through a fluctuating sequence of dialogue, bargaining, risk-taking, and consensus-building. As the U.N.'s first Principal Deputy Special Representative of the Secretary General (P/DSRSG) in Kosovo, Jock Covey, pointed out, the aim of this kind of process is to get the previously warring factions to "re-evaluate their interests," bit by bit, until they meet the conditions for peaceful coexistence and self-sustaining market democratic structures. Exactly how and when they get there should be left mainly up to the locals, in order to give the process legitimacy by sharing responsibility and avoiding the backlash inevitable to colonial-type rule.

Before September 11, 2001, the Bush Administration's near about-face on nation building, and the massive international intervention in Afghanistan, it was already clear that:

> *Whether they like it or not, the U.S. and European militaries have an important role to play and will be requested to participate in future peace support operations. The military is much better than civilian agencies at coordination and logistics, as well as their traditional tasks of enforcement and security. Significantly, there is a clear chain of command in the military, which is conspicuously lacking in many international organizations, and these are fundamental components for the smooth running of an operation. Additionally, in early stages, when the situation on the ground is too dangerous for most civilian agencies, the military can prepare the groundwork for political reconstruction, such as enforcing a curfew, demobilizing militias, de-mining, or providing security for elections, and in some cases, even running them.*[3]

Inasmuch as civilian organizations need to better understand and accommodate the ways of military forces supporting them, the military must likewise be prepared to work with international civilians who operate from the converse of the Clausewitzian continuum, this time between politics and peace. It means a well-informed senior command

and staff must now work routinely in a multinational as well as a joint command-and-control environment, more complex and with many non-military players influencing the situation. It also means insuring the types of forces deployed are best suited for these operations (i.e., relatively more combat support and service support versus combat troops), especially as operational focus evolves. Central to this is making sure there are enough of the types of soldiers deployed at the right places and levels, and who can work both sides of the civil-military cultural divide and broker unity of effort.

This chapter first describes the operational CMO environment in Kosovo and provides observations on KFOR CMO, then offers some recommendations on how to improve future operational CMO capability to support unity of effort in peace operations. Summaries of both main points and major recommendations are at the end of the chapter.

The United Nations Interim Administration Mission in Kosovo—UNMIK

UNMIK's political, operational, and resource challenges owe a great deal to the complex political circumstances generated by the international community, which have in turn affected the nature of the overall operation, notwithstanding the peculiarities of civilian organizations explained above. Among key factors:

There is no clear end-state for Kosovo civil administration—i.e, nation building with no clear consensus at many levels on the national entity. Beyond encumbering serious planning, this forced the mission to work around (and often beyond) the legal and administrative boundaries of U.N. Security Council Resolution 1244 in all aspects of civil administration, under the rubric of substantial autonomy.

Although relief funding may have been adequate, transitional administration start-up funding was not—beyond the planning, deployment, and establishment phases of the mission. In addition to exacerbating more typical planning shortfalls, this has contributed to staffing shortages as high as 50 percent, hampered start-up logistics and service support operations, and delayed key relief-related infrastructure repair and public service restoration projects. This encumbers the credibility of the international community in the eyes of the Kosovars—the tactical-operational center of gravity. In addition,

however, this cycle hampers the perception of progress among the constituent publics of the major contributing nations—a strategic center of gravity.

No clear, comprehensive, and tested operational reference for planning, coordination, and execution of civilian-lead interagency civil administration was developed. Due in part to the unprecedented effort in Kosovo, there are really no commonly agreed indicators of success. There has been a great deal of criticism leveled at the U.N. mission for not getting things done fast enough, but in relation to what historical example? (The key lesson here is that it might be worthwhile for the major civil-military players to find at least some consensus on what constitutes success, not in terms of timelines but in terms of accomplishments that trigger political and operational advancement.)

UNMIK staff problems, to include: high staff vacancy rates; a high rate of turnover both to/from and within the mission (as much as 30-40 percent every 6 months); and a dearth of field-experienced junior, middle, and upper management and coordinating staff with sound project management and coordination, problem-solving, logistical, and team leadership skills.

Most significant is the diffuse, uncoordinated international presence caused by the original four-pillar structure under a nominally single executive authority (see below illustration). This is further complicated by the aforementioned plethora of independent and semi-independent governmental organizations and NGOs/PVOs, each with an agenda driven by donor politics. This has led at times to the allocation of resources and efforts to certain relief projects with high visibility while other, less attractive, and longer-term reconstruction needs were left wanting.

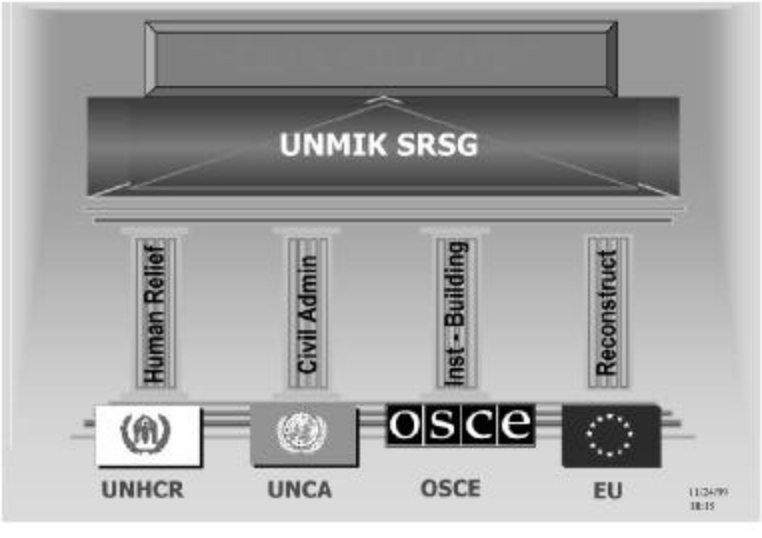

Figure 1. The Four Pillars of UNMIK

For example, in the early phases, the Department of Labor and Employment was frustrated not just in standardizing vocational training and technical accreditation, but in convincing donor organizations to support blue-collar vocational training (e.g., construction, auto repair and maintenance, etc.). Instead, there was an abundance of high-tech automation training in an essentially pre-industrial economy. Among the chief complaints of the then-UNMIK project manager was the lack of a central steering or coordinating structure to better manage these resources, as well as market-oriented labor laws.

According to a 2000 U.S. Institute for Peace report:

> *Given NGOs' independent agendas, varied resources, and different operating systems and capacities, depending on conditions and financing, NGOs could adopt common platforms and networks that preserve organizational integrity. Besides expediting relief implementation, such a system would help NGOs and donors move money away from duplication or efforts to reinvent the wheel and toward disbursal of more goods and services. What is needed is interoperable technology, headquarters to field*

> *and among field organizations and agencies; an interoperational network; archiving methodology; and capacities. This set of tools would address the different capacities, resources, and limitations of the organizations represented in the field.*[4]

Cooperation, coordination and interoperability within UNMIK, particularly in the first year, were not priorities. Even 2 years into the mission, it remained extraordinarily cumbersome to place a telephone call between the main offices of U.N. Civil Administration, or Pillar II, and the Organization on Security and Cooperation in Europe (OSCE), or Pillar III, about 300 yards away. Internal turf wars, documented as early as December 1999, abounded.[5] As explained by a July 10, 2000 KFOR CIMIC liaison officer assessment of municipal registration and elections preparation, "the marriage between the two agencies made an already difficult task even more so." While Pillar III managed the process then, Pillar II controlled much of the budgeting. Thus, although registration and elections were a success in 2000, they were "qualified by poor cooperation between Pillars II and III, and by a highly effective Serb boycott." Tensions likewise existed between Pillars II and IV over such issues as public concessions to local enterprises for commercialization, municipal vs. central Joint Interim Administrative Structure (JIAS) allocation of assets and taxing authority, cost-recovery and assessment, and billing of public utility fees, especially for minority communities. Inter-pillar coordination and cooperation for the Kosovo-wide election in November 2001 was better, but largely because the election was mostly under the aegis of the OSCE.

All this friction in the early going caused overly long and/or uncoordinated decisionmaking cycles and a lack of operationally enabling information sharing and transparency among and within civilian departments. This, in turn, manifested in visibly ineffective public services and infrastructure restoration, undermining the credibility of civil administration in the eyes of the locals and thus encumbering KFOR's intended end state.

Add to this the maximizing approach UNMIK or some of its officials applied to implementing the international mandate under U.N. Security Council Resolution 1244. In fairness, much of this owed to the political imperatives and lack of end-state forced on the mission by the Security Council and the international community. In many circumstances, such

as the physical and economic infrastructure, there was little choice other than to deal with basic problems that originated well before the war and its causes. The overhaul of the dilapidated power generation and distribution system and the revamping of telecommunications are good examples. In addition, it should not be forgotten that a legitimate attempt was made to transition from essentially Communist-era political and economic structures. As in most of the Balkans, there is practically no history or tradition of democratic or market economy experiences to draw upon.

In a number of cases, however, UNMIK staff liberally interpreted their mandate, the rationale being that certain fundamental socio-political-economic issues were best addressed upfront. An example of this kind of social engineering was a controversial rule that 30 percent of the candidates in the municipal and general elections must be female. The thinking was that women represent the largest constituency likely to be most supportive of peaceful interethnic coexistence, though in a steeply traditional, Muslim-oriented, patriarchic Kosovar Albanian society. Another was consideration of inducing EU-standard recycling programs before an effective trash collection and disposal system was in place. In many of their encounters with UNMIK civil administrators early on, KFOR CIMIC officers obtained the strong impression that many UNMIK staff, consciously or not, imposed post-industrial democratic, egalitarian, and free-market norms upon a pre-industrial, tribal culture with a tradition of cheating systems imposed by outsiders through parallel structures. They did not marshal resources first on basic economic necessities and effective public services. Prematurely induced democratic and free market structures without a sound system to provide reliable electricity, safe drinking water, policeman, judges, and lawyers you can trust risks not just a loss of legitimacy of both the international presence and these structures, but disillusionment with democracy and free enterprise in general. UNMIK eventually succeeded to a large extent, albeit more slowly and less smoothly than it could have.

When the new SRSG, Hans Haekkerup, took over from Bernard Kouchner in January 2001, he introduced a ministerial line-management system more suited to the reconstruction-intensive phase the mission was entering, as well as outlined priorities for the fulfillment of the mission's mandate. Streamlining of the bloated JIAS began, along with a process of gradual transfer of public administration decisionmaking authority to local control through joint interim structures as capacity grew. Under the Constitutional Framework hammered out in the spring

of 2001, preparations were made for the Kosovo general election and the final phase of transitional administration at the ministerial level. Recognizing the basic necessity of insuring security and law and order, a new Police and Justice Pillar was synthesized among mainly justice and police components of Pillars II and III. This was also due in part to recognition of the need for improved coordination and cooperation, both within the pillars of the mission and particularly between the U.N. and OSCE components of the mission. However, there was little consensus on how or how much it should be improved.[6]

UNMIK's mechanisms to provide oversight and coordinate activities both within and among the pillars of UNMIK were weak at first, but gradually improved. In addition to more empowered political and economic strategic planning under the Office of the SRSG, interdepartmental working groups and task forces began to proliferate in the summer of 2000, such as the P/DSRSG's Joint Planning Group and the Utilities Task Force. This was due to a maturing process among the staff and their recognition of the need for coordinating mechanisms to deal with increasingly interdisciplinary issues. Intra-UNMIK coordination improved, albeit largely *ad hoc*. It is worth noting that the *Report of the Panel on United Nations Peace Operations*, better known as the Brahimi Report, calls for improved interagency coordination and integrated mission planning at the strategic level (i.e., at UNHQ), the use of information technology as a key enabler to meet mission objectives, and the establishment of a responsibility centers and a electronic data clearing house with pervasive use of geographic information system (GIS) databases.[7] Unfortunately, however, it offers no more concrete proposals for improving operational-level unity of effort.

Some noteworthy coordinating schemes were tried in the early phases. U.N. and donor agencies established an informal Geographic Information Support Team to test the feasibility of utilizing geographic information systems in a collaborative manner in Kosovo. The International Rescue Committee established a shared telecommunications infrastructure, Internet Project Kosovo (IPKO), for use by NGOs, international organizations, and the military with the intention of eventual turnover to local civilians. Also, NGOs created their own council to share information and organize projects. The ReliefWeb and others became valuable Web site sources of summary information and overall analysis, and a Rapid Village Assessment Form was developed to retrieve and share statistical information on vulnerable populations.

All were important steps to improve coordination in the field. However, they either never maintained momentum or were not comprehensive or powerful enough to pull all the information pieces together and synergize activity across-the-board. The most promising coordinating mechanism was the Humanitarian Community Information Center (HCIC), which the U.N. Office of Coordination of Humanitarian Affairs established in Pristina in coordination with UNHCR. The HCIC contributed enormously to information-sharing and database standardization. It pooled GIS data obtained from multiple sources, both civilian and military, and organized them along the lines of the JIAS departments in a conscious (and partially successful) attempt to institutionalize information transparency among the emerging public administrations structures.

UNMIK Strategic Planning, with the HCIC and KFOR CIMIC, led an initiative in 2000 to formalize information sharing. The premise was that if compatible data sets could be readily shared among major civilian and military players in Kosovo, unity of effort would improve as information have-nots (especially NGOs and local institutions) gravitated into the fold. Along with HCIC's Web site-like CD-ROM *Kosovo Encyclopedia*, there was consensus in late 2000 on formats for database inputs, among scores of often redundant and incompatible databases of village demographic, economic, and housing data. The initiative, unfortunately, lost momentum when UNMIK Strategic Planning disbanded in February 2001, although KFOR CIMIC consolidated a village database in early 2001.

Another success story was the close cooperation with KFOR CIMIC, to some extent in information sharing via the daily CIMIC reports and the KFOR CIMIC liaison office at UNMIK, but mostly due to the engagement of CIMIC liaison officers with UNMIK counterparts. This was the real strength of KFOR CMO. Despite occasional setbacks, civil-military interoperability was the most encouraging (and least understood) story on unity of effort in Kosovo. It has been best with the U.N. and its agencies, which can draw on nearly 50 years of institutional experience of joint (i.e., civil-military) peacekeeping not enjoyed by the OSCE and EU, which are relative newcomers. From the daily meetings between the SRSG and COMKFOR and the inclusion of the COMKFOR in the Kosovo Transitional Council (KTC) and Interim Administrative Council (IAC) at the executive level, there were many joint (although uncoordinated) meetings and working groups. In addition to the KFOR CIMIC liaison

office and the biweekly CIMIC meetings, there were: the Joint Security Executive Committee; the Joint Elections Operation Center (JEOC) at OSCE; the KFOR Press and Information Center, collocated with the UNMIK Media Center; the Joint Information Operations Working Group; and the Mine Action Coordination Center (MACC). There was also a loose association between the KFOR Joint Operations Center (JOC) and the UNMIK Situation Center, which maintained a standing operating procedure (SOP) for joint coordination in crisis situations (which was hardly ever exercised).

Despite its handicaps and challenges, UNMIK did better than advertised. In addition to two successful elections won largely by moderates, law and order and nascent economic life are germinating in Kosovo. Col. Michael Dziedzic (USAF), the NDU's Senior Military Fellow for Peace Operations at the Institute for National Strategic Studies, who was the UNMIK Director of Strategic Planning, observed that "piece by piece, the institutional underpinnings have been put in place to guide the political evolution toward a stable future, both internally and intra-regionally."[8]

Even after 18 months, 800,000 (mostly Kosovar Albanian) refugees and displaced persons had returned. Over 100,000 houses were repaired or rebuilt. There were 20 functioning co-headed administrative JIAS departments employing over 50,000 civil servants and 27 democratically elected and 3 appointed municipal assemblies—all beginning the process of transitioning managerial power to local authority. UNMIK Police finally reached its authorized strength of 4,500 international officers by the end of 2000. Meanwhile, the Kosovo Police Service, numbering more than 3,000 of which 16 percent came from minority communities, developed its professionalism. The Kosovo judiciary, with 400 Kosovo judges and prosecutors, and hundreds more lay judges supported by international judges and prosecutors, became increasingly effective.

This list goes on.[9] However, by its own admission, UNMIK's greatest failings were in ensuring the security and freedom of movement of Kosovo's dwindling minority communities and putting an end to politically motivated violence. Still, hardly anyone in Kosovo died of cold or starvation over the first critical winter of 1999-2000. Demilitarization went relatively smoothly as neither the Kosovar Serbians nor the Kosovar Albanians chose to create a hostile environment for KFOR and UNMIK. This enabled KFOR to free up

resources to do other things than separate warring factions in those critical early months, which was ultimately of benefit to both UNMIK and KFOR. Likewise, UNMIK escaped what might have been political and operational disaster. In the first few months, had the refugee situation not been resolved, had the level of violence escalated out of control, and had the Kosovo leadership been much more demanding and critical of the international presence and less cooperative with UNMIK (to some extent, because of the presence of KFOR), the eventual success of the mission would have been nearly impossible. This relatively good fortune obscured the many inherent weaknesses of UNMIK, and even KFOR gave an impression of success that, to some extent, was by design. However, as said in the world of sports, "sometimes it's better to be lucky than to be good."

As mentioned before, military organizations enjoy certain comparative advantages over civilian agencies, namely in: executive decisionmaking; staff coordination; planning and organization; crisis management and other forms of problem solving; logistics; and training. KFOR often became the first option of response because of KFOR's inherit comparative advantage in accomplishing tasks, KFOR's position as the most trusted international entity among Kosovars (according to a series of Gallup polls), and the tendency of international bureaucrats to seek the path of political expediency in complex problem-solving. This threatened to grow into a culture of dependency, as in Bosnia, especially considering the paradox that in order to enable civilian self-reliance, KFOR has had to place itself in a position to jump-start UNMIK. This is a highly delicate situation for the military, even with the most trained and experienced CIMIC officers, and is even more difficult for non-CIMIC or inexperienced military leaders to grasp. In order to compensate for the shortfalls of civilian organizations, strike the fine balance between helping out and being the help, and work towards the end-state, the CMO role in operational level civil-military unity of effort was even more critical to international success in Kosovo.

The NATO Kosovo Force

Complicating civilian challenges to unity of effort in Kosovo has been the presence of a military force not under the executive authority of the SRSG, and burdened by a confederate command and control structure. When understanding KFOR CMO, it is important to understand the

realities of KFOR's mission and organization. KFOR has had essentially two missions. Foremost, as specified in UNSCR 1244, was "to establish a safe environment for all people in Kosovo and to facilitate the safe return to their homes of all displaced persons and refugees" (as well as to protect Kosovo from Milosevic and conduct demilitarization and stability operations in the province). Annex W of NATO OPLAN 31402 identifies KFOR's main effort to "establish and maintain a safe and secure environment for the people of Kosovo, UNMIK, NGOs, and international organizations, thus allowing them maximum opportunity to establish civil control and support within Kosovo." The second mission is in the KFOR CIMIC mission statement: "*within means and capabilities* [italics added], support the SRSG and international organizations and NGOs in Kosovo in their humanitarian, public security, civil administration and infrastructure repair tasks… *with a view to achieving the earliest possible transfer of non-military tasks to appropriate civil organisations* [italics added]".

In other words, KFOR was to coordinate with and support UNMIK. The May 10, 2000 COMKFOR General Directive 1 recognized that "the success of KFOR is inextricably linked to the success of UNMIK," and saw the need "to eliminate KFOR's requirement to support critical civil functions and/or tasks." The CMO mission has in many ways been at center stage at KFOR because: the refugee crisis resolved itself quickly; demilitarization went relatively smoothly; the less than violent change of leadership in Belgrade; civil administration has met enough success to contribute to a slowly emerging virtual cycle of stabilization; and security issues entail complex civil-military responses.

CMO, in turn, has been too encompassing and complex for the KFOR J9 to orchestrate, partly because CMO has pervaded the activities and elicited the subject matter expertise of other staff directorates such as the Legal Advisor, Engineers, et al., vis-à-vis critical civil-military aspects of peace support operations. It was also partly because it has been an opportunity for non-CIMIC directorates to find gainful employment during an operation other than war—though it would have been counterproductive not to include them. Particularly in the relief-intensive phases of Operation Joint Guardian, it would thus have been unrealistic for J9 to supervise all KFOR CMO, despite the current draft of NATO CIMIC doctrine calling for CIMIC to "oversee the conduct of civil-related activities by military forces, including the provision of requisite functional specialists."[10] Besides, with only 20 to 25 personnel,

many of whom had little or no CMO training or experience, J9 has been stretched too thinly to cover such a huge breadth and depth of operational responsibility. Nonetheless, although J9 has lacked the rank structure and means to exercise the necessary span of operational CMO command and control, it has fortunately remained an operations rather than a support function in the HQ KFOR staff (see the below HQ KFOR staff chart).

In any case, in addition to a strategic vision for the employment of military forces for CMO, translated into operational terms by a campaign plan, a formal structure, or a SOP for operational CMO staff coordination is even more important. Unfortunately, neither NATO nor U.S. doctrine nor KFOR SOPs provide specific guidelines for coordinating operational-level CMO for combined staff that is largely inexperienced or untrained for CMO. Nor is there a CMO coordinating structure such as a Combined Joint Civil-Military Task Force (CJCMTF) or Joint Civil Commission (JCC) as employed in Bosnia, although KFOR's Annex W calls for deployment of a CJCMTF, "if a founded requirement for a CJCMTF emerges."

The chart below helps illustrate how CMO missions at HQ KFOR had been split up among a number of directorates beyond J9, not just because of national interests played out at that level. While J9 conducted most civil-military liaison and provided practically all of HQ KFOR's CMO expertise and assessments, separate to this was a Civil Affairs directorate in charge of an independent group of two score or so French CIMIC officers largely dedicated to support of economic development. J5 provided operational planning and project management assistance to UNMIK on special issues, while J3 Provost Marshal conducted liaison with police forces, the Legal Advisor with UNMIK Legal Affairs, etc., all along lines of staff expertise. The Joint Implementation Commission (JIC), with the important job of transitioning the Kosovo Liberation Army into the Kosovo Protection Corps, has had only sporadic coordination with the J9 staff at the action officer level, as has the other staff.

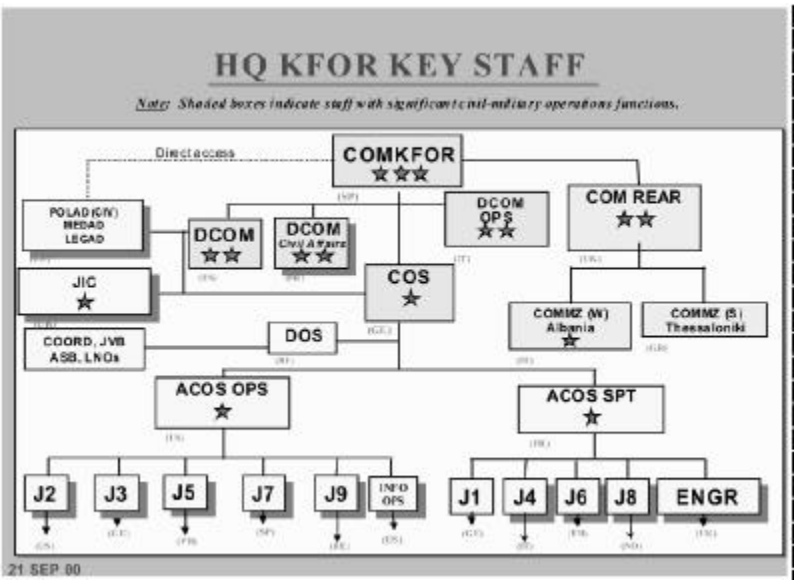

Figure 2. HQ KFOR Key Staff

With no clearing mechanism or steering authority, action officers at times worked redundantly (or even at cross-purposes) with the UNMIK staff. And not shown on the chart is the Kosovo Development Group—nearly 20 (non-CIMIC) officers sent by SHAPE who reported to EU offices within the regions. Its major economic development assistance tasks included reconstruction planning of technical and funding needs, development of local capacity for reconstruction implementation, and reconstruction project coordination.

Another striking observation of operational CMO in Kosovo: Although a CIMIC campaign plan was drafted during the first rotation of KFOR (KFOR1), it was not really implemented. (Many KFOR CIMIC officers had no knowledge that there was a KFOR CIMIC campaign plan.) Further rotations attempted to resurrect the CIMIC campaign plan at J9, but as before it did not receive the appropriate command emphasis, to the point where implementation at so late a phase became academic. Though not as systemically flawed as UNMIK, KFOR's record on passing on institutional knowledge during transfer of authority between KFOR rotations has not been infallible. Further, as reported by the MNB East G5 in May 2000:

KFOR has not provided a plan to coordinate and synchronize CMO activities between the MNBs…KFOR provides broad CIMIC guidance and intent along several lines of operations: freedom of movement, humanitarian support, public safety, civil administration, infrastructure repair, economics and commerce, and democratization. Measures of effectiveness and end-states for the lines of operation are not specified. KFOR produces a daily SITREP based on reports provided from each MNB and meetings are held at HQ KFOR biweekly between CIMIC chiefs. Assessments of the information and recommended/ directed actions have not been provided…

CMO activities within MNB(E) are hampered by the absence of an overarching campaign plan and means for measuring the status and effectiveness of the CIMIC lines of operation at the municipal/ maneuver unit level. The maneuver unit's focus is providing a safe and secure environment, and in executing that mission they perform limited CMO activities such as sponsoring town meetings, coordinating with international organizations/ NGOs, etc. The focus of the Civil Affairs teams is performing extensive CMO activities along the CIMIC lines of operation to support the Task Force Falcon Commander's intent and the maneuver units in their AORs. The potential for disunity of effort where the CMO activities intersect and overlap exists because CMO actions are not synchronized by an integrated campaign plan. Furthermore, neither Civil Affairs nor maneuver units have been provided phased objectives with means to measure the effectiveness of CMO activities… An overall CMO campaign plan for MNB (E) does not exist. This is due in part to the lack of guidance and direction from higher headquarters in Pristina. Even though our teams are engaged in CMO activities on a daily basis, there is no clear statement of what the priority/

> *main effort actually is. This being said, many of the CMO activities are reactionary (based on the current situation) rather than deliberately planned and synchronized to attain an overall objective.*

There is a second important reality to CMO in KFOR. Although UNSCR 1244 says an "international security presence with substantial North Atlantic Treaty Organization participation must be deployed under unified command and control," the balkanized approach to CMO both at HQ KFOR and among the MNBs reflected overall problems in military unity of effort in Kosovo. HQ KFOR has been a de facto coordinating, rather than a command and control, headquarters. The MNBs are relatively independent and thus have approaches to CMO more in line with national political priorities and military operational styles. In addition, national contingents have often sought to involve NGOs or government-sponsored relief agencies from their own countries or regions rather than either adhering to the lead agency concept (in this case, UNHCR) for relief coordination, or based on actual needs in sector. Beyond inappropriate use of resources, this risked the impartiality of the military. On the other hand, there were occasions where CIMIC helped steer clear of excessive village chief or clan involvement in the selection of relief based on local politics rather than need, despite the absence of overall operational guidance.

As regards national approaches to operations, from a CMO standpoint, MNB(C) may have had the most appropriate approach in Kosovo to integrating CMO with PSO, based to a great extent on the British experience in Northern Ireland. The concept is that CMO is integrated into operations (especially security operations) and that every soldier in a peace operation has a CMO mission. Hence the small number of dedicated CMO personnel at MNB(C); a dozen or so CMO officers mainly at G3 (CMO) at Brigade and battalion HQs. Presence patrolling is conducted almost entirely dismounted, especially in built-up areas, and through the same villages and neighborhoods by the same soldiers, much like beat cops, with an emphasis on direct contact with local civilians. "This is what we do well," said Brigadier Robert Fry, MNB(E) Commanding General, in January 2001. "What the Americans do well is provide a guarantee of overwhelming force. This [situation] plays to our strengths in ways that it does not necessarily play to American strengths."[11] The Norwegians and Swedes, who have also had extensive peacekeeping experience under the U.N. flag, applied similar methods.

Unlike most KFOR soldiers, however, Scandinavian troops tended to have full-year tours rather than for 6 months. This contributed to a great deal of operational stability and solid civil-military relations. Although longer tours of duty for CIMIC personnel are operationally ideal, political or administrative realities (e.g., for U.S. Army CA forces under Title X of the U.S. Code) make this difficult. (Still, a counter-argument is that longer tours ultimately economize demand on U.S. CA forces and ease, for example, tensions with these Reservists' civilian employers, as tour frequency would lessen.)

MNB(N) has been French-led and employed as many as 80 CIMIC personnel. As in all the MNBs, the French operate CIMIC centers (not necessarily to be confused with civil-military operations centers, or CMOCs) throughout their area and place emphasis on assisting locals through these venues to obtain assistance from either the UNMIK municipal administrators or NGOs/PVOs in the area. With a much more difficult and explosive situation, particularly in the Mitrovica region, MNB(N) soldiers, reinforced at times by other MNBs, maintain a more standoffish posture with the locals. They have been criticized for apparent unwillingness to place themselves in danger on the behalf of Kosovar Albanians, but were even-handed in responding to the highly risky and politically charged environmental disaster in the Zvecan lead smelter in August 2000—a capstone KFOR-UNMIK joint security operation.

MNB(W) has been headed by the Italians, who have had the least CMO experience among the MNB lead nations. With about 40 CIMIC personnel, the Italians have applied CMO much the same way the French do, with some concentration on anticrime operations with the assistance of the *Carabinieri*. In addition to dealing with the inter-Kosovar Albanian political violence and criminal activity which peaked in the months before and just after the municipal elections, and in addition to intense illegal weapons search and seizure operations with UNMIK Police, MNB(W) performed a number of military civic action activities, mostly in support of humanitarian relief and reconstruction efforts. MNB(W) also deployed company formations with anti-riot training which were very useful in containing civil disturbances in Mitrovica January-February 2001.

MNB(S), which has employed as many as over 100 CIMIC personnel, concentrated on its unique interpretation of reconstruction (i.e., housing, public service, and utilities infrastructure) driven by the German strategic interest of repatriating as many Kosovo refugees currently in

the Federal Republic of Germany as soon as possible. Their accomplishments have been impressive—the communications, transportation, and agricultural infrastructures in the Prizren region are among those in the best condition in Kosovo. In addition, the Germans have tended to employ their forces, such as engineers, more in direct support or supervision of reconstruction and infrastructure in military civic action projects. This seems to be due to the longtime German experience in civil emergency operations planning under the Wartime Host Nation Support concept of the Cold War.

MNB(E) used its nearly 60 U.S. Army CA personnel (reduced to about 40 in 2001), plus other CIMIC soldiers, to facilitate civilian agency success through programs such as the Village Employment Rehabilitation Program with the U.N. Development Program. In addition to conducting over 500 village and school assessments and maintaining a database, CA teams performed hearts-and-minds projects designed to promote overall military mission legitimacy with target audiences (linked with PSYOP and other information operations in sector through, for example, the School Adoption Program). They have also assisted UNMIK- and NGO-led capacity-building projects such as business seminars for small and medium enterprise owners (again, considering CA personnel are Reservists, many of whom have business experience of their own). And, as in all other MNB sectors, the U.S., Polish, Russian, and Greek forces provided direct and indirect support of the myriad humanitarian relief activities, many of which were funded by government agencies from their own countries or by like-language NGOs/PVOs.

Next to MNB(N), MNB(E) has had the most difficult situation regarding Kosovar Serbians and other minority communities pocketed throughout the region, compounded by the activities of KLA-related paramilitary forces stirring up tensions with the FRY in the Presevo Valley and the Former Yugoslav Republic of Macedonia. CA teams became directly involved in conflict negotiation and crisis response when riots broke out in Strpce, Vitina, and Kamenica over the perceived failure of KFOR troops to protect Kosovar Serbians and other minorities. Unfortunately, however, their involvement and consideration in the operational level planning and coordination of UNMIK-led strategies to combat this key problem in Kosovo were somewhat limited.

The embarrassing situations involving the behavior of certain combat units toward civilians in early 2000 reflected the inadequate training and preparation for PSO. It reinforced an important point brought up

earlier about appropriate task organization for CMO-intensive peace operations. Following the successful deployment of the 49th Armored Division of the Texas National Guard in Bosnia, the U.S. Army decided that about 50 percent of its combat formations to be deployed to the Balkans would be from the National Guard. By virtue of their civil-military tradition and civil disturbance training, they are in many ways better suited to post-conflict peace operations. It may have also been useful during the early phases of the operation, to deploy more military police, combat and civil engineers and, of course, CA/CIMIC forces on the ground.

It also reflects that a number of U.S. tactical commanders still maintain a separatist attitude towards CMO, partly due to a visceral resistance to PSO which may, however, be changing as more and more officers point out the added-value effects of PSO deployments to training and readiness, as well as developments accelerated by the aftermath of September 11, 2001.[12] As recommended by the 411th Civil Affairs Battalion Commander in the summer of 2000, "CMO must be an integral part of the maneuver commander's plan and the Civil Affairs team must be part of the that planning process. With a coordinated effort, CA can directly and/or indirectly assist the maneuver commander achieve the tactical objective." Again, fortunately, CMO is gaining greater importance as an operational component, and operational doctrine and senior officer and command and staff training in the U.S. Army has begun to reflect that.

Still, perhaps another indicator that CMO is not yet seen as a key operational determinant, rather than just another battlefield operating or support system, has been the continued U.S. obsession with force protection. When U.S. troops left Camp Bondsteel and other locations in relatively large, heavily armed, mounted formations for force protection reasons, their appearance as such often intimidated as much as reassured the local populace. It communicated the ostensible American fear of casualties. It has been remarkable, considering force protection constraints (such as the requirement for four-person CA teams to operate in two tactical vehicles with two persons each), that these teams accomplished as much as they did. Unable to multitask, team members had to work sequentially with all other team members, always donning the familiar body armor, which in addition to intimidating local civilians, made it difficult for them to distinguish CA soldiers from the combat troops. Although other U.S. Army Special Operations Forces

under the operational control of the Task Force Commander had not been under these constraints, CA forces were.

CMO at the tactical level could nonetheless be described as a success story. KFOR CIMIC teams were instrumental to the coordination of humanitarian relief, capacity-building and reconstruction efforts, as well as to the registration and elections process in Kosovo. In every region, the level of cooperation and enmity between KFOR and UNMIK at the municipal and regional levels, as reported by both KFOR CIMIC officers and UNMIK officials, was quite strong. No doubt KFOR has been instrumental to leveraging the success of the international mission in Kosovo, albeit often doing so by risking the culture of dependency between KFOR and UNMIK and between KFOR and local communities.

This could have been tempered by better coordination and more explicit CMO guidance from HQ KFOR. Again, as the 411th CA Battalion Commander observed:

> *CMO capabilities and activities in each MNB vary based upon the regional situation and CIMIC personnel strength, skills, training, and national doctrine. Those differences present significant difficulties when CMO coordination between MNBs is considered. However, they also present potential opportunities to level unique resources to meet specific regional needs. The process for collecting and transferring information required to identify needs exists—more emphasis on assessments and coordination is needed to achieve a common end-state that is defined by measures of effectiveness at the regional level.*

Emerging NATO CIMIC doctrine under the current draft of SHAPE AJP-9 is undoubtedly a step in the right direction and begins to provide an overall concept for the application of CMO for multifarious NATO forces deployed in a joint-combined PSO environment. With further development, especially in operational and tactical CMO concepts and in CMO techniques and procedures, AJP-9 should go far to fulfill this need—for NATO forces.

This is even more relevant at the operational level, considering especially the varying levels of training and background qualifications of CIMIC

officers from the contributing nations. KFOR CIMIC liaison officers had often very good supervision and guidance from the Chief Liaison Officer and played a crucial role in, for example, coordinating the repair and maintenance of the dilapidated Kosovo power network. However, the many less experienced and qualified liaison officers working in more political areas would have benefited from a reference outlining their mission and providing overall operational guidance in the form of specified and implied tasks, with CMO success indicators to measure progress and provide guidelines for reorganization and retasking. Such a reference would have also provided a vehicle to incorporate the observations and lessons of their predecessors. It is critical for these officers, whose mission scope often goes well beyond typical liaison functions, to have a firm grasp of their mission, how they fit into the overall CMO scheme of maneuver, and under what CMO rules of engagement they should operate, regardless of leadership types. In addition to articulating these roles and responsibilities in NATO CIMIC doctrine, SHAPE and the contributing nations need to more consciously assign CIMIC officers with greater PSO and combined/joint staff experience, CMO-related training and skills, experience in working with international organizations/NGOs, and English-language oral and written communications skills. In addition, deep battle troop-to-task analysis of specific CMO skill sets for specific phases should have been conducted in order to allow SHAPE to coordinate contributing nation identification of personnel at least 3 months before the start of the next deployment rotation.

The end of the second winterization operation and the departure of many NGOs in the spring of 2001 signified the end of the relief-intensive phases of UNMIK. UNMIK then moved towards a provincial election with defined central institutions to begin the final phases of transferring public administration authority and responsibility to the local leadership (approaching fulfillment of UNSCR 1244's envisioned substantial self-autonomy). With this change, the role of KFOR as an enabler of UNMIK success also changed and therefore the kind of CMO personnel required was different. For example, those who could facilitate political, public administration, and economic capacity-building instead of those who can coordinate humanitarian relief logistics became more useful and more difficult to find.

At any phase, the crux of facilitating unity of effort in a peace operation is establishing and maintaining transparent information flow both between

and within the civilian and military communities, early and often. As mentioned above, there were a number of very good mechanisms for civil-military coordination and information sharing in Kosovo. Although each could have improved, the real challenge was coordinating these mechanisms. A comprehensive operational architecture for civil-military unity of effort in Kosovo was also lacking. As mentioned, this is not adequately addressed in the Brahimi Report, nor covers civilian and military communities in either NATO or U.S. doctrine, past or present. And although CIMIC centers existed at the tactical level, they were not CMOCs in the fullest sense, and there was no CMOC, CJCMTF, or similar process at the operational level to actively coordinate and help civilian executive leadership translate political intentions into operational action, to manage and phase the plethora of interdisciplinary relief to reconstruction activities in Kosovo, to synchronize them with military efforts, and to measure and evaluate progress.

Indeed, the HCIC was a very good information sharing and database management platform, but it was no CMOC. A year into the mission, the J9 established a KFOR CIMIC liaison office in the UNMIK building to enhance the effectiveness of the CIMIC liaison mission. First, the office provided a one-stop shop for UNMIK clients and thus intensified information and coordination flow as well as problem-solving turnaround. Second, by doing so, it bolstered the presence of KFOR, albeit discreetly, and thus CIMIC and KFOR's legitimacy there. Third, it improved real-time coordination among KFOR CIMIC liaison officers. Fourth, it provided a soft information coordination complement to the HCIC. Last, because the contact information remained the same (phones, e-mails) and local coordination databases are independent of personalities, it led to greater continuity of liaison and ease of transition despite continual rotations of liaison officers. Even after more than 2 years, however, the full potential of this coordinating mechanism was not yet realized.

The CIMIC report: For many reasons, this daily report was the most effective yet least understood item in KFOR's CMO toolbox. Beyond the report's main purpose to inform SHAPE and the KFOR staff on IC activities in Kosovo, the report turned out to facilitate civil-military unity of effort. First, it promoted CIMIC mission legitimacy by providing a single source of information and assessment within an overall context on the activities of UNMIK and the MNBs among all pillars and departments and around the region. (It also provided transparency to

UNMIK on what KFOR was reporting about UNMIK.) Second, it enabled cross-pillar, interdepartmental, and inter-staff coordination, not just because the CIMIC report had been distributed among executives and staff chiefs, but most importantly among IC project managers often starved of the necessary information to solve problems, manage and coordinate projects effectively, and keep things moving. (This is of similar value to other KFOR and MNB staff officers). Helping to mitigate this serious operational shortfall, the CIMIC reports have thus been an important multiplier for CIMIC support of the KFOR end state.

Third, the CIMIC report would have been a vital influence operations tool, beyond enhancing knowledge, in helping to shape operational perceptions among UNMIK staff and key players. This process was interrupted in the critical months before the October 2000 municipal elections by SHAPE's instruction to suspend distribution to UNMIK, due to the (technically correct) enforcement of a policy that no NATO document, regardless of classification, is releasable to non-NATO entities without the expressed permission of the North Atlantic Council. After nearly 2 months of interruption, SHAPE authorized resumption of distribution within certain guidelines—i.e., the document could not be provided to civilian agencies outside Kosovo. Unfortunately, much momentum was already lost, as the KFOR3-4 rotation occurred just as redistribution was being approved. Even though J9 reworked and improved the document considerably during KFOR5, and posted it in the UNMIK Intranet Web site, it was not well advertised, difficult to find in the site, and not regularly updated.

There were some valuable lessons. First, because transparency between the civilian and military communities synthesizes civil-military unity of effort, a general policy and guidelines for distribution of CIMIC reports and other NATO information products in such operations should be built into coordinating CIMIC doctrine. Second, to improve CIMIC unity of effort, HQ KFOR would have been wise to have J9 collect report inputs from other HQ KFOR staff with CMO responsibilities. This would maximize the advantages of the CIMIC report for SHAPE, HQ KFOR, and UNMIK. In addition, it would be an excellent means to communicate KFOR's CMO operational focus to civilian and military players. Finally, it would provide an important executive management tool to help coordinate operational CMO among the HQ KFOR staff.

The CIMIC report case is a good example of the difficulty of information sharing through publication of reports (and there have been scores of

them in Kosovo, many of them redundant and very few of them synchronized). Report synchronization would be an excellent means of improving soft information transparency, especially through networks, Web sites, and other information technologies to create, for example, a Kosovo reports Web site. The trick, when objectively feasible, is to wean reporting organizations away from exclusivity and a sometimes excessive concern with information security, especially when it is the result of the information-is-power syndrome prevalent in civilian and military bureaucracies.

Besides, information transparency, if appropriately managed, would also enhance CMO's ability to support two central military missions in a PSO: security and information operations, both of which have underdeveloped CMO roles.

CMO and Security Operations

AJP-9 describes two mission areas—support to the force and support to the civil environment. As mentioned, the primary military role in Kosovo or any other PSO is to provide overall security. In terms of supporting the force, CMO has a crucial role in supporting the security mission, mainly by providing information gained through CMO to the intelligence effort and through CMO support of the rule of law and joint civil-military anticrime operations.

There are some U.S/NATO doctrinal discussions of the role of CA/CIMIC in support of intelligence operations (less so with NATO doctrine). However, there is little on how CA/CIMIC can support security operations, nor specific operational or tactical lines of coordination in regard to support of intelligence operations. Yet, especially in PSO, most relevant information is derived not from signals/electronic or other high-tech means of intelligence-gathering. Rather, it is derived through the labor-intensive process of personal observation and contact. About half of information on the ground political situation or persons of interest (especially international staff) can come through CMO. A few CIMIC liaison officers in the early rotations provided formal and informal reports and assessments on security-related matters to the intelligence/operations staff at HQ KFOR, to include a CIMIC assessment of the minority community security situation. Likewise, they involved themselves in KFOR-UNMIK discussion of joint security issues such as minority community security or political violence. They

also played a key role in facilitating information sharing between KFOR and UNMIK security staff. This was, however done at their initiative and by virtue of their experience, training, and sensitivity to the criticality of this CMO implied task. It was not necessarily repeated in further rotations.

The operational relationship between CMO and intelligence is highly sensitive, yet unavoidable in a PSO for the reasons suggested above. While the U.S. Army Civil Affairs community insists that, in order to protect the credibility of their operations, CA personnel should not be involved in intelligence gathering in any way, the intelligence community may be moving towards cultural intelligence.[13] Regardless, these two communities need to establish doctrinal divisions of responsibility and operational lines of coordination to help each other while staying out of each other's way. If not, intelligence operators in the field could also place CA/CIMIC forces and their mission at great risk. Specifically, both the J2/G2 and J9/G5 should have guidance to pre-coordinate Commander's Critical Information Requirements (CCIRs) with Primary Intelligence Requirements (PIRs) and discreetly share information.

Because of CA/CIMIC's unique network and access to information, it could be an important provider of insights on the political-military situation as well as a conduit of operational translation of political-military imperatives and guidance. Establishment of an Operations Analysis Branch (or Task Force) at HQ KFOR, similar to what the Allied Rapid Reaction Corps used during KFOR1, should have been institutionalized. Led by the political advisor, but including J2, J9, and information operations plans and operations staff, it could have jointly analyzed the political-military situation for the commander and articulated his guidance to the MNBs and other operators in the field. The reality at HQ KFOR has been different. The Political Advisor, J2, and J9 coordinated or exchanged information occasionally, as situations have dictated. Very few threat or risk assessments, for example, prepared by KFOR J-2X consciously included or solicited political-military or CIMIC inputs. Yet, intriguingly enough, a great many of these analyses either had a high political-military or civil-military content or, even more ironically, were assessments of political-military or civil-military issues or events.

CA/CIMIC can also provide invaluable support to the force through support to the civil environment missions, particularly in helping UNMIK

establish the rule of law through an effective justice and criminal prosecution system and in anticrime operations. Until mid-2000, CIMIC officers, working with Legal Advisor officers, helped UNMIK establish a courts and criminal prosecution system. The legal expertise of the Legal Advisor complimented the eclectic operational and civil-military sensitivity of CIMIC, a well as fostered the necessary linkages with political and other relevant civil administration staff. When the only CIMIC officer with a legal background left the mission in the summer of 2000 without a replacement, the Legal Advisor completely took over this civil-military task. Likewise, J9 maintained liaison with UNMIK Police until the CA soldier with a police background departed at the start of KFOR3 and the J3 Provost Marshal took up the mission. When UNMIK established its Police and Justice Pillar in mid-2001, J9 was unprepared to provide CIMIC liaison officers with the appropriate background.

The role of CMO in support of anti-crime and anti-terrorism operations, as with intelligence operations, has not been well understood or defined at KFOR, nor all that much better among U.S. forces. This is especially true when dealing with organized crime. Organized crime and low-level terrorist networks are not only imbedded in the cultures of many ethnic groups in the Balkans, e.g., the clan culture and informal laws and norms of the Kosovar Albanians. It is well networked with regional and international organizations. In the various UNMIK-led initiatives to protect minority communities and build their confidence to remain in Kosovo, the CA/CIMIC role has been minimal, especially in terms of crime mapping, information gathering, or information operations, or for promoting civil-military unity of effort. UNMIK Strategic Planning identified urgent need in 2000 for multidisciplinary civil-military criminal analysis teams at both the operational and tactical levels, but they never materialized.

J9 had no consensus on the conduct and database formatting of village assessments by tactical CIMIC elements or surveys of petrol service stations. UNMIK felt CA/CIMIC elements could have been very helpful to assess the construction of housing and commercial facilities for property registration and tax purposes in cooperation with municipal administrative offices, but more so to minimize illegal, unsafe, or environmentally hazardous construction. Assistance to this effort, however, was also incidental. (As in Bosnia, petrol stations in Kosovo are often front operations or coordination centers for organized criminal activities such as the drug trade, money laundering, and stolen vehicles

and fuel. In a stretch of Kosovo road less than 30 km between Pristina and Urosevac/Ferizaj, by the autumn of 2001, the number of operating fuel service stations expanded to 17.)

Just as with intelligence operations, a clear division of responsibilities and techniques and procedures need to be determined *a priori* in CMO support to both judicial intervention and anticrime operations, for many of the same reasons. Keep in mind that a great many U.S. CA personnel have legal and law enforcement backgrounds as civilians. Especially considering future military PSO in the wake of September 11, 2001, this resource should be exploited, in addition to institutionalizing the complementary relationship between CIMIC and military legal and police staff to help establish an effective criminal prosecution system.

One further note: There was no institutional involvement of J9 in the KFOR JIC and in the conversion of the KLA into a civil emergency preparedness and disaster relief type organization. Reservist U.S. CA forces, with their keen sense of civil-military relations in a democratic society, as well as NATO officers with Partnership for Peace military-to-military mission experience, would have been ideal consultants to the KPC under the JIC. Yet, none of the former and very few of the latter were assigned to the JIC.

CMO and Information/Influence Operations

More than with security operations, CA/CIMIC assets in Kosovo were underutilized in information operations, particularly at the operational level. The overwhelming concentration for KFOR information operations was on use of PSYOP and Public Information assets to determine operational priorities and messages and to plan, organize, and execute information operations campaigns. As in U.S. doctrine, information operations tends to restrict itself largely to offensive and defensive operations involving information systems, rather than a more holistic approach incorporating the full spectrum of influence operations, of which CMO as well as PSYOP should be a part.

Again, at their initiative, some J9 officers worked closely with KFOR information operations and PI staff. They helped maintain a liaison and facilitated information sharing with both UNMIK Department of Public Information and with other key international interlocutors at KFOR-sponsored information operations working group meetings. In addition,

they became associated with the UNMIK Strategic Planner's initiative to synchronize information and data formats, in this case to facilitate information transparency among the international community. In one instance, a KFOR CIMIC liaison officer was at the heart of planning the highly risky but highly successful October 2000 Public Outreach Initiative, conducted personally by the SRSG at various town hall meeting settings to legitimize the upcoming municipal elections and lay the groundwork for the democratization process. His ghostwriting of the action plan is a typical case of a KFOR CIMIC liaison officer performing atypical, non-liaison tasks.

The international civilian community, as well as the local staff working with them, are critical opinion leaders, sensitive to the pulse of everyday life and the public mood, and are thus themselves a key target audience for information operations—astride the operational center of gravity of the mission. This is not to suggest that UNMIK should have been manipulated. The point here is that the full value and potential role of the international civilian community in perception management and influence operations was unrealized. A good example of this is the near-hysteria during the winter of 2000-2001 over the possible environmental and public health effects of contamination by the NATO use of depleted uranium munitions. With all the attention paid to the international and (eventually) local media, the substantial international community in Kosovo, both as a legitimately concerned community and an important opinion group, was almost overlooked.

There is significant operational value added in close information operations; CMO synchronization, chiefly because, as pointed out in regard to security operations, CMO at the operational level enjoys a distinct advantage to see the information landscape and help craft strategies, assess risks and analyze courses of action, and develop messages. This is mainly by virtue of its liaison with the UNMIK staff or informal contacts via the well-networked rumor mill of both international and local staff. In this regard, CMO estimates and assessments can contribute greatly to the information operations campaign process in terms of messages, target groups, media selection, and monitoring key group/leadership reactions to information operations campaigns. Moreover, CMO can contribute enormously to joint civil-military information operations synchronization and information transparency among designated and non-designated information operations players. At the tactical level, in coordination

with PSYOP and public affairs operators, CA/CIMIC operators can be a multiplier as well as a direct contributor through civil information activities as part of influence operations. At the operational level, CMO's central role is in the collection and management of soft or soft-power information, or what could be simply called knowledge. The KFOR CIMIC meeting is another good example of how CMO can help shape the information operations battlefield through its contacts with information and knowledge brokers, although the meetings only sometimes went beyond show-and-tell discussions of topical issues. The most efficient vehicle, however, was the CIMIC report. In addition, one should not overlook the value of coordination with security staff as regards, for example, information on the ground situation. Thus, the CMO link between security and information/influence operations. Again, in PSOs, the battlefield is essentially the hearts and minds of various groups contingent to key tactical, operational, and strategic centers of gravity, and information is the terrain of such power. CMO is in the hearts-and-minds business.

Live-Lesson Learning

The Brahimi Report makes an excellent point on live-lesson learning, namely:

> *Lessons learned should be thought of as a facet of information management that contributes to improving operations on a daily basis. Post-action reports would then be just one part of a larger learning process, the capstone summary rather than the principal objective of the entire process*.[14]

UNMIK has not been different from any other U.N. mission in that there has been no lessons learned or best practices staff dedicated to capturing acquired operational knowledge and instituting procedural improvements in the field. Nor is there any formal method for staff in general to capture and collate this knowledge. KFOR's system is more organized, but not by much. Nonetheless, military staff are inherently more disciplined in this matter.

It is also important to keep in mind that a lesson learned is just a lesson until the identified improvement is implemented. CA/CIMIC staff in particular, due to the sensitivity, complexity, and knowledge-intensity of their work, require greater transition times and more thoroughly

organized hand-overs between successive rotations than most staff. In this regard, CMO could be instrumental in facilitating joint live-lesson learning with the IC. This could be another major role of an operational-level CMOC in conjunction with the HCIC, the UNMIK Strategic Planner, and the U.N. Military Liaison staff at the Situation Center. Just as with a Kosovo reports Web site, a Kosovo lessons Web site with input format templates could have been established to cast a wide net for lessons among all kinds of players at all levels.

Perhaps the most valuable lesson of CMO in Kosovo is that, from an operational standpoint, it is at least as important to have adequately trained and qualified personnel as it is to have up-to-date doctrine. Soldiers often forget doctrine. However, they less often forget the training that shapes their instincts in the field. There is a tendency, particularly at the agency level, to focus after-operations reviews on doctrinal changes. The first question, however, is whether anyone on the ground is actually reading or applying the doctrine, or even if they are aware of it. Six months after publication of the latest version of FM 41-10, for example, U.S. Army CA officers at HQ KFOR were not even aware that it had even published, let alone obtained a copy (which took another four months due to Web site accessibility gateways). Second, the most elegant and precise doctrine is of limited use to the uninitiated—and the field is not always the best place to learn the complex concepts of CMO while trying to implement them.

At the operational level, this takes on even greater significance. Yet, CA/CIMIC officers have little advanced training opportunities beyond basic orientation courses and training, such as that provided by the U.S. Army Civil Affairs and Psychological Operations Command (USACAPOC) at Ft. Bragg, NC or the NATO CIMIC School at Oberammergau, Germany. There is a definitive need for advanced, interdisciplinary training in environments including both military and civilian practitioners of peace operations in environments that not only provide opportunities for cross-familiarization and cross-pollination, but also the creation and exercise of joint procedures and plans for peace operations deployments. Such training would translate into improved interdisciplinary coordination and cooperation in the field, a shorter and less steep learning curve in the critical early phases of peace operations, and the growth of more operationally well-grounded future peace operations executive leadership, both civilian and military.

On a more practical level, to use a baseball metaphor, even the best and most experienced CA/CIMIC officers have two strikes against them when they first report to many of the commands they support. First, they are not one of them (meaning they are either not in a combat specialty, not from the commander's unit, and/or are a Reservist). Second, they are involved in something many commanders do not inherently understand and feel uneasy about. The third strike is when a CA/CIMIC officer asks what he ought to be doing, rather than explaining what he can do to support the force and the extended mission (which implies an ability to conduct mission analysis and understand the CMO mission). Therefore, the first CMO mission is to establish legitimacy with the supported command. The untrained, unqualified, and inexperienced CA/CIMIC officer is not as likely to connect with the unit to become a multiplier and an enabler.

The Disappearing U.S. Operational Civil Affairs Presence

U.S. Army Civil Affairs presence at HQ KFOR at the outset of the Kosovo operation was robust—nearly two dozen CA troops were deployed under mobilization orders with the ARRC in Rotation 1. That presence decreased to about a dozen in Rotation 2. In Rotations 3 and 4, it plummeted to three. In Rotation 5, it dwindled to one, rising slightly in Rotation 6.

The reasons for this drop had more to do with the institutional peculiarities of USACAPOC and particularly the Special Operations Command, Europe (SOCEUR) in Stuttgart, Germany. Bureaucratic politics and budget-driven deployment limitations drove the determination of the CA footprint, rather than operational needs (not well documented by KFOR J9 to SHAPE). Yet, U.S. CA operational presence was even more scrutinized than the tactical CA forces at MNB(E). With every rotation, the U.S. CA footprint at HQ KFOR had to be validated for the next rotation as if from scratch. It was one thing to have to rejustify in detail even a mere 3 U.S. CA soldiers out of 25 to 30 NATO personnel at J9 (about 10 percent). It was another to explain the obvious, such as the fact that these personnel were in support of a core CA mission, namely (per Joint Publication 3-57 and FM 41-10), to provide CA support to civil administration. When interviewed by a visitor from SOCEUR in

September 2000, the (non-U.S.) J9 Chief Liaison Officer openly expressed J9's appreciation of the U.S. CA value-added.

For one, he argued, they are among the only trained CMO personnel at HQ KFOR. Second, they bring all the other advantages that U.S. Reserve CA forces bring at the tactical level (and more, because of their relative experience compared to most tactical CA personnel) by virtue of their civilian education and background. Third, their European counterparts, most of whom in addition to having neither CMO training nor CMO field experience nor civilian experience, often have little or no previous deployment or PSO experience, or theater-level staff training or experience. Last, with the exception of an occasional British officer, they are the only native English language speakers working in a NATO field headquarters whose operational language is English.

Part of the solution to this is, as with the CA forces attached to Task Force Falcon, to require the U.S. CA team at HQ KFOR at each mid-rotation to provide a written assessment, endorsed by the J9, to re-validate the U.S. CA contribution to SOCEUR (and to SHAPE) based on the mission already identified. More than presenting an argument for their *raison d'être* and a troop-to-task analysis, it should identify specific skill sets that the next rotation of CA personnel should have to support the upcoming rotation's operational CMO mission.

Regardless of the operation, the U.S. contribution to operational CMO in a multinational setting, in terms of both operational and political value-added relative to the low profile of CA forces, should not be overlooked.

One More Lesson: The Role of the NCO in CMO

Due largely to the nature of operational CMO and the sensitivity and complexity of the HQ KFOR CMO mission, CMO tends to be officer-intensive, especially at the operational level. Still, there are many opportunities for non-commissioned officers to contribute. CA/CIMIC operations NCOs would, for example, be very helpful facilitating operational CMO and running the CIMIC Liaison Office, particularly in managing information traffic flow, performing triage for incoming requests for information and assistance, and facilitating coordination among liaison officers. Unfortunately, KFOR J9 NCOs have been used largely for administrative duties. This is part due to the lack of doctrinal guidance

and experience in NATO and most contributing nations. It is also due to different national perceptions on NCO roles and responsibilities.

Not providing these NCOs the opportunity to become contributors to operational CMO, however, is not just a disservice to the NCOs, it is squandering a valuable resource to enhance CMO effectiveness. Many of these NCOs have highly useful information technology skills. J9 could have, for example, rotated J9 NCOs to perform as CIMIC Operations NCOs by design. Under the supervision of the senior NCO and the Chief Liaison Officer, they can receive on-the-job training at the CIMIC liaison office downtown. One method is to have these NCOs prepare and update a CMOC or CIMIC coordination center SOP as well as other operational and administrative references for the liaison officers, and to document lesson-learning. SHAPE J9 should examine the role of the NCO in CIMIC operations and consider doctrinal inclusions as well as a program of instruction for nations to train CIMIC operations NCOs, either at the NATO CIMIC Course or national schools. SHAPE J9 could also develop a program of certification by correspondence for those NCOs who cannot attend the NATO school.

Managing Expectations

More than any other aspect of military operations, CMO is more art than science, comprised almost entirely of variables with little or no controls—particularly at the level where all the ways, ends, and means, both civilian and military, of international PSO come together. The most important variables are the civilian entities with which the military must work to fulfill its paradoxical exit strategy of becoming more involved in a PSO in order to extract itself from it.

Consider the hierarchy of the level of unity of effort shown below. As the level of unity effort rises, the complexity of the concept of operations and sophistication of command and control structures decreases. What increases, however, is the level of information transparency among the players. This is a useful exercise, not just in understanding the polemical differences among terms. More importantly, it suggests that, from a civil-military standpoint, reaching higher levels of unity of effort are unrealistic in many cases. In fact, however, they may not even be necessary. In the case of complex emergency operations such as during the first phases of Kosovo, interoperability may be the most plausible

level of unity of effort. Interoperability, however, requires certain compromises that, in addition to carefully defined operational concepts of civil-military interaction, must be constantly brokered at both the decisionmaking and coordinating levels.

Peace support operations, by their nature, are even more of an extension of politics by other means than war. For that reason, the military's typical fixation on utopian-like end-states and exit strategies rarely squares with the reality of the constantly fluctuating politics of complex emergency operations that lapse into an international transitional administration in a post-conflict environment. Thus, a critical role of CMO is not just to help manage the mutually dependent civil-military relationship, but to help both sides manage their level of expectations towards the other. This is particularly true as the political imperatives and organizational and resource requirements change as the international presence evolves from relief to capacity building to reconstruction and from stability operations to peace building.

And although there is great importance in sound doctrine, operational guidance, and civil-military enabling structures and processes, it ultimately comes down to the quality of the players in the field. In addition to adjusting doctrine and organizational structure to be in greater tune with the new realities of civilian-lead humanitarian relief operations and nation-building, what CA/CIMIC force providers like SHAPE J9 and USACAPOC must concentrate on is making sure that the people they select to perform CMO have the right background and the right training for the right phases of the mission.

A Civil-Military Unity of Effort Hierarchy

- **Integration**—bringing together all civilian and military components for a unified purpose into a unified activity under unified authority.
- **Coordination/Synchronization**—harmonious adjustment of respective actions for a generally common purpose.
- **Interoperability**—the ability to interact according to agreed-upon methods in the pursuit of common goals with varying objectives; such ability depends on information-sharing and communications technology compatibility as well as knowledge

of each other's goals and objectives, corporate culture, operating principles and terminology—i.e., *transparency*.

- **Collaboration/Cooperation**—joint effort in accomplishing a common activity as dictated by situation.

Because much of PSO is led or conducted by civilians, especially in transitional administration situations, this radically alters skill set requirements for CA/CIMIC forces. The good news is that the requirement for CA/CIMIC specialists to perform nation building may be diminishing. The not-so-good news is that the demands on CA/CIMIC generalists, particularly at the operational level, are increasing rapidly. The kind of people required to perform or coordinate operational-level CA/CIMIC must not only possess greater PSO and combined/joint staff experience, but also CMO-related training and skills, political and cultural sensitivity, and (English-language) oral and written communications skills. They must be good staff officers and know something about risk assessment, mission analysis, and course-of-action analysis. Beyond this, they must be knowledge and information managers, public administrators, logisticians, engineers, legal and law enforcement specialists, and educators. (It also helps to be a superb networker and coordinator.) More than just being structured for success with the appropriate doctrinal and operational guidelines and training, they must possess interpersonal skills and an openness and sensitivity to their mission that cannot be taught. They must be enablers as much, if not more, than technical experts must. Between the military civilian worlds they simultaneously inhabit, they must be engines of synergy, fueled by knowledge and information.

Because CMO is more art than science, it is something its practitioners simply either grasp or fail to understand. And nowhere is this truth more important than at the operational level, where the success, actual or perceived, of a PSO hangs in the balance of unity of effort. Among all the points and recommendations of this chapter (summarized below), one stands out: If the KFOR experience should be teaching us anything, it should be teaching us that complex civilian-led post-conflict efforts are challenging CMO to go to new levels. If the professional CMO community is not prepared to take up this challenge and prepare itself, in atypical military fashion, for the next peace rather than the last war, it risks the failure of not just the mission of one, but the mission of all.

Main Points

- Civilians—not the military—lead complex international post-conflict relief and peacebuilding efforts. The role of the military, beyond security, is to enable the success of these efforts using its comparative advantages.
- While the military focuses on reaching clearly defined objectives through linear operational progressions under a more unified command and control structure, civilian organizations are concerned with political resolution through nonlinear processes, consensus-building and bargaining. CMO plays the main role in harmonizing these divergent approaches.
- Civil-military unity of effort at the operational level is at the center of gravity of complex international PSO—CMO plays a crucial role to facilitate both IC success/legitimacy and the military end state, from relief to reconstruction.
- Challenges to this unity of effort, both between and within KFOR and UNMIK, have been substantial and multifarious. In the case of KFOR:
    - HQ KFOR is a coordinating, vs. command HQ: MNBs follow national over NATO priorities;
    - CMO is too big for CIMIC and is split up among largely uncoordinated staff directorates with CMO-related tasks;
    - An operational CMO campaign plan which provides guidelines for CMO coordination or for tactical CMO must be implemented.
- Civil-military coordinating mechanisms were mixed: The HCIC and information-sharing initiatives were promising, but the CIMIC counterpart to coordinate knowledge is weak—there is no theater CJCMTF or CMOC.
- Nonetheless, KFOR CMO has compensated well for the inherent weaknesses of the civilian transitional administration, to the benefit of all.

- Training and quality of CA/CIMIC personnel is more important than sound doctrine. Information transparency is key to their success as enablers.
- The CMO role in security and information operations is underdeveloped.
- The IC is at once a critical medium and audience for influence operations.
- Live-lesson learning is a form of knowledge and information management to promote success *during* operations and to improve staff transition.
- U.S. CA forces play a critical operational CMO role.
- CA/CIMIC NCOs are a valuable but largely untapped resource.

Major Recommendations

- Joint/combined operational level CMO doctrine which focuses on civil-military unity of effort needs to be fully developed among DPKO, SHAPE, and USACAPOC. This includes interagency operational lines of coordination and protocols, as well as training programs of instruction.
- Doctrinal guidelines and operational lines of coordination for integration of CMO are needed in the following areas:
  - Security and intelligence operations;
  - Information and influence operations; and
  - Political-military coordination and operational analysis.
- Most importantly, CA/CIMIC officers and NCOs need to be better qualified, trained, and selected for operational CMO. KFOR CIMIC liaison officers, for example, needed to be active enablers. Likewise, staff with CMO-related missions need to continue to improve CMO knowledge.
- Civil-military and interdisciplinary coordinating mechanisms at the theater level should be strengthened. Information-sharing

technologies should be incorporated into a comprehensive and phased civil-military coordination architecture, which includes a CMOC, CJCMTF, and HCIC.

- A CMO campaign plan should be used and revised through all phases. Troop-to-task analyses help identify CA/CIMIC needs to give force providers time to find the right personnel.
- The CIMIC report needs to evolve as a key tool to enabling civil-military and interstaff unity of effort. To improve reporting synchronization and soft information transparency, a reports Web site should be considered.
- NATO and the U.N. should consider a joint lessons-learning regime using current resources (CIMIC Center, JOC, SITCEN). An operational lessons Web site could cast the net wide for live-lesson learning as well as improve staff transition in both communities.
- Advanced interdisciplinary CMO/PSO training should be instituted.
- SHAPE needs to develop doctrine outlining the roles, responsibilities, and background requirements for operational-level CIMIC NCOs, as well as develop an appropriate NATO CIMIC Course POI for CIMIC NCOs.
- In order to manage levels of expectation, deploying CA/CIMIC personnel should be briefed in advance on the CMO situation, etc., when possible by experienced CA/CIMIC personnel. A CMO/PSO Web site may also help.

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[1]A February 2001 update of the database counted 900 NGOs in Kosovo. However, about 40 percent are local or regional, a ration much higher than previously estimated. As the international presence following the November 2001 elections began to diminish, the ratio of local NGOs climbed over 50 percent.

[2]CIMIC (civil-military cooperation) is the U.N. and NATO term for much of what U.S. Civil Affairs (CA) doctrine calls civil-military operations (CMO). The U.N. uses *civil affairs* for its civil administration. The more comprehensive term, CMO, is used here to describe the general activities that a military force conducts in coordination with and in support of civilian entities in a peace

support operations environment. CIMIC and CA are used as they apply specifically to NATO or U.S. entities, personnel, or activities.

[3]*Democracy by Force—U.S. Military Intervention in the Post-Cold War World*, Karin von Hippel, Cambridge University Press, Cambridge: 2000.

[4]United States Institute for Peace, *Taking it to the Next Level: Civil-Military Cooperation in Complex Emergencies*, 31 August 2000, p. 20.

[5]See *Starting from Scratch in Kosovo: The Honeymoon Is Over* published by the International Crisis Group, 10 December 1999.

[6]For a detailed discussion of developments in UNMIK during this time, see the *United Nations Security Council Report of the Secretary General on the United Nations Interim Administration Mission in Kosovo*, Reports S/2001/218 of 13 March 2001, S/2001/565 of 7 June 2001, and S/2001/926 of 2 October 2001, which the author drafted as Political Affairs Reporting Officer at UNMIK.

[7]U.N. Security Council Report S/2000/809, *Report of the Panel on United Nations Peace Operations*, 21 August 2000. See especially pp. 34-37 and 42-44.

[8]Based on written notes received from Col. Dzeidzic in November 2000.

[9]The many successes of both KFOR and UNMIK are well documented and updated in their respective Web sites, www.kforonline.com and www.un.org/kosovo. See especially the Reports of the Secretary General to the Security Council via the U.N.'s home page, www.un.org/documents.

[10]NATO CIMIC Doctrine [Provisional Final Draft], SHAPE AJP-9, Chapter 1, p. 1-2.

[11]"NATO Patrols Edgy border, This Time Protecting Serbs", Michael R. Gordon, *New York Times*, 25 January 2001, nytimes.com.

[12]See "Troops Say Kosovo Duty Sharpens Their Skills," Michael R. Gordon and Steven Erlanger, *New York Times*, 18 January 2001, www.nytimes.com, as well as "U.S. Troops in the Balkans Defend Role," Tom Hundley, *Chicago Tribune*, 4 February 2001, www.chicago.tribune.com

[13]"Infantry Chief: Cultural Intel Must Improve," Sean Naylor, *Army Times*, 20 November 2000, p. 15.

[14]U.N. Security Council Report S/2000/809, *Report of the Panel on United Nations Peace Operations*, 21 August 2000, p. 39.

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CHAPTER XIV

Shaping the Environment for Future Operations: Experiences with Information Operations in Kosovo

Steven M. Seybert

Introduction

This chapter presents how information operations were conducted by the Multinational Brigade-East, or MNB(E), of NATO's Kosovo Force (KFOR) from April through July 2000.[1] Abiding by the U.S. joint service concept of information operations as an integrating strategy,[2] information operations in MNB(E)'s sector of responsibility was an effort to integrate the activities of various commanders, staff elements, and soldiers from the MNB(E) headquarters and subordinate multinational battalion task forces to achieve synergistic effects through targeting and protecting: information, the infrastructure used to transfer information, the decisionmakers that used information, and the information gathering and processing functions supporting those decisionmakers.

Standard U.S. Army planning and targeting processes were used to integrate information operations into MNB(E) operations. Targeting, which is often considered only for its lethal aspects, was applied solely through the frequently overlooked nonlethal means. Likewise, information operations is often thought of in technical terms of protecting and attacking computers and networks, but in Kosovo the focus of its application was less technical. Although the integrity and protection of automated information systems was certainly emphasized in Kosovo, the primary focus for information operations was providing and protecting factual information to influence key decisionmakers and the populace. Even though information operations were conducted in a less technical manner, its application was still complex. This chapter attempts to explain

the complexities of that less technical, nonlethal application of information operations in support of peace operations in Kosovo.

Other nations and forces lag in the integration of information technology into military operations compared to the U.S. and its armed forces. Given that lag and the continuing global role of the U.S. armed forces in peace operations, the application of information operations in Kosovo may be indicative of its use in future U.S. Army operations.

The Nature of Information Operations in Kosovo

The MNB(E) conducted maneuver, civil-military, and information operations to accomplish their mission of maintaining a safe and secure environment in the brigade's sector of responsibility. The MNB(E) information operations section planned and executed information operations to influence key decisionmakers and members of the local population to behave in manners that supported MNB(E) operations to maintain that safety and security. By U.S. military doctrine, information operations are actions taken to affect adversary information and information systems while defending one's own information and information systems.[3] In simple terms, information operations are military operations conducted in the information environment. The ultimate objective of information operations conducted in support of tactical Army operations is to attain and sustain information superiority for the commander. In the context of MNB(E)'s mission this meant gaining information superiority by affecting the flow and content of information to key leaders and population groups within the area of operations. In support of MNB(E)'s peacekeeping mission, information operations was primarily focused on shaping the attitudes and behaviors of the local Kosovar leaders and population by disseminating factual information with related messages.

Rather than attempting to conduct an effort at perception management, the MNB(E) information operations effort focused on providing operationally relevant information to leaders and the population.[4] Facts on topics, issues or incidents relevant to MNB(E)'s mission were provided along with the brigade's interpretation of those facts. At times, MNB(E) demands based upon the facts were also provided. The intent was to cause the leaders or population members receiving the information to modify their attitudes and behaviors based on their acceptance of the facts and an understanding and acceptance of

MNB(E)'s interpretation or demands. MNB(E)'s interpretation of the facts and any associated demands constituted messages that were presented to the local Kosovar leaders and the populace along with the pertinent facts.

Figure 1. An MNB(E) Leader Delivers a Message to a Kosovar Serbian Village Leader

The messages provided to local leaders and population groups were intended to cause a motivational dilemma in an attempt to achieve desired attitudes and behaviors to support accomplishment of the MNB(E) mission. To develop these messages, the information operations section worked with the G2 in analyzing the target audiences' existing attitudes and motivations to identify critical vulnerabilities that could be used to influence these audiences. For audiences that wanted to legitimately participate in the civil structures being established by the United Nations Interim Mission in Kosovo (UNMIK) and supported by KFOR, this was relatively simple. A political party leader that wanted to gain stature by participating on the UNMIK Municipal Council or Administrative Board needed to cooperate with UNMIK and KFOR to some extent in order to achieve their political goal. However, finding accessible vulnerabilities to influence was much more difficult for the target audiences that either operated in between the

legitimate structure and illicit activities or who only desired to operate in the underground, illicit aspects of Kosovo society. For these target audiences, often only negative reactions could be offered. That is, the targeted individual could be threatened with lawful actions, such as detention, or a population group could be threatened with the loss of the international community's or MNB(E)'s support in the form of humanitarian assistance or civil projects.

The dissemination of factual information was critical to maintaining the credibility of KFOR and consequently the effectiveness of information operations. MNB(E)'s credibility, based on impartiality, was vital in order for the local leaders and populace to accept the information and messages that the brigade's leaders and soldiers presented. Thus, MNB(E) had to put effort into maintaining its credibility. Emphasis was also placed on the MNB(E) keeping "the moral high ground" to ensure credibility was maintained. The continued strong support of the ethnic Albanian populace demonstrates this credibility maintenance. Ethnic Albanian support for NATO, KFOR, and the U.S. forces in Kosovo continued throughout KFOR's deployment despite alleged and proven mistreatment of Kosovar Albanians by U.S. forces, such as the case of SSG Frank Ronghi who murdered an ethnic Albanian girl during the first USKFOR rotation in Kosovo. Although developments in the Ronghi case continued throughout the deployment and local media continued to periodically inquire about its status, the majority of the population showed no concern for the case. Maintaining the moral high ground and consequential credibility meant that the MNB(E) had a responsibility to inform the local populace and leaders of current developments in the Ronghi case. Nevertheless, presenting the information as it became available also allowed the MNB(E) valuable opportunities to demonstrate their credibility and their acceptance of moral responsibility. Also, serious accidents for which MNB(E) was responsible that resulted in injuries and fatalities to Kosovar Albanians did not noticeably abate the support of the local populace. One such accident was the shooting death of a 6-year-old ethnic Albanian boy, Gentrit Rexhepi, by an U.S. soldier in July 2000. The continued ethnic Albanian support was all the more astounding given that these incidents came on the heels of reported fatalities and injuries to Kosovar Albanians caused by NATO air strikes during Operation Allied Force.[5] MNB(E)'s efforts to maintain credibility and impartiality were intended to ensure that the local populace would accept the brigade's facts and explanations surrounding

events such as the Ronghi case and the Rexhepi shooting to keep the people's continued support.

The brigade conducted information operations to shape, modify, and reinforce local attitudes and behaviors. In using information operations for shaping purposes, the intent was to provide information, messages, and demands surrounding topics or issues relevant to maintaining a safe and secure environment to achieve attitudes and behavior that would preempt inappropriate future actions. For example, both Albanian and Serbian Kosovars observed various religious and historical holidays. Many of these holidays were specific to a town or municipality, such as the observance of a Serbian Orthodox patron saint's feast day or a memorial day for a fallen local Kosovo Liberation Army (KLA) hero. Information on appropriate conduct during local holiday celebrations was disseminated to specific local leaders and local populations to remind them of the need for safe, peaceful behavior and respect for other cultures and ethnicities in the local area during their celebrations.

Information operations to modify attitudes or behaviors were essentially reactive operations conducted as a result of an incident or observed trends in incidents that MNB(E) responded to during current operations. For example, a civil disturbance in the town of Sevce during April 2000 during which MNB(E) personnel and Serbs were injured had not been anticipated. In response to the incident, MNB(E) leaders, civil affairs (CA), and psychological operations (PSYOP) personnel delivered messages to local Serb leaders and the populace to quell the existing tension. Subsequent to the conflict resolution, information and associated messages and demands were disseminated with the intent of preventing future confrontations or diminishing the related violence.

Figure 2. An Injured MNB(E) Soldier Is Assisted by a Fellow American and a Polish Ally During a Civil Disturbance in the Town of Sevce, Kosovo

The brigade worked to reinforce the attitudes and behaviors of the many residents of Kosovo who acted peaceably and willingly complied with UNMIK and KFOR directives. Information operations were conducted to ensure their continued support and project the effects of cooperation with KFOR and UNMIK and ethnic tolerance within communities. MNB(E) attempted to focus civil-military projects and humanitarian assistance to these cooperative communities. More importantly, information operations focused on projecting to other population groups in sector the effects of residents and communities that benefited from practicing cooperation and tolerance. Information on the benefits that these communities were receiving was disseminated throughout the sector along with messages urging other Kosovo residents to behave accordingly so that they and their communities could similarly benefit. MNB(E) cancelled or postponed civil-military projects and withdrew humanitarian assistance from communities where ethnic intolerance or violence continued or experienced an outbreak. These same actions were taken against communities that demonstrated trends or specific instances of noncooperation with KFOR and UNMIK.

Defensively, information operations were applied in MNB(E) in two aspects: operations security (OPSEC), and preempting and countering misinformation and propaganda. OPSEC policies and procedures were established and their implementation overseen at MNB(E) headquarters. Misinformation and propaganda were continuously monitored through

media analysis, intelligence reports, and unit and staff operations reports. Propaganda was also anticipated in the brigade's operations planning. Based on the reporting, analysis, and planning then, facts and messages were disseminated to appropriate audiences to either preempt or indirectly counter the false information. Direct refutation of false information, especially of propaganda, was avoided. Direct refutation only lent the propaganda credibility and risked potential loss of the moral high ground if the brigade became embroiled in a tit-for-tat information exchange with less credible sources.

Propaganda and misinformation was sporadic but challenging. The general trend was that once one subject died down, another would be perpetuated. Some topics were recurring, dying down at one point only to be rejuvenated at a later time. Misinformation and propaganda flowed in sector from various sources, including from media sources within Kosovo, Serbia, and Albania. Word of mouth from travelers throughout the region and sector also constituted a large source of misinformation and disinformation. Propaganda in Kosovo tended to be very simplistic and obviously contrived. Serbian propaganda lacked credibility with the local population, especially ethnic Albanians. Nevertheless, Kosovar Serbs apparently felt compelled to believe their government's stories out of pure nationalism or refused to accept MNB(E)'s version of information out of spite rather than actually be convinced of their government's propaganda. Albanians also seemed to feel a nationalistic duty to subscribe to the opinions presented in ethnic media. Therefore, MNB(E) had to honor the challenge that propaganda and misinformation posed, respecting them as potential threats to the mission, and working to counter their effects.

Organization

The brigade's information operations section consisted of four personnel during USKFOR rotation 1B under the 2nd Brigade, 1st Infantry Division, and five personnel under the 1st Brigade, 1st Armored Division, during rotation 2A. The information operations section included a Field Support Team (FST) from the U.S. Army's Land Information Warfare Activity (LIWA) that supported the MNB(E) Commander in conducting information operations as part of Operation Joint Guardian. The FST operated as an integral part of the MNB(E) staff. LIWA FSTs traditionally augment U.S. Army commands with

information operations expertise to support the planning and conduct of information operations. Teams consist of a mixture of information operations-related specialists.[6] Although normally intended to fill the gaps in the supported command's information operations staff, LIWA FSTs have found themselves increasingly taking on the full information operations role of the staff with little to no investment from the supported command. The LIWA FST served as the core of the MNB(E) information operations section. The LIWA FST Chief, a U.S. Army Major, also acted as the MNB(E) information operations officer during rotation 1B. The 1st Armored Division Deputy Fire Support Coordinator (DFSCOORD), a U.S. Army lieutenant colonel, acted as the MNB(E) information operations officer under rotation 2A. The MNB(E) information operations officer was the primary staff proponent for all the brigade's information operations activities. Other members of the information operations section were all LIWA FST members and consisted of a captain who functioned as the information operations planner, a sergeant first class who was the FST and section NCOIC, and a civilian contractor who performed as the section's targeting officer. The information operations section was assigned to the MNB(E) G3 and physically resided in the G3 Plans section of the MNB(E) headquarters at Camp Bondsteel. Their primary functions were planning, targeting, monitoring information operations execution, and information operations assessment.

The FST's staff relationship with MNB(E) varied with the supported command. That is, the relationship was different during the 1st Infantry Division rotation from the 1st Armored Division rotation. During rotation 1A under the 1st Infantry Division, the LIWA FST Chief acted as the MNB(E) information operations officer. No personnel from 1st Infantry Division filled a specific information operations role; the LIWA FST assumed the full authority for the brigade's information operations mission. When the 1st Armored Division assumed the mission as the USKFOR and command of the MNB(E), however, the Division invested their indigenous personnel in performing the information operations staff mission. The DFSCOORD was appointed as the MNB(E) information operations officer. Also, Battalion Fire Support Officers (FSOs) were appointed as information operations officers in the subordinate battalions of the 1st Brigade, 1st Armored Division, to plan and oversee execution of information operations in their commanders' sectors of responsibility. All the other multinational battalion task forces appointed various staff officers to act as their

staff information operations officers. This provided a technical chain in addition to the chain of command to ensure information operations tasks and responsibilities were carried out.

The use of unit fire support personnel as the primary staff for information operations was appropriate since no active fire support missions were conducted in Kosovo other than firing nighttime illumination missions to support search and reconnaissance operations and as a deterrent to suspected smuggling operations. Supported unit investment in the information operations mission is critical if only from a resourcing standpoint. Nevertheless, it also demonstrates and facilitates unit ownership of and commitment to conducting information operations. From the LIWA FST's perspective, when a unit invests its own personnel to perform the information operations staff mission, then the LIWA FST does not have the task of advocating information operations to the unit as outsiders. Since some units view information operations as a new, unique requirement competing for limited operational resources, attempting to champion information operations as an outsider is an unenviable task.

Using fire support personnel as battalion task force information operations staff officers was effective because of the relationship between information operations and the Army's standard targeting process. The Army's standard targeting process is used to integrate lethal and nonlethal fires into a single concept of fire support for any given military operation. For peace operations such as Kosovo, lethal fires may be planned, but usually their execution is inappropriate or may not be required. Thus, nonlethal fires are generally the only ones that are executed. The nonlethal fires or engagements conducted in Kosovo, as they have been in Bosnia, were principally verbal and symbolic messages. Face-to-face discussions, town meetings, search operations, temporary detention, patrols, and artillery illumination round firings that illuminated an area without any ground explosion are all examples of nonlethal fires used in Kosovo to send messages to specific targeted audiences. The same targeting process used for combat operations was used in Kosovo, although modified to accommodate the focus on only nonlethal engagements. U.S. Army fire support personnel are trained on the targeting process and are generally familiar and experienced with its application. Therefore, appointment of fire support personnel as unit information operations officers was an

effective method for ensuring a capability at subordinate battalion level to plan, execute, and assess information operations.

The information operations section's responsibilities included conducting coordination internal and external to MNB(E) and included both operational and administrative activities. The section was responsible for coordinating the brigade's information operations activities with the KFOR information operations section, the MNB(E) staff, subordinate multinational battalions, specific members of the international community and U.S. government in Kosovo, and the LIWA. The information operations section planned and facilitated the conduct of the MNB(E) Information Operations Working Group (IOWG), which conducted weekly meetings to coordinate sector-wide information operations activities and assessments. The section was also responsible for developing information operations plans, providing input to MNB(E) operations plans and orders, and maintaining and updating the information operations portions of existing MNB(E) contingency plans. The section developed information operations intelligence requirements and coordinated them with the G2's Analysis and Control Element (ACE). The information operations section also coordinated the development of information operations-related intelligence and assessment products with the ACE, to include an on-going intelligence preparation of the sector's information environment that the information operations targeting officer maintained. The section extracted and compiled information operations-related information from various internal and external sources and disseminated this information daily to the MNB(E) staff. These information efforts included monitoring and advising on propaganda issues and developments, weekly media analysis, as well as the receipt and integration of information operations-focused information from the LIWA. Finally, the information operations section was responsible for the planning, execution, and assessment of the MNB(E) information operations targeting effort.

Processes

Information operations were integrated into MNB(E) maneuver and civil-military operations through the U.S. Army military decisionmaking process (MDMP) and a modified Army targeting process to integrate nonlethal engagements into a cohesive, focused information operation.

The brigade's information operations, as with other MNB(E) operations, was centrally planned with decentralized execution.

The Multinational Brigade-East used the MDMP to plan brigade operations. The MDMP is a single, standard process for U.S. Army units to plan well-integrated, coordinated, and synchronized military operations.[7] Using planning techniques to integrate information operations into the MDMP that were developed by LIWA FSTs during previous Bosnia rotations and various military exercises, information operations planning was integrated into the MDMP for brigade operations and thereby planned as an integral part of the overall operation and not as a separate or parallel operation. The Planner from the information operations section acted as a core member of the G3 staff planning group and produced information operations input and annexes to brigade operations plans (OPLANs), operations orders (OPORDs), and fragmentary orders (FRAGOs). These information operations inputs and annexes were written and formatted in accordance with U.S. Army FM 101-5, *Staff Organization and Operations,*[8] to conform to the formats used by the G3 staff planning group for the brigade's plans and orders.

The Army's targeting process is known as the decide, detect, deliver, and assess (D3A) process. The D3A process as described in the U.S. Army FM 6-20-10, *Tactics, Techniques, and Procedures for the Targeting Process*, is used during combat operations to direct both lethal and nonlethal engagements to achieve specified effects. The MNB(E) used a modified D3A targeting process integrated into the brigade's battle rhythm to plan and execute only nonlethal engagements against key decisionmakers and population groups in sector. Some of the methods and means used to conduct nonlethal engagements included: face-to-face meetings by commanders and staff officers with key local leaders; patrols and checkpoints conducted by maneuver forces; radio broadcasts; press releases; posters, fliers, and other printed products; and press interviews. The modified targeting process was used to plan effects for shaping the environment for future MNB(E) operations as well as supporting the brigade's information operations. The targeting process integrated targeting, intelligence collection, and information operations into a cohesive effort to focus nonlethal methods and means on achieving effects that shaped attitudes, behaviors, and events in sector to support MNB(E) future operations.

The MNB(E) targeting process was conducted during a 1-week cycle. The cycle began on Monday with the development of an initial concept of engagements and culminated on Sunday with the publication of the weekly targeting FRAGO. The weekly targeting FRAGO directed nonlethal engagements, leveraging information from medical/dental civilian assistance program (MEDCAP/DENCAP) events and civil-military operations (CMO), and the subordinate battalion task forces' supporting information operations actions and activities. These events, operations, actions, and activities were planned for a 1-week period 2 weeks in advance of when they would be executed. Targeting tasks were adjusted the week prior to execution to accommodate changes in the sector's situation. The MNB(E) commander received a weekly decision briefing during which he approved the concept of engagements and provided targeting guidance to initiate planning for the subsequent week.

The intelligence preparation of the information environment maintained by the information operations section served as a basis for information operations planning and targeting. The purpose of the intelligence preparation was to define the information environment in MNB(E)'s sector, analyze how others might use it to oppose the MNB(E) mission, and estimate how it might impact on the brigade's operations. This intelligence preparation was based on the procedures prescribed in the U.S. Army FM 34-130, *Intelligence Preparation of the Battlefield*. The intelligence preparation focused on identifying and analyzing the capabilities and vulnerabilities of the information infrastructure and key local leaders and decisionmakers and their related information gathering and processing. Key leaders and decisionmakers were analyzed to identify critical persons to engage in the MNB(E) nonlethal targeting effort. The intelligence preparation also included a detailed examination of the information infrastructure in an analysis of the use and flow of information to social, civil, political, media, paramilitary organizations, and key personnel in the sector. Analysis of the information gathering and processing focused on how the Albanian and Serbian Kosovar political and societal systems collected, disseminated, and used information. The gathering and processing analysis also considered the local leaders' and populace's methods for accessing and using information along with their decisionmaking and execution processes. The information infrastructure and the information gathering and processing methodologies were analyzed to identify information conduits for engaging targeted leaders and decisionmakers, including the local residents. Additionally, the information operations

section used the intelligence preparation of the information environment to help estimate how the local leaders and populace might use the information infrastructure during future operations. The information operations section then considered how to prevent the leaders' and populace's use of the information infrastructure from adversely affecting the MNB(E) mission and how to capitalize on opportunities that use might present for advancing the mission.

The information operations section tracked key events and activities on a daily basis through the MNB(E) G3 Battle Captain and Current Operations section to identify any event or activity that may have required information operations to respond to by modifying or reinforcing attitudes or behaviors. If unanticipated information operations-related events occurred, then the Battle Captain initiated coordination with the information operations section or with PSYOP, CA, and public affairs (PA) representatives as appropriate to respond to the situation. The information operations section ensured that key brigade personnel were advised and updated through either the normal staff battle rhythm and the targeting cycle or through direct staff coordination with the MNB(E) G3 or the chief of staff.

The G3 activated the MNB(E) Crisis Action Cell (CAC) for significant unforeseen, operational matters that could adversely affect the MNB(E) mission. The CAC consisted of key members of the MNB(E) battle staff, including a representative from the information operations section—usually either the information operations planner or the information operations officer. The CAC synchronized and coordinated the brigade's planned reaction to the event and then issued a FRAGO tasking the appropriate units to execute the planned operation. While an information operations section representative attended the CAC, other members of the section supported if necessary by initiating development of required products.

Planning, Executing, Targeting, and Assessing Information Operations

The information operations section participated in and chaired various meetings with the MNB(E) command and staff and the KFOR information operations section to facilitate accomplishment of their functions of planning and conducting information operations, to include planning,

executing, and assessing the brigade's information operations targeting. The accomplishment of these functions and conduct of the various meetings comprised the information operations section's "battle rhythm," which was synchronized with the MNB(E)'s command and staff battle rhythm. (See Figure 3.) The information operations section's battle rhythm was structured on the development of various products to support information operations planning, execution, and assessment throughout the week. Key meetings that the information operations section participated in and chaired supported the section's development of the information operations products. These meetings were the Initial Targeting Meeting, the Target Coordination Meeting, the IOWG, the MNB(E) Assessment Meeting, the KFOR IOWG, the Executive Targeting Meeting, and the Commander's Decision Briefing.

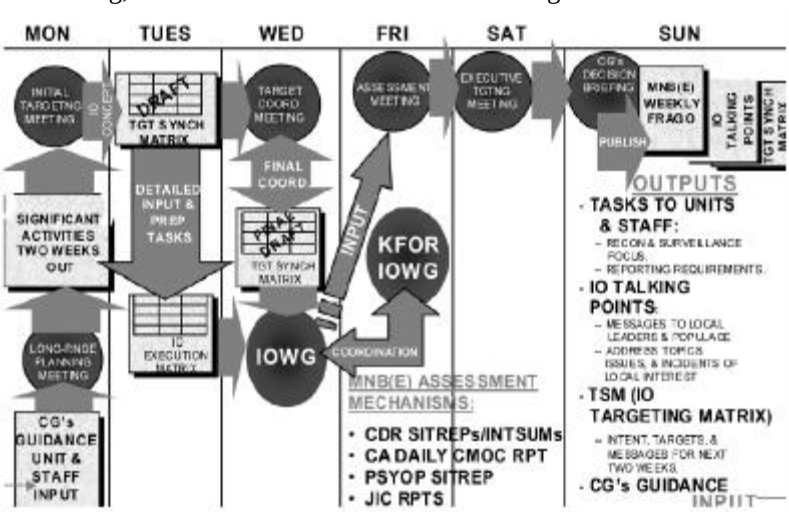

Figure 3. MNB(E) Information Operations Battle Rhythm

The MNB(E) Fire Support Element (FSE) chaired the Initial Targeting Meeting each Monday with the FSE targeting officer acting as the lead. This meeting initiated the weekly targeting cycle by building a concept of engagements for the target planning week, which was 3 weeks out. During the meeting, the expected situation in sector was analyzed and desired operational results were established. Information operations targeting objectives, potential targets, and possible viable concepts for messages and delivery means were identified during the meeting.

The Target Coordination Meeting was led by the G3 or the Deputy G3 and chaired by the chief of staff. The meeting was held to further refine the objectives, targets, and concepts developed during the Initial Targeting Meeting. The Target Coordination Meeting provided the chief of staff and G3 the opportunity to make any required mid-course adjustments to the operations being planned. At the coordination meeting, specific tasks and purposes were reviewed to ensure focus for the MNB(E) operations during the target planning week.

The Executive Targeting Meeting chaired by the chief of staff allowed the review of the planned intelligence and maneuver operations, information operations concepts, and associated information operations targeting efforts with the brigade's primary staff officers prior to the commander's Targeting Decision Briefing. The information operations section made final refinements to materials for presentation at the Decision Briefing as a result of guidance and directed adjustments from the chief of staff.

The commander's Decision Briefing was the forum for receiving the MNB(E) commander's approval of the operations and information operations targeting planned to begin within 2 weeks. The briefing also provided the commander a final review of the following week's operations and targeting effort prior to execution. Additionally, the briefing allowed the commander an opportunity to provide his guidance to initiate planning and targeting starting with the next day's initial targeting meeting, thereby starting the next planning and targeting cycle. The meeting's agenda included an assessment of the intelligence, maneuver, and information operations for the previous week; a review of the current week's planned intelligence, maneuver, and information operations; and the concept for intelligence, maneuver, and information operations for the target planning week.

The information operations section monitored the execution of information operations by MNB(E)-level assets and the subordinate battalion task forces primarily through the weekly IOWG meeting. The IOWG served as a forum to exchange information among representatives of the primary staff elements and units involved with conducting the brigade's information operations. The purpose of the information exchange was to facilitate coordination and synchronization of information operations in sector for the upcoming week and to obtain evidence to support accurate assessments of key trends and critical

events indicating the success or failure of the brigade's information operations. Attendees included the maneuver battalion information operations representatives and representatives from the G2, G3, the staff Surgeon's Office, Combat Camera, the Public Affairs Officer (PAO), G5/CA, PSYOP, and the Special Operations Coordination and Control Element (SOCCE). A weekly meeting to coordinate and assess information operations was sufficient since more time could be taken in tracking and assessing operations and generally there was no need for minute-to-minute scrutinizing of operations during execution because the tempo of operations for MNB(E) while conducting peacekeeping was generally slower than may have been expected in combat. In the IOWG, the subordinate battalions and MNB(E) assets addressed the status of directed tasks and discussed their contributions to the brigade's information operations. Multinational battalion task force representatives provided verbal reports on their assessments for the previous week's information operations activities in their units' sectors and cited trends or key events as evidence of progress in meeting the targeting objectives.

The daily commander's Update Briefing and the Weekly Extended Update Briefing also facilitated the monitoring of information operations execution. At these briefings, subordinate battalion task force commanders addressed events that occurred in their respective sectors and upcoming operations, which at times included information operations-related actions or activities.

The information operations section assessed the status of the information operation by analyzing key events and trends within the sector in comparison to the targeting objectives that were established and reviewed from week to week. All MNB(E) intelligence and operations reports, including commander's situation reports (SITREPs), were reviewed for indications as to whether the objectives were being attained. Multinational battalion task force representatives provided written assessment reports by Friday each week. Information from the assessment sources was compared from one week to the next to ascertain trends in sector. Anecdotal evidence gathered from incidents and activities was reviewed for indications of change in the information operations situation in sector and indications of success or failure of the information operations effort. The information operations section assessed the anecdotal evidence in conjunction with awareness of the sector's current situation, including

the political, cultural, and informational aspects, to determine the status of attaining the targeting objectives.

The G3 chaired the weekly assessment meeting to assess the effectiveness of the brigade's intelligence, maneuver, and information operations conducted during the previous week. Attendees included the G2 collection manager, the FSE targeting officer, the information operations targeting officer, the medical planner from the staff Surgeon's Office, and representatives from PSYOP and SOCCE. Effectiveness was determined by analyzing relevant information and intelligence gleaned from intelligence and operations reports from throughout the brigade. This information was applied against measures of effectiveness for directed engagements to determine whether the desired effects were achieved and against current targeting objectives to determine the progress towards their attainment.

The information operations section conducted a weekly analysis of local, regional, and international media, including newspapers and periodicals published in Kosovo as well as Serbia, Macedonia, and Albania to determine potential impact on achieving the MNB(E) mission. The information operations section's analysis of the media relied on the Daily Falcon produced by the G2's Open-Source Intelligence (OSINT) section and media analysis products of international and regional media that were produced by the LIWA at Fort Belvoir, Virginia. The analysis focused on media reporting of events in MNB(E) sector and also of MNB(E) units and their activities. The media analysis was conducted to identify issues of potential importance to the sector's populace and possible propaganda or misinformation directed against the populace or the MNB(E). A summary of the information operations section's media analysis identifying the main topics and themes culled from the press and their potential impact on the brigade's mission was presented during the MNB(E) commander's Decision Briefing each week.

The KFOR information officer chaired the weekly KFOR IOWG meeting attended by information operations representatives from each MNB. During the meeting, each MNB reviewed the focus of their information operations for the previous and upcoming weeks. This allowed for coordination of information operations efforts among the MNBs and receipt and coordination of any KFOR information operations tasks. The KFOR IOWG meeting also served as a forum for the MNBs to voice issues and exchange information operations techniques and procedures.

However, KFOR and other MNBs did not conduct information operations as MNB(E) did since MNB(E)'s information operations were based on U.S. doctrine, tactics, techniques, and procedures.

The MNB(E) information operations section produced several products throughout the weekly battle rhythm that facilitated the planning and execution of information operations during the subsequent weeks. These products included the Target Synchronization Matrix (TSM), the information operations Execution Matrix, information operations talking points, and the information operations Read File.

The TSM directed nonlethal engagements of specific key leaders and populace groups in the Brigade sector. (See Figure 4.) Each matrix covered a 1-week period and was used to synchronize information operations engagements by MNB(E) headquarters assets and subordinate multinational battalion task forces. The concept for the information operations engagements reflected on the TSM was approved by the MNB(E) commander at the Decision Briefing 1 week in advance of the planned targeting week. Upon the commander's approval, the TSM was issued via FRAGO. The TSM was the key input to the information operations Execution Matrix.

The information operations Execution Matrix focused and coordinated directed information operations activities from the MNB(E) headquarters to headquarters-level assets and subordinate multinational battalion task forces over a 1-week period (see Figure 5). It was issued in a FRAGO the week prior to its required execution. The Execution Matrix assigned tasks to each of the headquarters assets and subordinate battalions with an explanatory purpose provided for each task. Providing the purpose for the task ensured that the tasked execution authority not only understood what was to be done, but why it was required. The matrix also identified key events and dates occurring in sector during that week. These events and dates provided notice of potential activities that could adversely affect the brigade's mission and potential opportunities that could be capitalized on to advance the mission. The events and dates included religious and cultural holidays as well as local planned events that could lead to violent or unsafe activities, especially those events that had the potential to result in friction between ethnic groups. Many of the events also provided the opportunity to access key local leaders and populace groups who would be in attendance. The information operations section maintained a database of the key dates and an assessment of activities that occurred to support future planning and product development.

IO Target Synchronization Matrix (Week XX: DD JUNE 00 – DD JUNE 00)

TARGETING OBJECTIVES: 1. Reduce popular support to extremist elements.
2. Prevent interference with KFOR/UNMIK efforts.
3. Increase inter-ethnic cooperation.

DECIDE		DETECT & DELIVER				ASSESS
TGT SET	**TARGETS**	**ASSET**	**HOW**	**WHEN**	**EFFECTS**	**ENDSTATE/MEASURES OF EFFECTIVENESS**
GROUP X POLITICAL LEADERS	REGIONAL LEADER, PARTY A	POLAD	Message Numbers W - X	NLT DD JUN	WARN	PURPOSE: Withdraw support for violent demonstrations. ASSESSMENT: Response to messages.
	PROVINCE LEADER, PARTY B	BDE CDR	Message Numbers Y - Z	NLT DD JUN	INFLUENCE	PURPOSE: Gain agreement to speak out against violent demonstrations. ASSESSMENT: Response to messages.
	MUNICIPAL LEADER, PARTY C	TF XX IN	Message Numbers W - X	NLT DD JUN	WARN	PURPOSE: Withdraw support for violent demonstrations. ASSESSMENT: Response to messages.
GROUP X CIVIL LEADERS	MUNICIPAL COUNCIL REP	TF XX IN	Message Numbers Y - Z	NLT DD JUN	INFLUENCE	PURPOSE: Gain agreement to speak out against violent demonstrations. ASSESSMENT: Response to messages.
	MAYOR, CITY A	TF XX AR	Message Numbers Y - Z	NLT DD JUN	INFLUENCE	PURPOSE: Gain agreement to speak out against violent demonstrations. ASSESSMENT: Response to messages.
	POLICE CHIEF, CITY A	TF XX AR, TFF Provost Marshall	Message Numbers U - V	NLT DD JUN	CO-OPT	PURPOSE: Gain support in preventing violent demonstrations. ASSESSMENT: Response to messages.
GROUP X POPULACE	POPULACE CITY A	TF XX AR MEDICAL CO PSYOP CO	Message Numbers S – T	During MEDCAP DD JUN	INFLUENCE	PURPOSE: Prevent violent demonstrations. ASSESSMENT: Response to messages.
	POPULACE CITY B	TF XX IN, G5/CA BN, PSYOP CO	Message Numbers Q - R	During CMO DD JUN	INFORM	PURPOSE: Project effects of efforts to prevent violence in City A. ASSESSMENT: Response to messages.

NOTE: Associated messages on attached pages.
EFFECTS: CO-OPT – Gain cooperation.
DESTROY/DENY – Render ineffective by physically destroying or denying (i.e. confiscate equipment, detain personnel, occupy facility or terrain.
INFLUENCE – Cause a specific action or behavior.
INFORM – Provide information (to counter misinformation or propaganda).
WARN – Provide notice of intent (to prevent a specific action).

Figure 4. Target Synchronization Matrix

IO EXECUTION MATRIX (DD – DD MM YY)

SIGNIFICANT DATES & EVENTS	Armed Forces Day – Serbia	KLA War Memorial Commemoration – Municipality A	Market Day – Town A	K-Serb Patron Saint Religious Observance – Town B	Market Day – Town C	Serb Mayors' Meeting – Municipality B	Albanian Mayors' Meeting – Municipality C
MNB(E) ASSETS AND UNITS	MONDAY DD MM YY	TUESDAY DD MM YY	WEDNESDAY DD MM YY	THURSDAY DD MM YY	FRIDAY DD MM YY	SATURDAY DD MM YY	SUNDAY DD MM YY
Brigade Commander	**Task:** Engage sector key political leader. **Purpose:** Warn to not promote violence in Municipality A.	→				→	
PSYOP	**Task:** Engage populace in Municipality A. **Purpose:** Influence to conduct peaceful commemoration.		**Task:** Engage K-Alb populace vicinity Town B. **Purpose:** Influence to not interfere with religious observance.				
PA	**Task: Cap**ture information from CMO project in Town D, Municipality A. **Purpose:** Incorporate info in sector-wide products.	→			**Task:** Escort media to Town C market day. **Purpose:** Capitalize on media opportunity to demonstrate inter-ethnic cooperation at market		
Combat Camera	**Task: Cap**ture information from CMO project in Town D, Municipality A. **Purpose:** Incorporate info into sector-wide products.		**Task: Cap**ture information from combined MECAP/ DENCAP to Town B. **Purpose:** Incorporate info into sector-wide products.				

G5/CA	**Task:** Engage community leaders in Town D during CMO project. **Purpose:** Warn to not promote violence.		**Task:** Engage K-Alb populace vicinity Town B during HA visit. **Purpose:** Influence to not interfere with religious observance.				
TF X-XX (US) Infantry			**Task:** Engage K-Alb and K-Serb leaders and populace vicinity Town B. **Purpose:** Influence to support peaceful religious observance.				
TF X-XX (US) Armor	**Task:** Engage community leaders and populace in Municipality A. **Purpose:** Influence to conduct peaceful commemoration.						
TF X-XX (Russian) Infantry			**Task:** Combined MEDCAP/ DENCAP with X/XXX Med Co to K-Alb populace vicinity Town B. **Purpose:** Influence to not interfere with religious observance and demonstrate MNB(E) solidarity.				
X-X Engineer Battalion			**Task:** Meet with KPC unit counterpart. **Purpose:** Coopt to support non-interference with religious observance.				
X/XXX Medical Company			**Task:** Combined MEDCAP/ DENCAP with Russian Bn to K-Alb populace vicinity Town B. **Purpose:** Influence to not interfere with religious observance and demonstrate MNB(E) solidarity.				

Figure 5. Information Operations Execution Matrix

The information operations Read File was a situational awareness tool for the MNB(E) leaders and staff. The LIWA FST NCOIC produced and distributed the information operations Read File daily. The Read File was a compilation of extracted information from MNB(E) and subordinate unit intelligence and operations reports, including commanders' SITREPs, and media reports prepared by the G2 OSINT section. Extracted information highlighted potential key events and activities that occurred throughout the MNB(E) areas of operation and interest for the preceding 24 hours with a focus on those that impacted the information environment. The consolidation of focused information from critical reports into a single document provided the MNB(E) leadership and staff with a brief synopsis that they could easily digest. The Read File also facilitated the information operations section's daily information operations assessment.

Information operations talking points were perhaps the most important tools the information operations section produced. Talking points provided MNB(E) leaders and soldiers with background information on key topics of direct operational relevance with related unclassified messages for specific or general delivery to community leaders and the local populace. Talking points provided the basic information and direction for conversations, but they were intended to be appropriately tailored for different audiences by the MNB(E) personnel delivering the information. Background information explained the issue, identified the intent or purpose for delivering the information, and provided any amplifying instructions, such as identifying specific populace groups that the information was intended for or for whom the information would be inappropriate. Following the background paragraph, factual information on the issue and related messages were bulleted for ease of use by MNB(E) personnel in face-to-face discussions with the populace and responding to questions from the media. MNB(E) leaders and soldiers participating in local radio and TV shows also used the talking points as did the PSYOP company in developing public service messages that were disseminated to locally contracted radio stations for periodic broadcast. The talking points were cross-walked with directed messages on the information operations TSM to prevent any conflict and ensure unity of effort in the information and messages the MNB(E) was disseminating. Talking points were published weekly and distributed to all MNB(E) staff and subordinate units through a FRAGO. Additionally, special information operations talking points were prepared and published in a FRAGO when a specific incident or issue arose

during the week and required immediate response from the brigade due to the potential for adverse impacts on the mission or a specific opportunity to advance accomplishment of the mission. Furthermore, specific talking points were developed for MNB(E) senior leaders' use in meetings with key local leaders that were directed by the TSM or called in response to an issue or problem related to the brigade's mission.

Information operations talking points were important for both the factual information they addressed as well as the messages that they provided related to that information. Although there was an overabundance of information that pertained to the MNB(E) sector and the local populace, topics, issues or incidents that were addressed in the talking points were selected for their operational relevancy to the brigade's mission of maintaining a safe and secure environment. Examples of talking points subjects include: serious incidents of ethnic violence such as murder or attempted murder; detention, arrest, trial, or conviction of a suspect in a highly publicized crime or a well-known local personality; transition of sector responsibility from one unit to another such as when the 1st Armored Division replaced the 1st Infantry Division as the USKFOR; significant examples of KFOR support to the local populace and specific communities; depleted uranium weapons use and other potential controversies related to the NATO bombing effort in Operation Allied Force; appropriate roles and activities for the Kosovo Protection Corps (KPC) and the progress of their transformation; renewed or suspected efforts to renew insurgency operations; and various efforts to restore normalcy to the sector such as refugee or prisoner returns and incidents of interethnic cooperation.

Talking points armed MNB(E) leaders and soldiers with current, factual information with which to defend themselves when questioned or confronted by the local populace, community leaders, or media representatives. The messages contained in the talking points also contributed to shaping the environment for future brigade operations. Furthermore, talking points in general advanced the accomplishment of the brigade's mission by establishing credibility for MNB(E) forces due to the soldiers' ability to provide factual information in a relatively timely manner, their capability to preempt or respond to misinformation or propaganda, and their desire and effort to impartially keep the local populace informed. Finally, information operations talking points ensured the continuity of topics, facts, and messages being disseminated by MNB(E) forces throughout the sector.

The information operations talking points used by MNB(E) leaders and soldiers were significantly different from media talking points normally produced by PA personnel, although the purpose for both is to ensure a continuity of information and messages. Information operations talking points were intended for use with any audience: the local populace, leaders or representatives from within sector or from the international community, and the media. Additionally, information operations talking points were written for use by all MNB(E) personnel, from senior leaders through the lowest ranking soldier. Key to the use of information operations talking points was for the speaker to tailor them to the situation and the audience. Finally, information operations talking points dealt with any topic of operational relevance to the brigade's mission, whether the topic concerned events, actions, or activities that directly pertained to U.S. forces or not.

The content of information and messages disseminated by MNB(E) personnel and units was nested as much as possible with the information and messages on the same or similar topics being disseminated by other agencies, including KFOR, UNMIK, NATO, and the U.S. Department of State. The information operations section relied on information from the KFOR PAO on many operationally relevant topics in Kosovo that exceeded the MNB(E) geographical or authoritative boundaries. Additionally, comments and press releases from the commander of KFOR, the chief of UNMIK, the NATO Secretary General, and representatives of the State Department regarding operationally relevant topics were used to provide strong support for MNB(E) messages to leaders and population groups in sector. Quotes and paraphrased information from those comments and press releases were included in information operations talking points and in directed messages for nonlethal engagements. Analysts in the Information Division at the LIWA forwarded to the information operations section copies of classified messages on various operationally relevant topics. Some messages provided unclassified talking points on those topics and were provided for use by U.S. government and military personnel in the European region conducting meetings or activities related to Kosovo. The information operations section ensured that any MNB(E) information operations talking points or directed messages released in sector pertaining to those same topics agreed with the information and talking points being used by other government and military personnel.

Information Operations Assets and Capabilities

Information operations in MNB(E) were conducted primarily through the use of PSYOP, CA, PA, MNB(E) headquarters, and major subordinate unit assets to deliver the selected information and targeted messages. Doctrinally, information operations can consist of a variety of major lethal and nonlethal capabilities and activities, including operations security (OPSEC), PSYOP, military deception, electronic warfare (EW), physical attack/destruction, computer network attack (CNA), PA, and CA.[9] Due to the inherent operational constraints of peacekeeping and an underdeveloped, dilapidated local information infrastructure, MNB(E) information operations consisted of a limited set of these capabilities and activities. Additionally, the extent and manner in which subordinate multinational battalion task forces implemented information operations in their sector depended on their organic assets and their own national policies and procedures.

The U.S. Army Reserve PSYOP company attached to MNB(E) consisted of assets capable of disseminating operationally relevant information and associated messages to support the brigade's mission. In addition to producing and disseminating handbills, posters, and other print products, the company also was capable of producing radio and TV programming. Perhaps the most prolific PSYOP asset, however, was the Tactical PSYOP Team (TPT). Three TPTs provided coverage throughout the brigade sector. The TPTs disseminated PSYOP products to the public and conducted loudspeaker operations and, perhaps most importantly, face-to-face PSYOP, which along with the maneuver battalions' presence patrols was a significant information operations capability. TPT personnel gauged the target audience's attitude and adjusted their delivery as needed. TPT members were also trained and experienced in persuasion and influence techniques that are not common capabilities of the average soldier. Further, TPT personnel were able to assess the immediate effects of their engagements and detect changes in behaviors and attitudes in later visits to the communities. PSYOP personnel conducted engagements directed by the MNB(E) targeting process and also used information operations talking points for targets of opportunity. TPTs were directed to attend MEDCAP and DENCAP visits as well as civil-military project events, such as kick-off ceremonies and project completion celebrations, to capitalize on the opportunities those activities presented for engaging and influencing target audiences. PSYOP personnel also provided relevant information on

topics and issues germane to the MNB(E) mission that they collected and observed during their conversations and movements.

Figure 6. A Tactical PSYOP Team Member from MNB(E) Disseminates Information in Kosovo

Although the PSYOP company had limited organic capabilities for broadcast media production, they carried out a major effort in developing radio broadcast capabilities. The company's capability in developing radio programming was significantly enhanced through the addition of a broadcast media specialist from the PAO. Local radio stations were contracted to broadcast MNB(E) information and messages. The number of contracted stations grew phenomenally from 6 in April 2000 with a regional broadcast coverage limited to portions of 5 of 7 municipalities in the Brigade's sector, to 14 by the end of July with coverage that extended to all the municipalities. The initial limited coverage primarily was due to the small number of operational local radio stations. As the number of stations grew, the PSYOP company took advantage of the opportunities to expand broadcast coverage for dissemination of information and messages to support the MNB(E) mission. The first operational TV station in sector did not emerge until July 2000 and the PSYOP company was preparing to initiate a similar vigorous effort with TV broadcasting as they did with radio. In addition to producing radio public service announcements, the PSYOP company scheduled and

prepared MNB(E) headquarters personnel for appearance on live radio shows. The PSYOP company and the information operations section coordinated each week on topics, facts, and messages appropriate for the public service announcements and radio shows. Additional coordination was conducted after shows in which call-in questions were received from the local populace to ensure follow-up facts and messages were optimally addressed in later appearances. By July 2000, each maneuver battalion task force commander had a contracted radio station available in his sector to conduct weekly live radio shows.

The PSYOP radio effort played a key role in the MNB(E) information operations effort since it played both an economy of force and force multiplier role. Radio allowed the rapid dissemination of information and messages relevant to the brigade's mission throughout the sector without requiring a physical presence to convey them. Radio public service announcements and live radio shows also emphasized information and messages focused on maintaining a safe and secure environment, thereby multiplying the effects of those disseminated through key leader engagements, face-to-face PSYOP, PSYOP printed products, press releases, or force presence patrols.

The nature of public affairs operations in MNB(E) changed significantly during the summer of 2000 from a reactive approach to a more aggressive active effort. The U.S. Army Reserve Mobile Public Affairs Detachment (MPAD) attached to the MNB(E) coordinated and facilitated media operations and produced unit internal information products. Internal information products included *The Falcon Flier* command newspaper. The commander of the MPAD also functioned as the brigade Public Affairs Officer. PA operations included press releases, media escorts, and press interviews with MNB(E) leaders. Up through June 2000, the MPAD pursued reactive media operations: producing press releases when directed by the MNB(E) leadership, escorting media representatives when notified, and taking a generally neutral stand when providing information to the media that entailed releasing only facts with no associated messages. The MPAD rotated in July 2000 and with the change in unit came a more active approach to media operations. The new MPAD initiated press releases to ensure the facts surrounding events that could impact the MNB(E) mission were released as quickly as possible to head off possible misinformation or propaganda. The MPAD coordinated with the information operations section to ensure that appropriate MNB(E) messages were released.

The MPAD also coordinated with the information operations section on facts and messages to use in preparing senior MNB(E) leaders for press interviews and speeches.

The civil-military operations (CMO) conducted in the MNB(E) sector contributed significantly to influencing the behavior and attitude of the populace and local leaders. The CA battalion attached to MNB(E) was also from the U.S. Army Reserve. Tactical Support Teams (TSTs) from the CA battalion operated in all maneuver battalion task force sectors to coordinate civil-military projects and humanitarian assistance. CA personnel also conducted face-to-face meetings with the local population, community leaders, UNMIK representatives, and international organizations such as the Red Cross and the World Food Program.

Figure 7. A CA Soldier from MNB(E) Interfaces with the Local Populace

Civil-military operations were coordinated rather than specifically integrated with the information operations effort, except in those instances when sanctions were imposed on specific communities and KFOR civil-military projects and humanitarian assistance were withheld to send specific messages to a community. Instead, information operations leveraged civil-military projects and humanitarian assistance for information purposes and used that information to project effects

in the local community, the municipality, and in other communities and municipalities in sector. In addition to standard civil-military projects such as utilities repair and schools construction or repairs, CA personnel also coordinated small-scale employment projects and local business rehabilitation sponsored by the international community as well as intercommunity and interethnic business cooperation. Humanitarian assistance efforts by the CA battalion included escorting Kosovar Serbs to medical and other social welfare visits in or through Kosovar Albanian communities, coordinating for food and clothing donation distributions to specific families and communities, and coordinating for specific medical assistance to individuals, families, and communities. Combat Camera, PA representatives, and CA personnel worked with the information operations section to capture information about specific CMO conducted in sector. This information was then included in press releases, PSYOP products, and information operations talking points used throughout the sector to persuade the public and local leaders of the benefits of cooperating with MNB(E). Additionally, a CA representative attended operations planning and targeting meetings to synchronize CMO with the maneuver and information operations plans.

The high quality medical care provided by MNB(E) medical personnel played a key role in the brigade's information operations effort. Emergency medical care was provided by the Camp Bondsteel medical treatment facility to any person with the threat of loss of life, limb, or eyesight. The quality of medical care that was provided at the Camp Bondsteel medical facility was renowned throughout Kosovo. Kosovar Serbian residents from even the most uncooperative, hard-line communities (such as Strpce) willingly received emergency medical treatment at Camp Bondsteel. A leading Serbian Orthodox cleric in sector who was seriously injured in a drive-by shooting required a series of medical treatments at Camp Bondsteel. He reported that wealthy relatives offered him the opportunity to receive medical treatment elsewhere, but he declined, as he trusted the care he was receiving at Camp Bondsteel. The former KLA leader and resurgent political celebrity Ramush Haradinaj was transported to Camp Bondsteel for medical treatment after being injured in a confrontation in MNB(W). In addition to the emergency medical treatment provided at the Camp Bondsteel medical treatment facility, teams of medical and dental treatment personnel from MNB(E) provided care throughout the sector through the MEDCAP/DENCAP. This medical and dental care was provided to

augment civilian care that was either inadequate or unavailable in specific communities.

Figure 8. High-Quality Medical Care Provided by MNB(E) Played a Key Role in Sending Messages to the Local Populace in Kosovo

As with CMO, the information operations section coordinated with other MNB(E) elements to leverage brigade-provided medical and dental care for information purposes to influence the attitudes and behaviors of the local leaders and populace. Combat Camera, PA representatives, and MNB(E) medical personnel worked with the information operations section to capture the information. The information was then disseminated in press releases, PSYOP products, and information operations talking points throughout the sector to further reinforce the benefits of cooperating with MNB(E). MEDCAP and DENCAP visits also were prime opportunities for disseminating operationally relevant information and messages to local target audiences. Therefore, PSYOP teams were directed to selected MEDCAPs and DENCAPs to seize those opportunities. The medical planner from the staff Surgeon's Office attended the brigade's operations planning sessions and targeting meetings to integrate scheduled MEDCAPs and DENCAPs into the concepts of operations and nonlethal engagements. This integration of MEDCAP and DENCAP planning with the brigade's operations and targeting ensured that scheduled medical and dental assistance not

only went to communities that needed it, but also were synchronized with planned information operations activities and supported achieving the brigade's mission. The staff surgeon maintained historical information on MEDCAP and DENCAP visits to support assessments and for use in future planning and targeting efforts.

Members of the MNB(E) command group and staff conducted engagements and assessments of key local leaders and target audiences. The MNB(E) commander, the U.S. brigade commander, the deputy commander for Civil Affairs, and the MNB(E) chief of staff conducted face-to-face meetings with key local formal and informal leaders to deliver messages supporting the brigade's mission. Some of these were specifically directed during the MNB(E) targeting meetings or coordinated with the information operations section to ensure continuity of messages and some were conducted on the command group's initiative. A number of MNB(E) staff officers also conducted meetings with key leaders and target audiences. These included the G5, who was also the CA battalion commander, the Political Advisor (POLAD), the Deputy G3, the Staff Judge Advocate, the Provost Marshall, the chaplain, and the Joint Implementation Commission (JIC) Officer. Again, some of these meetings were targeted meetings or coordinated with the information operations section and some were not. The JIC Officer was principally responsible for monitoring the implementation within sector of all facets of the international agreement to establish the KPC. In that capacity, he held various meetings with KPC leaders and key staff personnel. The MNB(E) JIC also attended and facilitated weekly meetings on sector security with representatives of the international community, including UNMIK. Although the information operations section did not coordinate or target messages for all the JIC meetings, the section did provide the JIC information and messages for key target audiences as determined during operations planning or the weekly targeting meeting. Also, members of the MNB(E) staff, such as the MNB(E) staff surgeon and the POLAD, appeared on radio shows to present information and messages to the populace in their dialogue and in their responses to listeners' questions.

Force presence provided an unparalleled capability for the MNB(E) information operations to influence the behavior and attitudes of local community leaders and the populace in sector. Multinational battalion task forces and other major subordinate units such as U.S. Army engineers and U.S. Army military police provided the assets that

maintained that force presence to include interacting with local leaders within the towns and municipalities. Battalion task force commanders were responsible for engaging the local leaders within their assigned sectors. Daily patrols, fixed and roving checkpoints, and deliberate operations to maintain a safe and secure environment such as cordon and search operations presented opportunities for MNB(E) soldiers and junior leaders to disseminate information and messages to the populace and their community leaders. The Milosevic regime maintained representatives and supporters in sector and ethnic Albanian extremists maintained pockets of support throughout the sector. However, neither camp had the ability to have a presence anywhere in sector at any time, nor did they maintain a respected level of credibility among a large portion of the populace as MNB(E) forces did. Soldiers from MNB(E) had the capability to provide a respected presence anywhere in sector. As a result of MNB(E)'s emphasis on treating any resident of Kosovo with respect and dignity, as well as its efforts made to present factual, current information, MNB(E) soldiers were able to provide a credible presence throughout the sector that made them perhaps the most effective information operations asset.

Figure 9. Force Presence Provided a Vital Information Operations Capability in Kosovo

Strpce, June 2000: A Brief Example of Information Operations

In late June 2000, the town of Strpce in the southwestern portion of the MNB(E) sector erupted in a melee of destruction and violence. The Kosovar Serbs attacked the UNMIK municipal administrative headquarters and wantonly destroyed furniture and office equipment. Attempts were made to set the building on fire, but were unsuccessful. The reported cause of the mayhem was simple displeasure with the UNMIK administrator and his methods.

As a result of the attack on UNMIK, the MNB(E) commander imposed sanctions on the Serbian populace in the municipality. These sanctions included withholding medical or dental treatment teams' visits and postponement of civil-military projects, both in progress and planned, for the Serbian community in Strpce. Additionally, the MNB(E) commander cancelled security escorts for bus and automobile convoys travelling from Strpce to Serbia through ethnic Albanian towns. These convoys were the only way for Serbs to leave or enter the remote Serbian enclave. The convoys were at great risk of attack as they passed through ethnic Albanian towns and without the KFOR security escorts most residents were unwilling to take the risk.

MNB(E) headquarters representatives, Polish and Ukrainian soldiers on patrol with U.S. Army Special Forces liaison personnel, CA personnel, and PSYOP teams disseminated information on the sanctions to local Serb community leaders and the populace in and around Strpce. Included with the sanctions information were messages urging cooperation and compliance. The information was also provided to an MNB(E) contracted radio station in the neighboring town of Brezovica with the intent of reinforcing the pressure on their Serbian colleagues in Strpce. Furthermore, to exploit the effects of the Strpce sanctions by apprising other Kosovo residents of the projects and assistance that the Serbian community in Strpce was losing, information on the imposed sanctions was disseminated throughout the MNB(E) sector to Kosovar Serbs and ethnic Albanians alike. Combined with other information on the projects and assistance that MNB(E) was providing sector wide, the information directly supported messages urging cooperation from sector residents.

The Deputy Commander for Civil Affairs subsequently met with local Serb leaders to reinforce the message of the sanctions. MNB(E)'s demands included the peaceful detention of individuals suspected of leading the attack on the UNMIK offices. The April riot in the Strpce municipality was the result of an angry crowd opposing the detention of a Serb resident suspected of caching weapons in his house and the MNB(E) commander intended to avoid a similar violent confrontation. The locations of the suspected leaders were identified and an operation mounted for their arrest. Messages in the form of information operations talking points were provided to the forces conducting the detentions for use in explaining their actions to local residents and preventing violent reactions. TPT personnel distributed fliers during the operation and radio messages were provided to the Brezovica radio station to reinforce the talking points. When the suspected leaders were detained, a small crowd gathered and then soon dispersed. No subsequent violence ensued, Serb leaders acquiesced to MNB(E)'s demands, and the MNB(E) commander lifted the sanctions within less than a week of their being imposed.

Issues and Problems

Assessment of the overall contribution of information operations to progress in MNB(E)'s sector and of the effectiveness of any given information operations engagement was difficult. Information operations' measures of effectiveness (MOE) are subjective, and obtaining reported information that supports quantitative analysis of nonlethal engagements is difficult.[10] After all, assessment of changes in people's attitudes and behaviors are not as readily identifiable as the destruction of physical assets. As anticipated, information operations MOE and effects from nonlethal attacks were highly subjective, based more on qualitative changes rather than quantitative results, and dependent on interpretive judgment as opposed to physically discernible changes. The challenge of information operations assessment was made more difficult by a lack of disciplined reporting from those assets and units that conducted information operations activities and nonlethal engagements. At times, the information operations section was unable to determine whether a directed engagement or tasked activity was even executed, let alone the effects or amount of success achieved. Although assessment reporting from the battalion task forces improved greatly after the transition to rotation

2A in June 2000 when battalion FSOs assumed the role of task force information operations officers, nonlethal engagements by leaders and staff officers from MNB(E) headquarters still went unreported at times, especially those that were conducted on commanders' or staff officers' own initiatives without prior coordination and synchronization in operations planning or the targeting process.

Lack of coordination on various nonlethal engagements, including some conducted by MNB(E) headquarters' senior leaders and staff members, presented other problems beyond ineffective assessment. Principal among these problems was a lack of continuity in information and messages. In one instance, a primary staff officer from MNB(E) informed key representatives of the Kosovar Serbian community of the brigade's intent to pursue a certain course of action while senior leaders recommended to the commander not to continue with that same course of action. In other instances, the lack of coordination simply resulted in missed opportunities. For example, artillery at Camp Bondsteel fired illumination rounds in support of nighttime searches and patrols. Although coordination was conducted with the information operations section for talking points to generally warn the populace of the artillery firing (but not of specific missions) and inform them of the purposes of the illumination missions, no specific coordination was conducted to analyze and select communities or areas in sector where the firing of illumination missions in themselves could send a message of warning or, conversely, of security. Another problem resulting from lack of coordination on some nonlethal engagements was the engagement of the wrong person as a key decisionmaker. Especially after the transition of authority for the sector from the 1st Infantry Division to the 1st Armored Division while the new unit's personnel were still inexperienced with the sector's situation, regional and community leaders were engaged that were inappropriate for the task at hand. That is, sometimes local leaders were engaged who were not the key decisionmakers for a specific group or were not subject to MNB(E)'s influence. Most of the latter fell into the category of criminals or hard-line nationalists who had no real motivation to cooperate with MNB(E) unless they could be detained for a significant period of time or brought to trial.

OPSEC was applied more from an administrative perspective within the MNB(E) headquarters rather than an operational imperative planned and executed in the brigade's operations. Policies and procedures were established and overseen for the garrison-type activities such as

physical security of facilities and protection of classified materials, but focused planning and implementation of potential vulnerabilities and related protective measures for operations were limited at best. Additionally, the brigade headquarters did not actively oversee implementation of OPSEC at the subordinate battalion task forces.

Not enough attention was placed on what messages or influences the ethnic Albanians or Serbs may have been putting forth in their contacts with MNB(E) leaders and forces. MNB(E) leaders, staff officers, and soldiers interacted with regional and community leaders and the populace in sector on a daily basis. In spite of the various conversations that were being conducted and reported and the fact that MNB(E) was using these contacts to send messages to target audiences, there was no deliberate effort to analyze whether the local leaders and populace were likewise sending messages to MNB(E). The target audiences' responses to MNB(E) messages were analyzed only to determine success or failure, but not to determine if the audiences were disseminating messages in return. Analyzing the local leaders' and populace's conversations and statements for either explicit or implicit messages could have been critical to the information operations effort as the messages could have indicated an operational focus for groups wishing to influence MNB(E) leaders and soldiers and possible MNB(E) attempts to prevent any adverse impact on the mission.

Nonlethal targeting for information operations was conducted only by MNB(E) and not by KFOR or any other MNB. Because there was no influence being exercised on leaders or population groups external to the MNB(E) sector that may have had associated elements targeted by MNB(E), the opportunities to compound that influence province wide were missed. Additionally, efforts to influence leaders and population groups external to the MNB(E) sector could have facilitated MNB(E)'s information operations against related leaders and groups in sector.

In addition to not conducting nonlethal targeting, KFOR did not have an overarching, long-range information operations plan that integrated the efforts of the MNBs towards specific objectives. Instead, the KFOR information operations section provided occasional guidance at the weekly KFOR IOWG meetings. This guidance usually focused on specific information to be disseminated by the MNBs as opposed to focused tasks and purposes to achieve an integrated end state. Of course, the lack of common KFOR information operations doctrine and procedures

meant that any effort to integrate the MNBs' information operations would have been executed disparately and therefore perhaps achieved less than effective results. Thus, the MNBs' information operations consisted mostly of segregated efforts conducted with varying processes and procedures to attain different objectives and effects.

Civil-military operations and humanitarian assistance projects were ideal opportunities to present messages and information to captive audiences, but CA personnel were hesitant to do so. This hesitancy was generally due to the personnel feeling uncomfortable conducting information operations since they did not believe that the HA or CMO event was an appropriate time to attempt to influence local populace members or they felt that opportunities did not present themselves to disseminate the information and messages. This hesitancy to conduct information operations may have been overcome with more training focused on how to present operationally relevant information and messages.

Nonlethal engagements of inappropriate targets and the sending of inappropriate messages occurred many times because MNB(E) leaders and soldiers, including U.S. soldiers, were not sufficiently trained to consider or even be aware of the potential information impact of their every action. Any actions conducted by MNB(E) personnel could send a message, good or bad. Unfortunately, on various occasions MNB(E) leaders and soldiers took actions that sent inconsistent and contradictory messages to those that the command was trying to present. For example, any event conducted by MNB(E) units or staffs that smacked of military training for the KPC ran counter to the effort of converting them to a civil organization, sent contradictory messages to the KPC leaders and members as to MNB(E)'s position, and presented the wrong image to the populace and the international community. As another example, MNB(E) forces would engage local informal leaders who were influential in their communities, but who were not supportive of MNB(E) or UNMIK. MNB(E)'s engaging them legitimized and empowered them further as it gave the image to other leaders, including official ones, as well as the populace that MNB(E) considered the informal leaders to be the community power brokers. Although these leaders may have been able to achieve results, their increased power only allowed them to further oppose MNB(E) or UNMIK and sent contradictory messages to the populace since the informal leaders opposed MNB(E) or UNMIK. Once again, these incidents of MNB(E) leaders and forces conducting inappropriate engagements and sending

inappropriate messages probably could have been reduced with effective training.

Conclusion

The performance of information operations in Kosovo by MNB(E) demonstrated the utility of information operations in peace operations. Moreover, information operations in Kosovo has shown the benefits of information operations in tactical Army operations, albeit in a limited, nonlethal, and primarily nontechnical applications. The success that has been achieved in the MNB(E) sector with the application of information operations occurred because of its integration with the MNB(E) overall operations through the use of standard decisionmaking and targeting processes that soldiers are familiar with and experienced in from training for and conducting combat operations. The tactics, techniques, procedures, and processes used to conduct information operations in Kosovo were previously used in Bosnia and continue to be applied and refined now in Kosovo. These operations are developing a pool of Army soldiers experienced with information operations, at least in peace operations, and perhaps growing to appreciate its benefits and contributions.

Tactical Army leaders' and soldiers' experience with and appreciation of the contributions of information operations in Kosovo should provide the impetus for increasing consideration of its use in combat operations. Teams from the Land Information Warfare Activity have worked with Army units to facilitate the integration. To date, progress on integrating information operations into Army operations has been slow and leaders have been unwilling to invest their own unit resources in conducting operations in the information environment. Although familiar processes and procedures have been used in implementing information operations, applying it is still a relatively complex effort. The complexity of applying information operations is perhaps a significant obstacle to its integration in tactical Army operations. The application of information operations requires a different perspective and focus than the normal Army emphasis on firepower and maneuver. Nevertheless, the tactical success achieved in contingency missions such as Kosovo and Bosnia provide clear indications of the potential benefits of applying information in conjunction with maneuver and firepower to accomplish a tactical Army mission. Perhaps these

experiences with information operations in peace operations will shape the environment for future Army operations.

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[1]This chapter discusses tactics, techniques, procedures, and processes that the Multinational Brigad-East information operations section used in Kosovo from April through July 2000. Although the information operations section continued to function similarly, the methods and means for planning, executing, and assessing information operations continued to evolve. For the most current tactics, techniques, procedures, and processes in use by the MNB(E) information operations section, see MNB(E)/Task Force Falcon (TFF) Standard Operating Procedures. This chapter is only the author's opinion of what transpired and does not constitute an official position of the Land Information Warfare Activity, the Multinational Brigade-East, or the U.S. Army.

[2]U.S. Joint Service Staff, Joint Publication 3-13, *Joint Doctrine for Information Operations*, 9 October 1998, p. I-3.

[3]*Ibid*., definition of information operations on p. I-9.

[4]Ralph Peters, "The Plague of Ideas," in Parameters, U.S. Army War College Quarterly, Volume XXX, Number 4, Winter 2000-01, p. 18. Mr. Peters discusses true information wars as being about information that is "culturally permissible." He states that "The closest military organizations come to the real challenge is when they attempt, amateurishly, psychological operations campaigns or fumble with 'perception management'." The MNB(E) information operations effort avoided a futile effort at fighting or modifying the truth and instead focused on ensuring factual information was made available to the populace.

[5] Christopher Layne, "Collateral Damage in Yugoslavia," in *NATO's Empty Victory*, ed. Ted Galen Carpenter (Washington, D.C.: Cato Institute, 2000), p. 55.

[6]U.S. Army Land Information Warfare Activity (LIWA), LIWA Information Operations Handbook (Draft), October 1998, p. 2-5.

[7]Headquarters, U.S. Department of the Army, U.S. Army Field Manual (FM) 101-5, *Staff Organization and Operations*, 31 May 1997, p. 5-1.

[8]Ibid, pp. H-16 and H-64.

[9]Joint Pub 3-13, p. I-9.

[10]LIWA Information Operations Handbook (Draft), p. 7-10.