

## *Chapter 20*

# **The Next Emergency in Kosovo: Political and Institutional Considerations for Civil-Military Cooperation**

*Edward P. Joseph*

### **The Special Disaster Response Challenge in Kosovo**

A comprehensive survey of Kosovo's internal security apparatus conducted with UNDP assistance in 2006 found that "Kosovo faces a number of potential emergencies including epidemics, and natural and man-made disasters."<sup>1</sup> Fear of the spread of avian flu in 2005 had spurred international and local officials to review the capacity of Kosovo's emergency response and health institutions. While some institutions appeared surprisingly well-prepared to respond than believed, most institutions demonstrated severe shortfalls in capacity to address disaster response. Communication and management problems, the report's authors noted, were endemic "within and across both Kosovo and international institutions." The report noted that Kosovo-specific problems such as the inability to communicate to parallel Serb institutions "could cause significant breaks in information and response capacity."<sup>2</sup>

Beyond health challenges like avian flu, Kosovo faces threats from communist-era industrial waste and decaying industrial infrastructure, particularly related to the Trepca complex facilities near Serb-controlled Mitrovica. Kosovo lies in the middle of an active earthquake zone with seismic fault lines running along the Adriatic littoral and the Vardar Valley (i.e. Skopje, site of a devastating earthquake in 1963.) The most recent substantial earthquake in Kosovo occurred six years ago in the Gnjilane region and measured 5.7 on the Richter scale. The UNDP report authors concluded that "Kosovo is poorly prepared to coordinate disaster response, regardless of the origin of the emergency."<sup>3</sup>

In the two years since the report was issued, Kosovo has passed through a still-difficult, existential transition. Kosovo is no longer a vestige of Serbia, nor a vassal of the international community, but rather a fledgling independent state, albeit supervised by a complex array of international actors. Kosovo's unique situation—its less-than-accepted independent status; the difficult relationship between the majority Albanian and minority Serb communities; and the incipient nature of its institutions—exacerbate the impact of any emergency that Kosovo might face. Unlike in other countries, the security ramifications of a disaster in Kosovo are omnipresent and complex. The UNDP authors noted that in the wake of an emergency, Kosovo is vulnerable to significant short-term mortality rates aggravated by "rioting in

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<sup>1</sup> Anthony Welch, et al., *Kosovo Internal Security Sector Review*, ISSR, UNDP, 2006, p. 63.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*

response to perception of incompetent response by authorities.”<sup>4</sup> The report continued that a poor government response could, in the longer term, lead to a collapse of public trust in institutions and lead to social violence and political unrest. In turn, the prospects for inter-ethnic violence, including possible outside intervention would escalate dramatically.

This chapter examines the political and institutional challenges that complicate the response to a disaster in Kosovo. The next section examines the political context, and how it affects disaster response. Some scenarios that would trigger worst-case involvement by outside actors are mentioned. Part three looks at Kosovo’s indigenous capability to respond to disasters. Part four examines some lessons from the 1999 Kosovo refugee crisis, including lessons for civil-military relations. Part five offers recommendations.

## **The Political Context for an Emergency in Kosovo**

By its very nature, a natural disaster or emergency anywhere presents challenges that are difficult to anticipate fully. In the case of Kosovo, practical and logistical considerations are aggravated by inherent political complexity. These political complications must be at the forefront of any attempt to understand and begin planning for contingencies.

### ***Kosovo’s Disputed Independence***

The first complicating factor is Kosovo’s disputed independence. On 17 February 2008 Kosovo declared independence. At this writing, 60 countries have recognized the Republic of Kosovo, including 22 of 27 EU members and the United States and Canada.

However, Serbia remains doggedly opposed to independence. On 8 October, 2008, the United Nations General Assembly approved a Serbian proposal to refer the Kosovo issue (the legality of its declaration of independence) to the International Court of Justice. The next day, two of Kosovo’s immediate neighbors, Macedonia and Montenegro, each recognized Kosovo. The following day, 10 October, Martti Ahtisaari, the former UN mediator for Kosovo, was awarded the Nobel Peace Prize. It was “the Ahtisaari Plan” which set out the basis for Kosovo’s supervised independence and is incorporated in Kosovo’s Constitution, adopted in June, as supreme law.<sup>5</sup> For Serbs, Ahtisaari is now synonymous with Kosovo independence. The serial nature of these recent events is a reminder of how the Kosovo issue continues to whipsaw Kosovo and its neighbors, as well as the wider international community. Russia cited the Kosovo case as justification for its invasion of Georgia in August and Russian leaders continue to invoke vigorously the alleged Kosovo parallel.

The contentiousness over Kosovo’s status has spilled over into the internal administration of Kosovo—with serious ramifications for dealing with an emergency or natural disaster. Because of Russian opposition to Kosovo’s independence, the Council has been unable to pass a new resolution acknowledging any change in Kosovo’s status. Though the Ahtisaari Plan was for-

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<sup>4</sup> Ibid, p. 64.

<sup>5</sup> See Article 143 of Kosovo Constitution which incorporates by reference the “Comprehensive Proposal,” otherwise known as “the Ahtisaari Plan.”

mally endorsed by Secretary-General Ban Ki-Moon and presented to the Security Council, the deadlock there has forced the UN to remain “status neutral.” Security Council Resolution 1244 continues to remain operative for Kosovo—and continues to set out the foundation for the operation of most international organizations which would be expected to become primary actors in the event of an emergency.

Yet, a new, complex reality has emerged in Kosovo that SCR 1244 does not fully address. The Ahtisaari Plan envisioned a drawdown of the supervisory UN Mission (United Nations Mission in Kosovo) or UNMIK in favor of increased control by Kosovo’s institutions—an outcome desired by both Albanian authorities and the UN as well. In June, Kosovo enacted a new Constitution, formalizing its new-found independent authority while allowing for a continued international civil and military presence. Article 126 sets out the broad objectives of a new indigenous security apparatus, the “Kosovo Security Force” (KSF.) Under NATO guidance, KSF succeeded the former “Kosovo Protection Corps” (KPC) in January, 2009, including assumption of KPC’s disaster response duties. Disaster response was by no means a minor competency for KPC; because of the extreme sensitivity of according then UN-administered Kosovo a combat capable army, KPC was afforded other, non-combat roles like responding to emergencies.

The supervisory concept set out by Ahtisaari launches a new, more prominent role for the EU: an International Civilian Representative (ICR) and a civilian European Security and Defense Policy (ESDP) Mission, known as EULEX. As accepted in Kosovo’s Constitution, the ICR is to have “final authority” over civilian aspects of the settlement, including crucially, those that pertain to the Serb minority. The ICR heads the International Civilian Office (ICO), an international agency substantially smaller than UNMIK. Dutch diplomat Pieter Feith is the ICR/EUSR. A US official serves as Feith’s Deputy ICR. To make matters more confusing, the ICR also serves as the EU Special Representative (EUSR) to Kosovo; however he provides only “political guidance” to EULEX, which answers directly to Brussels.

The ESDP/EULEX mission in Kosovo is an EU rule of law mission that assumes the burden shared by UNMIK and others for the development of the entire rule of law continuum from police to courts. Just as the new Republic of Kosovo has assumed more responsibility, so EULEX has taken fewer of the executive powers that the predecessor UN mission had. The EU mission sees its primary role as mentoring. EULEX comprises some 2,000 EU and other international civilian personnel—including from the US — including police, judges, prosecutors, correctional officers and customs police. Because of Serb opposition, so far the ICR has hardly been able to deploy in the Serb-controlled north. EULEX is deployed in the north, but officials say that its police are largely ignored. This means that crucial rule of law-related duties, including policing, (which could become central in the event of an emergency) remain shared to some uncertain degree with the United Nations.<sup>6</sup>

The stalemate in the Security Council, and the plethora of international organizations now operating in Kosovo—the UN, ESDP/EULEX, ICO/ICR/EUSR, OSCE — forced Secretary

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<sup>6</sup> Not only are some duties shared with the UN, so, too, is the underlying legal structure. In the Serb controlled north, EULEX must still apply the law set out under UN Administration, while in the Pristina-controlled south, EULEX is helping implement the new, post-Constitution legal system.

Ban to attempt a clarification. On 12 June, 2008, he wrote parallel letters to the Presidents of Serbia and Kosovo, respectively, which set out a “reconfiguration” of roles. Commentators claim that the letters have only further muddied the situation, leaving lines of authority and relative responsibilities in Kosovo blurred. Among other steps, the letter to Serbia’s President Tadic states that Kosovo’s police operating in Serb Areas (the Kosovo Police Service) shall continue to report to the UN-controlled international police authority (as opposed to the new, EULEX mission.) In a policy difference with the UN, the EU Council and US maintain that the ICO and EULEX mandates exist throughout the territory of Kosovo, that would obviate the need for continued heavy reliance on the UN role in policing. Nevertheless, international officials acknowledge that various international missions will maintain parallel presences for the near-term in the north.

That Ban letter also establishes a “technical coordination committee” to include Serbia, aimed at addressing a host of technical and cross-boundary issues. Presumably, this committee could also address critical issues related to disaster preparation—but only if Belgrade is willing. As of this writing, the technical coordination committee has not been established. Even worse, according to senior Serbian officials, Belgrade and Pristina do not even have unofficial “back-channel” contacts. And until Serbia and Kosovo begin talking, then conversations between Kosovo’s Serbs and their Albanian neighbors is also labored. Without dialogue between these two communities, planning for disaster response will face severe constraints.

The referral of Serbia’s protest to the International Court of Justice could open the door for wider informal, and potentially formal, contacts. Indeed, one of Serbia’s arguments for referring the case to the ICJ was precisely that it would permit the contentious question of status to be “put to the side”, permitting dialogue on practical matters. Because the ICJ referral is so recent, however, it is known if in fact contact between Pristina and Belgrade will emerge, and if so, whether disaster preparation will be on the agenda. Officials in Kosovo say that recently local Albanians and Serbs have begun talking informally again. The court in the Serb-controlled part of Mitrovica has re-opened. Ideally, the atmosphere will continue to improve, expanding the quality and frequency of dialogue. But that outcome is by no means certain.

What is certain is that even in the event of a thaw, the international community will have to play a central role in dealing with any emergency affecting Kosovo—and not only because Kosovo’s fledgling institutions lack the wherewithal to deal with matters themselves. Political resistance to acknowledging the existence of the Kosovo state mean that not only NATO, but the UN and the incipient EU-led missions, as well as the OSCE will have vital, leading roles, if not in administering assistance, then in containing the political consequences of a disaster. This automatically places a premium on trans-Atlantic cooperation, given the central role of the US in NATO, the continuing presence of the UN in a supporting police capacity, and an emerging yet not fully realized European Union policing and rule of law role, in which the US also plays a supporting role.

Depending on the degree of displacement and deprivation, UNHCR, IOM, and WFP—three major players during the massive Kosovo refugee crisis in 1999 would again become primary actors. NGOs, as they did in 1999, would again be relied upon to perform vital roles as implementing partners and occasional independent actors. However, compared to other

locales, NGOs could again find their freedom of maneuver constrained by Kosovo's inherent political complexity. Operations under exegesis in Kosovo would almost certainly find NATO in an immediate leading operational role, working closely with UN and EU agencies. Those NGOs with a presence in Kosovo, and established links to local communities and international actors, would have a vast advantage in ramping up their ability to render assistance. NGOs not operating in Kosovo would benefit by familiarization with the complex local-international hybrid structure. Unfortunately, the muddled relationship among primary international actors that is a consequence of Kosovo's disputed independence will complicate and confuse even experienced NGOs.

In sum, Kosovo's disputed independence—along with an even more complicated international supervisory set up—cast a shadow over efforts to plan for an effective emergency response. Coordination—the bane of international response efforts—will be additionally challenged by overlapping authority in some areas, and vacuums in others, such as which official has unquestioned, over-arching political leadership in Kosovo.

### *The Unique Role of NATO*

The second inherent factor affecting emergency response to Kosovo is the unique role of an international military alliance, NATO. Under Security Council Resolution 1244, it is NATO's KFOR (Kosovo Force)—not Kosovo itself—that has overall responsibility for the country's security, including its borders. The Ahtisaari plan for independence envisioned that NATO would remain in order to provide a secure environment after a status settlement. And NATO members expressed their readiness to assume responsibility for a new international military presence under the Ahtisaari plan. In his June report to the Security Council, Secretary-General Ban acknowledged NATO's continuing security commitment in Kosovo, under Resolution 1244. Although NATO bombed Serbia in 1999, ironically the alliance, along with the UN, have unquestioned authority to move throughout Kosovo, including to Serb-controlled areas in the north largely off-limits to the ICO/ICR. Serbia itself is a member of NATO's Partnership for Peace and its government, despite its opposition to the ICO/EUSR (and to a somewhat lesser degree, to EULEX), has made accession to the European Union its core policy priority.

In most major civil disturbances that have occurred in Kosovo during the period of UN Administration, including the riots of March, 2004, KFOR, not just UN police, have been involved. This has been particularly true in the flashpoint town of Mitrovica, where French forces are in the lead. (During riots in 2001, other KFOR forces had to supplant the French, due to high tensions with the town's Albanian population.) Although the Serbs permit the UN to operate, officials state that UNMIK police are not patrolling the north regularly and the UN police force has been consigned largely to a management role. Though there is Serb participation in the Kosovo Police Service (KPS), officials state that effectively the north is without any policing, essentially a lawless zone. And it is likely to remain that way until Belgrade signals its willingness for full EULEX deployment—or later. Officials see the EULEX role, particularly in the event of a crisis, as advisory and not executive. This means that if a natural disaster were to spill over into inter-ethnic conflict in Mitrovica, any ensuing security vacuum

would have to be filled by KFOR, in order to prevent potentially serious escalation. Violence in Mitrovica, as has been amply demonstrated, would have repercussions for Serb-Albanian relations elsewhere in Kosovo or in Serbia.

On 11 June, 2009, NATO defense ministers agreed to reduce KFOR's strength, including 1,450 US troops. Secretary of Defense Robert Gates, in a visit to Kosovo in 2008, stated that the 1,450 US troops will remain in Kosovo at least through 2009. Given improvements in Kosovo's security and corresponding deterioration of in another NATO theatre, Afghanistan, the decision by defense ministers was no surprise. Spanish, Canadian and British forces have already scaled back their presence in Kosovo to a handful, in order to build up their presence in Afghanistan. KFOR's remaining contingents focus largely on civil relations and civic action, as opposed to operational missions, led by the CIMIC and a host of civil-military liaison teams.

Further reduction of KFOR's size would raise significant questions as to readiness and organization of the response to a natural disaster or other emergency, including Kosovo's own indigenous disaster response capacity. In 2007 OSCE experts conducted a comprehensive survey of the Fire and Rescue Services in Kosovo including the Department for Emergency Management. Their findings were bracing. Citing lack of training, inadequate facilities and funding, lack of standardization, the report concluded that: "presently the Fire and Rescue Services are unable to satisfyingly fulfill their responsibility of saving life and property of the people of Kosovo."<sup>7</sup>

Discussed below are a range of issues affecting Kosovo's ability to contend with emergencies, including both institutional readiness as well as over-arching inter-ethnic obstacles to operating in Serb-controlled areas. In the event that KFOR's size and role is reduced, obviously international means to deal with an emergency will also be diminished. One option is to replace or complement a slimmed down NATO presence with an EU force, as was done in Macedonia and has been done in Bosnia as well. The complications are greater, however, given the nature of the political dispute in Kosovo. Albanians vest their trust in the United States, not Europe, and therefore it is NATO that Kosovar Albanians see as the guarantor of their security. The substantial departure of US troops, absent substantial rapprochement between Pristina and Belgrade, would likely raise anxiety among Albanians. (Perception of European states among Albanians vary widely, with some seen as friendly to them, and others seen as openly on the side of the Serbs. The obverse perceptions hold true for Kosovar Serbs.)

Given the potential for a natural disaster—particularly one that leads to widespread displacement—to produce a conflagration, NATO, along with the European Union, will in all likelihood continue to play a leading role in forging a response. Fortunately, NATO, international humanitarian organizations and many NGOs have a history of working together (for better or worse) during the 1999 emergency during NATO's air campaign. Working through the Euro-Atlantic Disaster Response Capability (EADRC), and its Senior Civil Emergency Planning Committee (SCEPC), the Euro-Atlantic Partnership in 1998 produced a policy on "Enhanced Practical Cooperation in International Disaster Relief."

<sup>7</sup> OSCE Report, "Status Analysis of the Kosovo Fire and Rescue Services", International Fire and Rescue Service Association 'Comité Technique International de Prévention et d'Extinction du Feu' (CTIF), April, 2008, p. 3.

The EADRC was put into almost immediate use after receiving a request for support from the United Nations High Commissioner for Refugees (UNHCR) in the run-up to the 1999 Kosovo refugee crisis. Ultimately, during the air campaign and the refugee crisis that ensued, the EADRCC focused activity along four fronts: humanitarian focal point for all EAPC nations; assistance requests; support for UNHCR; and relationship with NATO bodies such as its Supreme Headquarters Allied Powers Europe (SHAPE.) In the first days of the Kosovo crisis, SHAPE established the Refugee Support Coordination Center (RSCC.) The RSCC was linked to the overall civil effort in order to facilitate NATO military support to refugee relief efforts. A pattern of civil-military efforts was established wherein EADRCC performed a lead coordination role of national efforts to provide humanitarian assistance—while the RSCC coordinated NATO's own support.

Reviewing the lessons of that experience will be important in developing effective response preparations for a new emergency in Kosovo. However, it is important to put the 1999 experience in Kosovo into context. It pre-dated UNMIK and KFOR and the complex international presence that, along with Kosovo's fledgling institutions, are meant to deal with the country's challenges. Depending on the scale of the emergency, it is possible that coordination could be effected within Kosovo itself. Of course, if the emergency were overwhelming, the EADRC and related coordinating bodies could again be relied upon to effect a wider international response. The EU may wish to supplant NATO as a primary coordinating entity, depending on the status of EULEX deployment in Kosovo.

NGOs with an aversion to cooperating with the military might want to review carefully how to square their principled stands with the practical reality that NATO will, until more changes occur, be the primary actor in limiting human casualties and distress in the wake of a disaster in Kosovo.

### ***Kosovo and Its Neighbors***

The third political factor affecting emergency response in Kosovo concerns its neighbors, including Serbia.

To avoid an overly-alarmist posture, it should be noted a natural disaster need not only be a harbinger of aggravated political tensions. There is precedent—the serial earthquakes in Greece and Turkey in 1999 is the most prominent—for natural disasters serving as the means to bring adversaries together. However, the prospects for Greek-Turkish-style “disaster diplomacy” (as it has been termed) between Serbia and Kosovo are considerably more dim. Despite on-going differences, Greece and Turkey had formal diplomatic relations aided by years of experience working as NATO allies. The condition of their relative minorities is regulated by treaty, and not a subject of routine political discourse.

By contrast, the relationship between Serbia and Kosovo, as sovereign states, does not exist. The condition of the Serb minority in Kosovo is a subject of continuous pre-occupation in Serbia. Indeed, Serbia's President recently broached the idea of possible partition of Kosovo (bringing Kosovo's Serbs living in the north formally into Serbia), a subject deeply neuralgic among Albanians. The political contentiousness is not confined to Kosovo. There are substan-

tial Albanian populations contiguous with Kosovo in South Serbia's Presevo Valley. Likewise, in neighboring Macedonia, Albanians constitute one-quarter of the population and have deep family ties to Kosovo. Albanians in Montenegro, Greece and Albania, whether or not they have family links, have a deep emotional tie to Kosovo.

The potential for population movements to trigger tensions was amply demonstrated in 1999, during the NATO air campaign. Serb forces expelled approximately 800,000 Albanians. These refugees poured over the border into, primarily, Albania and Macedonia. The latter in particular proved particularly vulnerable to political destabilization arising from the influx. In one notorious example, tens of thousands of Albanian refugees were trapped in no man's land, expelled from Kosovo by the Serbs yet refused asylum in Macedonia. Gradually, Macedonia overcame its resistance and, with intensive international assistance, hosted more than a quarter-million refugees during the air campaign.

The return of virtually all these refugees was, unfortunately, not the end of the story. Following conflict sparked by Albanian rebels in South Serbia in late 2000 and early 2001, fighting moved into Macedonia. For most of the summer, the country teetered on civil war as fighting and fear displaced nearly one-tenth of the country's population. The Ohrid Agreement ended the fighting and has provided a foundation for co-existence between the majority Macedonians and minority Albanians. Relations between Macedonia and Kosovo are good, particularly so after Macedonia's recent recognition. While both countries have matured since 1999, deep fissures remain between ethnic Macedonians and their Albanian neighbors. The demarcation of the border between Kosovo and Macedonia, which bisects a number of predominantly Albanian villages, is complete, following an unnecessarily protracted process. Should a Kosovo emergency be severe enough to again produce refugees, they will almost certainly seek shelter with relatives and friends across the border in Macedonia, once again raising anxiety among the majority Macedonian population.

Depending on the degree of chaos that ensued—and the perception that vital interests are being put at risk by population flows—an emergency that again convulsed Kosovo could herald potential for conflict with Serbs. Any serious emergency affecting the Serb population—whether the relatively autonomous Serbs in the north of Kosovo or the majority who live in enclaves south of the Ibar river — would trigger immediate Serbian concern. The nightmare scenario would be a disruption that invites overt, uniformed Serb entry into the north. This would produce a backlash among Albanians, including possibly from neighboring Albania. In the event of any emergency in Kosovo, neighboring Albania would almost certainly play an active role, both in receiving displaced and in seeking to render assistance in Kosovo. Although its EU prospects are years away, Albania joined NATO this year, underscoring the vital role of the alliance in containing potential conflict that linked to natural disaster.

Especially in a situation where a disaster followed a reduced NATO presence, open conflict between Serbs and Albanians in the north could be easily imagined. Any refugee influx into South Serbia's Presevo Valley would present inherent political sensitivities. Belgrade would certainly look askance at an influx that would carry with it the potential for unrest or even destabilization. Likewise, displacement within Kosovo itself could worry the isolated majority of Serbs who live in enclaves south of the Ibar River that divides Mitrovica. For their part,



Albanians might seek to enter predominantly Albanian areas in South Serbia (the Presevo Valley) as a form of retaliation for any incursion in the north. Many Albanians (and Serbs) see a tacit linkage between the situation for restive Albanians there and the deadlock over the Serb situation in Kosovo's north (Mitrovica.) Albanian Premier Sali Berisha openly linked the destiny of Serb-controlled Mitrovica to predominantly Albanian Presevo Valley at a regional conference this summer.

Nor is Montenegro free from potential unrest in the wake of refugee flows. While relations between Montenegrins, Serbs and Albanians cannot be compared to Kosovo, tensions have mounted during this year's controversial adjudication of several alleged Albanian terrorists.

Both Albania and nearby Greece have a vested interest in containing both the humanitarian and political consequences of a natural disaster. However, Greece's relations with Macedonia have worsened since NATO's Bucharest Summit in April, when Athens blocked an invitation for Skopje to join NATO. It is difficult to say how political factors would shape Greece's reaction in the event of another cataclysm involving its northern neighbor. Unlike Macedonia, Albania received an invitation to join NATO, and its membership in the alliance, slated for the spring, would, as in Greece's case, tend to encourage responsibility. For the most part, Tirana has played a responsible role toward neighbors with sizeable Albanian populations, including at tense times in Macedonia.

In sum, emergency planning for Kosovo must put political factors forefront, along with standard emphasis on the practical and logistical side of the response. NATO's central role in any potential emergency will again put a premium on civil-military coordination. Learning the lessons from the emergency of 1999 will put the emergency response on a more sound footing.

## **Taking Ownership: Indigenous Disaster Response Capability in Kosovo**

### ***Primary Responders: Kosovo Protection Corps/Kosovo Security Force***

While Kosovo does have disaster response capability, the transitional flux of its institutions pose questions as to which of main responders could actually be called upon in the event of an emergency.

For small-scale events, the Kosovo police (the Kosovo Police Service or KPS) and fire department would be the primary responders. With 10 percent Serb participation, KPS is the most representative of Kosovo's institutions. In the domain of disaster and emergency response, KPS's role is to maintain law and order, ensure that emergency services can work, and to execute normal policing duties related to crowd control, traffic movements and evacuation.

For large-scale emergencies, at present, it is the Kosovo Security Force, successor to KPC, that now has the lead response role. NATO, led by a Canadian team, has begun work to stand up the KSF. NATO plans to have the first-phase of the planned 2,500 strong KSF ready by end-2009. This means that, until KSF is fully established, there will be a gap in indigenous emergency response capability in Kosovo. Given EULEX's limited operational capacity, and

the continuing drawdown of the UN, KFOR, even at smaller strength, would still likely be confronted with responsibility to deal with a disaster.

Until it ceases to function, KPC's primary task is to provide a disaster response capability, including tackling major fires, industrial accidents and toxic spills. It has five fixed Emergency Response Units (one for each KFOR/UNMIK sector), a mobile rapid response unit, and other support units specialized in chemical decontamination, search and rescue, medical assistance, and transportation. There are strict limitations on what the KPC can do. Under UNMIK-issued regulations, the KPC has no military or law enforcement functions. It is ambiguous whether or not KPC can perform crowd control or other tasks related to the maintenance of law and order. In some cases, KPC may be able to work along side KPS to ensure that rescue and recovery operations can take place. (Only 200 KPC members are authorized to carry weapons, and the organization is subject to UNMIK's Civil Administration planning and coordination. KPC numbers 3,500 active members, with another 2,000 reservists. International auditors believe that it is too large for the role it performs and the budgetary constraints that Kosovo faces. KSF will likely be smaller, about 2500 officers and 800 reservists, according to one official.

KPC has already demonstrated its value as a first-responder. Among the operations that it has conducted, the most challenging was the response to the 2002 earthquake in Gnjilane. KPC worked side by side with KPS, KFOR and UNMIK. The institution is the most popular among Albanians—and correspondingly, held in very low regard by Serbs.<sup>8</sup> KPC is—by design—incapable of providing security that might well become a high priority in the wake of a disaster befalling Kosovo. Like its predecessor, KSF will not be a defense force. However, unlike KPC, the KSF will be able to assume riot control duties along with the same primary mission to deal with natural disasters and emergencies.

Besides questions of operational readiness, KSF faces another inherent problem: constrained ability to operate among Serbs. While relationships with the Serb community are difficult for all Kosovar institutions, it was particularly acute in the case of KPC—and very likely will continue for some time with KSF as well. The KPC was set up as a non-military successor to the KLA—the Kosovo Liberation Army — reviled by Serbs as a terrorist organization. While Serbs do participate in the KPS—Kosovo Police Force (under UN leadership), KPC was always anathema. Deployment of the successor KSF in Serb-controlled areas or among Serb population could be equally problematic. NATO envisions KSF as multi-ethnic, with slots reserved for Serbs, participation. One aim in dissolving KPC was to start afresh, with a new security organization unconnected with the legacy of the war-era Kosovo Liberation Army. For the moment, Serb participation in KSF is insignificant. Cooperation with KSF will, in all likelihood, remain controversial pending rapprochement with Belgrade, given that the institution is, to Serbs, a provocative symbol of Kosovo's sovereignty.

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<sup>8</sup> UNDP survey, p. 127.

### *Emergency Response Structure in Transition*

In the wake of its declaration of independence, Kosovo, in close consultation with international actors, enacted a new Constitution in June. Article 125, paragraph 1 of the new Constitution grants the Republic of Kosovo authority over “civil emergency response ... within its territory.” Article 127 sets out the role of the Kosovo Security Council, the institution to oversee national response to a full national emergency. However, the Security Council has yet to be formally established. The new Kosovo Situation Center is—nominally—up and running, thanks to assistance provided by the United Kingdom. Materiel and supervisory assistance is important if the Situation Center is to perform its function. A predecessor institution under Kosovo’s provisional institutions, the Office of Public Safety (OPS), was meant to oversee and perform a range of coordinating and operational tasks, including staffing the Crisis Control Room/Situation Center. OPS failed to accomplish this task due to lack of training, personnel and equipment. According to experts, in case of an emergency the new Situation Center is still incapable to respond. Its role and its reporting chain remain unclear; legislation setting out its duties has not been fully enacted.

As is common in the Balkans, institutions like OPS have been routinely affected by changes in the coalition of political parties in government. The politicization of non-political institutions like OPS/ Situation Center is an impediment to continuity and effectiveness. The transition from UNMIK to Kosovo provisional institutions to the newly-independent institutions has led to overlap and confusion. Care will have to be taken to ensure that OPS/Situation Center emerge as independent, fully functioning actors. Of highest priority is ensuring that communication links between the Situation Center and other lead actors in crisis/emergency response are established and maintained. Among the institutions that need to talk to each other via the Situation Center are: the Department of Emergency Management; KPC/KSF; KPS; and Municipalities.

The UNDP report recommends that OPS/Situation Center assume three critical responsibilities: to coordinate proceedings; to undertake research on specific security-related matters, as requested by the Security Council; and to perform any additional tasks assigned by the Council. In addition, it will act as the focal point for all briefings provided to the Prime Minister and the Security Adviser on security and emergency related issues. Structure and staffing of OPS/Situation Center should be consistent with its future role. International efforts need to focus on long-term capacity building, with consistent support from the International Civilian Office in delivering capacity building.<sup>9</sup>

Where new institutions like the Situation Center have yet to formed, Kosovo will continue to rely on the current, provisional structure for emergency response. Under UNMIK Regulation 2001/9, Kosovo’s Provisional Institutions of Self Government had responsibility for:

- a. developing and implementing a strategy for emergency planning and civil protection services; and
- b. directing and coordinating fire and rescue services, in close cooperation with municipalities.

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<sup>9</sup> UNDP report, p. 114.

A Department of Emergency Management has been nominally in existence since 2002, although UNMIK did not hand over responsibility for this function until June 2004. Now located in the Ministry of Internal Affairs, the Department of Emergency Management has responsibility for developing and implementing a strategy for emergency planning and civil protection services; and for directing and coordination fire and rescue services in close cooperation with municipalities. The Department has developed a Threat Assessment Plan and an Action Plan, at the regional and municipal levels. Kosovo-level plans had been retained by UNMIK as a reserved area function. DEM has also developed specific plans of action for flood and earthquake response, as well as a plan for containing an Avian flu epidemic. A system of response has been established at the municipal level, involving a range of actors including DEM, KPC, KPS, medical emergency units, Kosovo Red Cross and other NGOs. A draft law on emergency response had been drafted and submitted for review to the UNMIK legal adviser.

OSCE has been closely monitoring and supporting the work of the DEM since 20006. In 2008, experts from the OSCE Department for Public Safety and Firefighting experts from the International Fire-Fighter Association (CTIF) toured all local fire stations to assess the level of preparedness in the event of any natural disaster. Other analysts note that training and exercises that ought to have been coordinated by the Department have, instead, been conducted in an isolated way. Vital cross-institutional training between responders and political actors during crisis management and emergency response has been missing. The authors of the UNDP report state that “Kosovo’s capacity to respond to disasters will not only involve improving governing institutions’ competencies, but also will involve issues such as improving capacity for public information and cross-community cooperation and communication.”<sup>10</sup>

The Committee on Security in Kosovo’s Assembly exercises limited oversight powers on emergency-related activities and draft emergency plans. Given its front-line role in emergency response, Kosovo Municipalities have set up a number of committees to coordinate safety and security. However, regular communication links with the Kosovo Situation Center have not yet been established.

## The 1999 Kosovo Refugee Emergency

The international response to Kosovo’s 1999 refugee crisis, especially the inter-action between NATO’s military contingents and humanitarian organizations and NGOs, is a much-studied subject. Unfortunately, as one study notes, there are “few traces that lessons from previous crises had guided the international response to the Kosovo emergency, despite many similar challenges to humanitarian actors.”<sup>11</sup> Therefore, planners for a future emergency would be wise not to assume that the lessons from 1999 have been automatically digested. Reviewing them in Kosovo’s new political context could yield valuable benefits.

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<sup>10</sup> UNDP survey, p. 63.

<sup>11</sup> Larry Minear, Ted van Baarda and Marc Sommers; *NATO and Humanitarian Action in the Kosovo Crisis*, Occasional Paper #36, Brown University Watson Institute for International Studies, 2000, p. 111.

### *Anticipating Population Displacement*

While care, search and rescue for those immediately affected by a natural disaster will require adequate first response, there is no single factor more vital to coping with an emergency in Kosovo than anticipating the needs—and numbers—of displaced persons. In 1999, the international community, including the UN and NATO, was abjectly unprepared for the influx of refugees flowing into Macedonia and Albania during the early spring months. According to one study, UNHCR had contingency plans for between 20 and 30,000 refugees, with an extreme outside limit of 50,000. Already by 3 April, after just a couple of weeks of NATO bombing, more than a quarter of a million had arrived. In total, there were some 800,000 refugees during the crisis of 1999, with a rough estimate of 500,000 internally displaced in Kosovo.

Observers and officials alike acknowledged that it took at least three weeks and probably more than a month to adjust to the new parameters of refugee influx. A report commissioned by UNHCR noted that while the organization could not have anticipated the size and speed of the exodus from Kosovo, “preoccupation with IDPs inside Kosovo distracted attention from preparing for the ... worst-case scenarios of refugee outflows.”<sup>12</sup> At the outset, many of these refugees, especially those spilling over into Albania, were forced to sleep in the open. Had the early spring weather become worse, the situation could have become grave.

As this author witnessed, refugee camps were overwhelmed by bus load after bus load of Kosovar refugees taken at the Macedonia-Kosovo border.<sup>13</sup> UNHCR personnel had the difficult task of locating space for yet more refugees at camps already overwhelmed.

Of course, the 1999 refugee exodus was man-made, a complex emergency involving conflict involving Belgrade, NATO and the Kosovo Liberation Army. The fact that NATO bombing was taken without a UN Security Council resolution fueled the politically-charged atmosphere. The refugee exodus became at once an attempt by Milosevic to destabilize Kosovo’s neighbors—and thereby destabilize the alliance. For NATO, caring for the refugees became an over-riding strategic priority.

A natural disaster will have different political dynamics—but one core lesson remains anticipating where possible the magnitude, speed and direction of population displacement. Given that, by definition, emergencies almost can never be anticipated (if they could, they would not be termed “emergencies”), the priority in a future disaster would be on early and accurate determination of displacement. This will put a premium on communication and coordination among the leading international and local actors in Kosovo. The muddle of responsibilities described above certainly does not inspire confidence that a clear distribution of responsibilities will emerge.

<sup>12</sup> Astri Suhrke, Chr. Michelsen, Michael Bartciski, Peta Sandison, Rick Garlock; *The Kosovo Refugee Crisis: An Independent Evaluation of UNHCR Emergency Preparedness and Response*; UNHCR; 10 Feb 2000, p. 2.

<sup>13</sup> Throughout the 1999 Kosovo emergency, the author served as Senior Camp Manager for the Stenkovec-I Refugee Camp operated by Catholic Relief Services, working closely with UNHCR.

### *Civil-Military Cooperation*

Armed forces are frequently authorized by the UN to implement the will of the international community, including in disaster response. The military have inherent advantages in that they can sustain themselves in a difficult environment—able to confront transportation, logistical and security challenges.

Formal cooperation between military and humanitarian institutions in the 1999 crisis was established via an exchange of letters between NATO Secretary-General Javier Solana and UN High Commissioner for Refugees Sadako Ogata. UNHCR requested assistance from NATO in Albania and Macedonia. For its part, NATO recognized the leading role of UNHCR and agreed to undertake four support tasks: logistics, camp construction, refugee transport and road repairs/maintenance. A number of critics faulted UNHCR for not being able to respond to refugee needs and for ceding too much of a role to NATO. A number of NGOs remained uneasy about cooperating with NATO throughout the exercise; others, like this author, recognized that without NATO assistance, in particular its ability to quickly construct camps, Albanian refugees, including small children and other vulnerable groups, would be subject to severe distress. NATO also performed an invaluable political role in Macedonia, helping convince the reluctant government to grant Albanian refugees unconditional asylum.

For many observers, UNHCR failed to carry its part of the bargain. It was not always able to serve as lead agency, causing NATO and other organizations to deal directly with the host of NGOs and other actors, like ICRC, that provided emergency assistance. Indeed, the report commissioned by UNHCR observed that UNHCR played a “relatively limited role in the overall relief response ... funding only 12 percent of the refugee population housed in some 278 camps.”<sup>14</sup> The report cited a number of inadequacies including slow staff deployment, limited registration of refugees, and a cumbersome decision-making structure inappropriate for a conflict emergency.

In Macedonia, Albania and later in Kosovo, relative roles were managed by civil/military coordination units or CIMICs. CIMICs “were the hinge that brokered the relationship of military to humanitarian actors.”<sup>15</sup> The military performed three roles: fostering security; supporting humanitarian work; and providing direct assistance to civilians. NGOs largely praised NATO’s performance and willingness to provide what NGO leaders requested in terms of support. This was not confined merely to logistics. OSCE officials praised NATO for providing extensive human rights monitoring capacity. Criticism arose primarily when NATO sought to provide direct assistance to civilians, often defeating the comparative advantages of humanitarian organizations.

A key lesson of civil-military relations during the Kosovo intervention is the value of joint pre-mission planning to ensure greater cooperation in the field. Joint training and education break down misunderstanding and mistrust, so that the military in general, and CIMIC in particular, can enhance aid delivery by the humanitarian community. Training and education can also bridge the wide cultural gap between the military and NGOs. As experts have noted, the

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<sup>14</sup> Suhrke, et al., p. 2.

<sup>15</sup> Minear, et al., p. 19.

organizational structures of military and humanitarian organizations are generally polar opposites. Military institutions place a high value on command and control, top-down hierarchical structures and clear lines of authority, discipline and control. Most humanitarian organizations have an organizational structure that is horizontal and fluid, with significant decision-making authority located in the field. NGOs often pay more attention to the process by which they accomplish operations—than results themselves—because they attach more importance to long-term impact. In short, a bottom-up perspective is more natural than a top-down perspective in operations comprising so many small organizations, each wishing to preserve its autonomy.<sup>16</sup> Improved communication and awareness of cultural differences can avoid counterproductive stereotypes.

Of course, the over-riding anxiety of NGOs in cooperating with military is blurring of lines to the point where the perception of the local population is that NGOs are “on the side of the military.” While this is an acute concern in Afghanistan, and a concern of many NGOs during the air campaign when NATO was an active party to the conflict, it is likely to be far less of a concern during a potential emergency in today’s Kosovo. First, it is unlikely that NATO would again be a party to a future conflict as part of an emergency response. Second, as noted above, KFOR is accepted by both Serbs and Albanians and, in all likelihood, will be the only actor able to be operational at a high degree of capability throughout the country. In Kosovo’s case, there would be no need to authorize a military presence; it would be natural to expect KFOR—without time-consuming deliberations—to respond to security-related contingencies on its own, or as asked by its international partners.

## Conclusion and Recommendations

Effective planning and preparation for a natural disaster or emergency in Kosovo must keep both the fledgling state’s unique political context and its challengers (including politicization of institutions and lack of coordination among international actors.) The signature phenomenon of conflict in the Balkans is mass movement of population, typically forcible “ethnic cleansing.” But mass population movements due to natural causes can have serious destabilizing effects. While the overall security situation in Kosovo has improved, the Serb-controlled north remains outside both effective law enforcement and the reach of Kosovo’s institutions—and some international actors as well. The continued dispute over the country’s status poses a serious challenge for all actors, including NGOs, putting a premium on sensitivity, speed, and coordination.

International actors could lay the groundwork for a more effective response—and possibly lay the groundwork for improved atmospherics between Pristina and Belgrade—if they would make emergency preparedness a priority for the capitals to consider, at least in parallel if direct talks prove elusive.

The international community should work to make lines of authority clear in the event of an emergency. As the experience in 1999 demonstrated, it is crucial that “lead agencies,” including political lead, are clearly known and able to fulfill their roles.

<sup>16</sup> Sebastian Joost Henrikus Rietjens, *Civil-Military Cooperation in Response to a Complex Emergency: Just Another Drill?*, unpublished dissertation, University of Twente, the Netherlands, 23 March 2006, p. 29.

Kosovo's government should ensure that the sound recommendations provided in the UNDP report, with respect to the OPS/Situation Center operations are fully implemented. Kosovo's leaders in tandem with the international leadership ensure that there is no gap in indigenous emergency response after KPC dissolves and before KSF is operational.

Given the continued distrust, NATO will likely remain a key player in Kosovo. It is the only actor with full operational capability that can operate throughout the country. Moreover, it retains unique political credibility. These factors should be considered in any planning to withdraw NATO in favor of a purely EU force, as in Bosnia.

NGOs with an aversion to working with the military should reconsider their approach. Kosovo is not Afghanistan. The risks of "blurring of roles" are far less than other theatres and, as well, very likely far less than during the emergency of 1999. The priority in any disaster or emergency must be on rendering assistance to the needy. Redoubled attention among NGOs, humanitarian agencies and the military on pre-planning and cultural understanding will improve civil-military cooperation and pay dividends in the event that disaster strikes.