



Fourth Report  
from the  
**Foreign Affairs Committee**

Session 1999–2000

**Kosovo**

Response of the Secretary of State for  
Foreign and Commonwealth Affairs

*Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty  
August 2000*

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## FOURTH REPORT FROM THE FOREIGN AFFAIRS COMMITTEE

SESSION 1999–2000

### KOSOVO

#### RESPONSE OF THE SECRETARY OF STATE FOR FOREIGN AND COMMONWEALTH AFFAIRS

1. The Secretary of State for Foreign and Commonwealth Affairs has read with interest the Committee's report. He believes the report raises important questions in several areas of policy arising from the Kosovo crisis and the continuing international effort in Kosovo and the region. However, while the Government agrees with many of the observations and recommendations made in the report, there are a number of issues where we take a different view. These are set out in response to the report's recommendations. But it might be useful to set these in context by recalling the overall position of the Government on the Kosovo crisis.

2. The Government believes that failure to prevent conflict in Kosovo was overwhelmingly the fault of the regime in Belgrade and of Slobodan Milosevic himself. He rejected repeated international attempts to establish a monitoring presence in Kosovo in the years before 1998 and to promote a political solution to the crisis thereafter. The FRY/Serbian delegation threw away the chance of an equitable settlement by rejecting the Rambouillet Accords. Following the collapse of the Rambouillet process and faced with the intensification of repression on the ground, NATO had no option but to intervene militarily to avert a humanitarian disaster. The Government welcomes the recent confirmation by the Prosecutor of the International Criminal Tribunal for the former Yugoslavia (ICTY) that there is no basis for an investigation of NATO's actions during the crisis.

3. The combined diplomatic efforts of the European Union, Russia and the United States made possible the resolution of the crisis within the framework of the United Nations. The EU, Russia, the US and many others are now contributing to the re-building of Kosovo through the United Nations Mission (UNMIK) and the UN-authorized, NATO-led Kosovo Force (KFOR).

4. The Government will continue to make a leading contribution to UNMIK and KFOR. We will continue to support the democratically-elected Government of President Djukanovic in Montenegro and to support democratic forces and civil society in Serbia. The Government will remain an enthusiastic supporter of the Stability Pact and of the European Union's engagement in the Balkans. The Government believes that internal reform, regional co-operation and Europeanisation are the keys to promoting stability across the region. Against that background, the Government responds below to the recommendations and conclusions of the Committee's report.

#### *The Diplomatic Process*

**(1) We conclude that threatening the use of force against Milosevic before mid-1998—when there was a significant escalation in the assault on Kosovo Albanians—would have been out of line with the thinking of our allies. (Paragraph 42)**

The Government agrees with the Committee. NATO issued warnings relating to use of force from Autumn 1998 because force was envisaged, in the last resort, as the only means to avert an overwhelming humanitarian catastrophe in Kosovo resulting from the repression by the Belgrade regime. That prospect materialised after the Serbian offensive in mid-1998.

**(2) We conclude that there may have been a missed international opportunity to achieve a peaceful settlement in Kosovo before the emergence of the KLA, but that this is only apparent with hindsight. (Paragraph 45)**

The conditions for reaching a negotiated settlement might have been less difficult before the radicalisation of the Kosovo Albanian demands and the emergence of the KLA. But that process of radicalisation was itself the direct consequence of the obstinate refusal of the Milosevic regime to accept the reasonable demands of the international community to

resolve the problems of Kosovo. Milosevic's position was always the principal obstacle to a negotiated settlement. Given that he would not accept the Rambouillet proposals, which had been backed by the Contact Group as a whole, including Russia, it must be unlikely that he would have accepted any such proposal several years earlier before the economic pressure of EU and US sanctions and the prospect of NATO action existed.

**(3) We are concerned that it took 3 months for the European Council decision on a flight ban to be implemented, given that Yugoslavia was a pariah state which was engaged in a campaign of atrocities against its own population. (Paragraph 47)**

This was raised in the letter of 5 November 1998 from the Chairman of the Committee, to which the Foreign Secretary responded on 30 November 1998 (copy of letters at Annex)

**(4) We conclude that a more effective sanctions regime might have been imposed but that it would have been unlikely to have resolved the crisis. (Paragraph 48)**

The Government agrees that economic pressure alone would probably not have been sufficient to deter or, thereafter, to halt Serbian repression in Kosovo. But economic sanctions were a necessary and important part of the international pressure which built up over time on Milosevic. Our goal now is to use sanctions targeted at the Belgrade regime to maintain the pressure for change in Serbia, which is crucial to promoting stability in the region as a whole.

**(5) We conclude that the deployment of OSCE verifiers was an important part of the Holbrooke agreement, and that the international community did not display sufficient seriousness or urgency in fulfilling this side of the agreement. (Paragraph 51)**

The Kosovo Verification Mission (KVM) played, within the limits of its mandate and of its non-military status, a useful role from October 1998 until its withdrawal in March 1999. As the Committee's report notes, the UK led international efforts to encourage rapid deployment of verifiers on the ground. Following agreement on 16 October 1998 between the FRY and the OSCE, and UN endorsement through the passage of UNSCR 1203, the OSCE Permanent Council took a formal decision on establishment of the Mission on 25 October.

The UK response was prompt and well-organised. We announced on 14 October that we would be prepared to offer 150 verifiers. We were also the first, in early December, to establish one of the regional centres, in Prizren. The deployment of the KVM was the biggest operation in the OSCE's history and given the serious logistical, organisational and security issues involved the international community acted with considerable speed. We accept that an earlier and more substantial deployment of international verifiers would have been welcome. In this context we support the work going on in the European Union and OSCE to enhance non-military aspects of crisis management and rapid reaction civilian capacity.

**(6) We conclude that, in retrospect, the Holbrooke agreement delayed NATO intervention but did not avoid it—and it was perhaps unlikely that unarmed observers could do more, given the entrenched positions of the combatants. (Paragraph 52)**

The primary purpose of the Holbrooke agreement was to establish an international presence in Kosovo. This provided the international community with better information as to the situation on the ground. Crucially, it provided a measure of confidence to large numbers of Kosovo Albanians who had been living in the open, which made possible their return to their homes before winter. It thus made a significant humanitarian impact. Given the positions of the two sides, in particular that of the government in Belgrade, it was unlikely that an unarmed verification force, which was as much as Milosevic would accept, could prevent a serious deterioration in the situation on the ground if either or both of the parties was committed to that path.

**(7) We conclude that it is difficult to criticise the United Kingdom for doing too little on the diplomatic front: on the contrary the Government should be commended for the efforts it made during this period. [March 1998 to January 1999] (Paragraph 53)**

The Government welcomes the Committee's acknowledgement of the role it sought to play in the diplomatic efforts to resolve the Kosovo crisis. This was initially as Presidency of the European Union until mid-1998 and then through an important role in Contact Group efforts to define the form and content of a political settlement to the Kosovo crisis, including co-chairmanship with France of the Rambouillet process.

*Rambouillet*

**(8) We conclude that, whatever the actual impact of the Military Annex of the Rambouillet proposals on the negotiations, NATO is guilty of a serious blunder in allowing a Status of Forces Agreement into the package which would have never been acceptable to the Yugoslav side, since it was a significant infringement of its sovereignty. (Paragraph 65)**

The Government rejects the contention that the tabling at Rambouillet of a draft Status of Forces Agreement (SOFA), as part of the proposals on military implementation, was responsible for the failure of the negotiations or in any sense an infringement of FRY sovereignty. The draft SOFA tabled at Rambouillet was similar to the one accepted by the FRY at Dayton. The FRY/Serbian delegation at Rambouillet, having seen the military proposals on 18 February, agreed on 23 February to return to a further round of talks to discuss implementation. Had the FRY/Serbian delegation wished to negotiate on the details of the draft, the NATO side would have been happy to do so. But the Yugoslavs showed no inclination to discuss any of the military implementation provisions in the five days they were on the table at Rambouillet or in the subsequent week of talks in Paris. The suggestion that the draft SOFA had been the obstacle to a negotiated settlement was raised only after the collapse of the talks as an attempt to deflect attention from the real reason for the conflict.

**(9) We conclude that considerable efforts were made to find a peaceful means of averting the Kosovo crisis. Leaving aside the Military Annex, a matter not raised at the negotiation, the Rambouillet proposals were reasonable. Milosevic was not reasonable, but despite this, it was worth making a determined effort to find a diplomatic solution. (Paragraph 70)**

The Government welcomes the Committee's acknowledgement that the Rambouillet proposals were reasonable and that Milosevic's unreasonable position was the reason for the failure of the process. The Rambouillet process, which involved 23 days of negotiation over a period of almost six weeks, was the culmination of almost a year's diplomatic effort, in which British Ministers and officials were involved throughout.

*The military campaign*

**(10) We conclude that it was regrettable that, for understandable domestic political reasons in some Member States, the Alliance publicly removed the potential deterrent of a ground option before the start of the air campaign. (Paragraph 80)**

The priority of this Government and of NATO as a whole was to ensure the air campaign achieved its objectives. In this context it was important to build and maintain consensus behind the air campaign. A ground campaign was not an issue we needed to address in the opening weeks of the air campaign. The focus was on making the air effort effective. Ground options were never specifically ruled out by the Alliance as was made clear in the statement by the NATO Secretary-General less than a month into the campaign that planning for all options was being reviewed. The Prime Minister made clear that Milosevic did not have a veto on NATO's options. Given that the Alliance's over-riding objective was to secure the end of Serbian repression, the withdrawal of the forces involved and the return of the refugees, there was no question of ground options being ruled out.

**(11) We conclude that, although Milosevic's forces were already poised to move against the Albanian population of Kosovo, the withdrawal of OSCE monitors and the start of NATO airstrikes encouraged an intensification of repressive action by Milosevic against the Kosovo Albanians, including their expulsion from Kosovo, as opposed to their internal displacement. (Paragraph 89)**

The withdrawal of the KVM and the decision to launch airstrikes were the result of the deteriorating situation on the ground, not the other way around. The decision to withdraw the monitors was taken because the intensifying Serbian campaign on the ground made it impossible for them to do their job in acceptable conditions. Before a single bomb was dropped there were over 200,000 internally displaced people in Kosovo and nearly 70,000 refugees (Kosovo Albanians and Kosovo Serbs). Reports by the UN Secretary-General were again warning of the gravity of the humanitarian situation. We were aware that Belgrade had plans for a spring offensive in Kosovo and knew from the experience of the summer offensive in 1998 that this was likely to result in large-scale population displacement. Racak had been a particularly brutal and callous example of what such operations would involve. As the Committee itself recognised, had NATO not acted there would have been no external means to prevent further offensives being pursued over time by Milosevic's forces.

**(12) We conclude that, regardless of the accuracy of reports of “Operation Horseshoe”, there were orchestrated elements to the campaign of expulsions which could be described as a plan. Outside observers could have been aware of this plan as it would have required significant preparation. We also conclude that the withdrawal of OSCE monitors together with the international media and the start of NATO’s bombing campaign encouraged Milosevic to implement this plan. (Paragraph 98)**

We knew the regime had plans to intensify repression in Kosovo in Spring 1999, as noted above. But, given the closed nature of decision-making in Belgrade and the fact that Milosevic had very few, if any, colleagues whom he trusted fully, it was very hard to establish what was going to happen. We do not accept that Milosevic was encouraged to act by the withdrawal of the KVM and the launch of the air campaign. It might equally be argued that those developments would have deterred Milosevic from intensifying his repression.

**(13) We believe a very serious misjudgement was made when it was assumed that the bombing would not lead to the dramatic escalation in the displacement and expulsion of the Kosovo Albanian population. Although we accept that the government could not have established refugee camps before NATO action started for fear of getting giving tacit encouragement to expulsion of refugees, equipment and supplies could have been stockpiled so that the refugees could have been housed more speedily once the exodus occurred. We are confident that NATO has undertaken an assessment of the reasons for its failure to predict Milosevic’s response. We believe that this issue is of such overriding public interest that the government should make its conclusions available to parliament for scrutiny. (Paragraph 105)**

The Committee’s recommendation blurs an important distinction between internal displacement and expulsion. We were aware, as noted above, that a Spring offensive in Kosovo in 1999 was likely to cause widespread internal displacement. The NATO military authorities anticipated that there might be further refugees from Kosovo as a result of a Spring offensive. General Naumann, who was Chairman of NATO’s Military Committee at the time of the Kosovo air campaign, told the House of Commons Defence Committee on 7 June 2000 that NATO had been in touch with the UN High Commissioner for Refugees (UNHCR) before the air campaign to warn of the possibility of refugees. But neither NATO nor UNHCR anticipated the massive exodus that Milosevic’s forces produced. No one could reasonably have predicted that Milosevic would employ the policies and methods of Hitler and Stalin to expel Kosovo Albanians by shuttle trains from Pristina to the border. In such circumstances it is hardly surprising that NATO or individual governments did not predict the savagery of Milosevic’s actions.

**(14) We conclude that many of NATO’s political leaders were excessively optimistic about the prospect that Milosevic would back down either before a bombing campaign was launched or after a short campaign. This misplaced optimism harmed NATO’s campaign against Milosevic. (Paragraph 111)**

Along with our NATO Allies, we hoped, of course, that any bombing campaign would be as short as possible. But we were prepared for it to go on as long as was necessary to achieve NATO’s objectives. In particular, once confronted with the full horror of the expulsion of the Kosovo Albanians, we were clear that NATO would need to pursue its military operations until the the refugees’ return was secured. We detected no reluctance on the part

of any of the Allies to continue the campaign. On numerous occasions, but particularly at the Washington Summit, the Alliance sent a powerful message of determination to pursue the air campaign to its end.

**(15) We conclude that because a ground assault was ruled out at an early stage, NATO was in no position to launch a ground assault in March 1999, and it would have taken many months to build up sufficient forces. Serious consideration of a ground assault only began towards the end of the campaign and, given the military and logistic difficulties involved, it is likely that had it proved necessary to launch a ground assault the conflict might have been prolonged and might have involved many casualties. (Paragraph 115)**

NATO, an Alliance of democratic governments, operates by consensus. In the course of 1998, consensus was built in the Alliance on the need for an air campaign to halt humanitarian disaster in Kosovo. It was right that the Alliance gave priority to the successful prosecution of the air campaign. The Government accepts that a ground operation would have been a potentially difficult undertaking. But that option was never ruled out by the Alliance. And, had it become clear that it was the only way to secure NATO's objectives, we are confident that such an operation would have been undertaken.

*Why did Milosevic concede?*

**(16) We conclude that Russia played a central role in causing Milosevic to concede. This reinforces the message of our Russia report that engagement with Russia is vital for achieving our foreign policy objectives in difficult regional issues of this kind. (Paragraph 118)**

The Government considers that there were probably a number of factors that influenced Milosevic's decision, in particular the obvious determination of the Alliance to pursue the air campaign. The Government agrees that the Russian government played a helpful role in the resolution of the Kosovo crisis. Its contribution was crucial to the success of the US/EU/Russian diplomatic activity which brought Milosevic to concede to the international community's terms in full. The Government welcomed Russia's engagement in this effort, despite its well-known difference with NATO over the air campaign. In recent months Russia has again been working with us in the co-ordination of diplomatic strategy as a member of the Contact Group. We want to work with Russia as a key partner in promoting stability in the Balkans and beyond.

**(17) We conclude that, while mistakes were made in the period before the NATO campaign against Milosevic, overall the government was right to support the launching of airstrikes on 24–25 March 1999. (Paragraph 123)**

The Government welcomes the Committee's view that NATO took the right and necessary decision in launching the air campaign on 24 March 1999. We welcome the view expressed in the Committee's report that had NATO not intervened the FRY/Serbian repression would have continued over many years resulting in more deaths and instability in the region.

*Was military intervention legal?*

**(18) Our conclusion is that *Operation Allied Force* was contrary to the specific terms of what might have been termed the basic law of the international community—the UN Charter, although this might have been avoided if the allies had attempted to use the Uniting for Peace procedures. (Paragraph 128)**

**(19) We conclude that, at the very least, the doctrine of humanitarian intervention has a tenuous basis in current international customary law, and that this renders NATO action legally questionable. (Paragraph 132)**

**(20) We conclude that, faced with the threat of veto in the Security Council by Russia and China, the NATO allies did all that they could to make the international intervention on Kosovo as compliant with the tenets of international law as possible. (Paragraph 134)**

The Government has made clear that use of force is justified as an exceptional measure when it is the only means to avert an immediate and overwhelming catastrophe and is in support of objectives set by the UN Security Council, even if the express authorisation of

the Council has not been possible. Such cases would in the nature of things be exceptional and depend on an objective assessment of the factual circumstances at the time and on the terms of relevant decisions of the Security Council bearing on the situation in question.

The “Uniting for Peace” resolution has been used to convene emergency General Assembly (GA) sessions when decisions in the Security Council were blocked by a veto. Under the UN Charter, the GA can only make recommendations for action. Such recommendations cannot of themselves constitute a legal basis for the use of force.

**(21) We recommend that the Government examine whether any new legal instrument is necessary to allow NATO to take action in future in the same manner as it did in Kosovo. (Paragraph 135)**

The Government does not believe that it is necessary to develop a new instrument of the kind suggested. The Government’s aim is to build the political will within the Security Council and beyond – to use to full effect those instruments that already exist. This involves playing a part in the international debate on when and how to respond to situations of severe humanitarian crisis.

**(22) We conclude that NATO’s military action, if of dubious legality in the current state of international law, was justified on moral grounds. (Paragraph 138)**

The Government welcomes the Committee’s conclusion that the NATO intervention was morally justified. The Government is also satisfied that it was legally justified.

**(23) We support the FCO in its aim of establishing in the United Nations new principles governing humanitarian intervention. (Paragraph 144)**

The Government welcomes the Committee’s support for its efforts to build international consensus around a set of guidelines on when and how to respond to humanitarian crises. We are continuing our discussions with international partners.

*Was the campaign conducted lawfully?*

**(24) We recommend that the British Government consider carefully the experience in the use of cluster bombs in the Kosovo campaign to determine in future conflicts whether they are weapons which pose so great a risk to civilians that they fall foul of the 1977 Protocol and should not be used in areas where civilians live. (Paragraph 150)**

UK armed forces use the most effective weapons systems available, subject to compliance with international humanitarian law. Cluster bombs are an effective weapon against targets such as soft skinned military vehicles. The cluster bomb used by UK armed forces is not banned by any international agreement. It is not an anti-personnel mine as defined by the Ottawa Convention, nor is it prohibited under that Convention, under UK national legislation on land mines or by the 1977 Additional Protocol I to the Geneva Conventions. All feasible precautions are always taken with a view to avoiding, and in any event, minimising collateral damage.

**(25) We recommend that the Government set out their view of the circumstances in which it will be both acceptable and lawful for depleted uranium munitions to be used by the United Kingdom or its allies in conflicts involving British forces. (Paragraph 151)**

Depleted uranium (DU)-based ammunition is used because of its unique capability against the most modern types of main battle tank armour. At present, no alternative material currently exists which achieves the levels of penetration necessary to defeat modern tanks. The level of chemical toxicity of DU is similar to that of other heavy metals such as lead, and the health risks from exposure to DU are assessed as low. Its use is not prohibited under any international agreements and the International Committee on Radiation Protection does not list DU as a health hazard. British forces did not use DU-based ammunition during the Kosovo campaign, but, given the effectiveness of DU weapons against certain types of targets, the Government retains the option of UK forces using DU ammunition in appropriate circumstances.

**(26) We recommend that the Government set out the reasons for the attacks on broadcasting stations in order to make clear the legal justification. (Paragraph 152)**

This matter has been examined in some detail by the ICTY Prosecutor's Office. The report by ICTY experts on allegations made against NATO concerning the Kosovo air campaign examined the rationale given for the attack on the RTS station in Belgrade. Having considered the report, the Prosecutor informed the UN Security Council on 2 June that, in ICTY's view, there was no basis for further investigation by ICTY of this or any other incident during the campaign and that she was satisfied that "there was no deliberate targeting of civilians or unlawful military targets by NATO during the bombing campaign".

**(27) We recommend that the Foreign Secretary informs the House as to the outcome of the review into the bombing of the Chinese Embassy, and as to whether or not his statement on 10 May 1999 remains wholly correct in the light of any new information, including information from the US Administration and NATO, that has become available to him since that date. (Paragraph 156)**

The review to which the Foreign Secretary referred in his 10 May 1999 statement was the one being undertaken by the US authorities. The American Government presented the results of its review to the Chinese Government on 18 June 1999. The text of that presentation was made publicly available on 6 July 1999 on the State Department website. The Government has seen nothing to suggest that the attack was anything other than a tragic error.

**(28) On the evidence available to us we believe that NATO showed considerable care to comply with the 1977 Protocol and avoid civilian casualties. (Paragraph 157)**

The Government welcomes this acknowledgement of the lengths to which NATO went in order to avoid civilian casualties and of its compliance with international humanitarian law.

*The international Criminal Tribunal for the Former Yugoslavia*

**(29) We endorse the Government's view that there should be no amnesty for Milosevic or any other leaders indicted of war crimes, and that dealings with Serbia must remain limited so long as any indicted war criminal remains within its Government. (Paragraph 159)**

The Government welcomes the Committee's endorsement of its approach to these matters.

**(30) We recommend that the Government continue, and if possible enhance, its present level of assistance, both material and financial to the International Criminal Tribunal for the Former Yugoslavia. (Paragraph 161)**

The Government welcomes the Committee's comments about the support we have given to the Tribunal. Our assessed contribution to the Tribunal will increase next year to £3.2 million. We were the first country to send a Scenes of Crime Team to Kosovo last year to gather evidence of war crimes. We have deployed a similar team again this year. We continue to provide intelligence as background information for ICTY's enquiries. We are funding a video project to raise awareness of ICTY's work across the former Yugoslavia. We are one of only a small number of countries on which ICTY can call to assist with the relocation of sensitive witnesses. Later this year we will provide facilities in the UK for the first joint meeting of the judges of the International Tribunals for the Former Yugoslavia and Rwanda. The meeting will consider how to improve the work of the Tribunals.

**(31) We recommend that the Government co-operate with any investigation which the International Criminal Tribunal for the Former Yugoslavia may mount, irrespective of the identity of the individual investigated. (Paragraph 163)**

The Government co-operates with ICTY investigations, irrespective of the identity of the individual or entity involved. The Prosecutor regularly makes requests for assistance from the UK, to which we respond as fully and promptly as possible.

**(32) We urge the Government to ensure that the legislation to allow ratification of the statutes of the International Criminal Court is one the first Government Bills introduced in 2000–01. (Paragraph 164)**

A draft Bill will be published during this Parliamentary session for consultation, and a Bill will be introduced as soon as Parliamentary time becomes available. It remains the Government's intention that the UK be one of the founding members of the International Criminal Court.

*Parliamentary Aspects*

**(33) We recommend that the Government should table a substantive motion in the House of Commons at the earliest opportunity after the commitment of troops to armed conflict, allowing the House to express its view, allowing members to table amendments. (Paragraph 166)**

The Government welcomes the cross-party support Parliament has expressed for the commitment of UK forces to operations in Kosovo. Throughout the Kosovo crisis there has been extensive Parliamentary debate and scrutiny of all aspects of Kosovo policy and operations – the diplomacy, air campaign and KFOR mission. Members of both Houses have had opportunities throughout to make their views known. The Government considers that existing mechanisms for Parliamentary consideration of operations are adequate.

*Kosovo after the War*

**(34) We recommend that the United Kingdom should aim to provide bilateral assistance [to Kosovo] at least at the average EU level. (Paragraph 169)**

As the Committee points out, the Table of bilateral contributions included in its report must be used with caution. The United Kingdom decides its level of bilateral assistance on the basis of an assessment of where we can provide real value. Bilateral aid to Kosovo is in addition to the contribution we make to EU collective aid (where the UK share is £39m this year). As the Committee's report shows, the UK has made the second largest contributions both to humanitarian and reconstruction aid and to supporting UNMIK. Since March 1999 we have given £119m in bilateral support to Kosovo. Our strategy now is to provide support, in particular technical assistance, to build institutional capacity in Kosovo for the longer term. We have allocated £15m to these areas over the next three years. Our overall bilateral programme in Kosovo this year is some £30m.

**(35) We regretfully conclude there is little likelihood in the short to medium-term of a multi-ethnic Serb and Albanian society being secured unless there is a dramatic change in attitude and relationships. NATO and the UN should review as a matter of urgency what further confidence-building and security measures are possible to achieve this major policy goal. One measure will be the number of Serb refugees returning. (Paragraph 187)**

The Government accepts that there are serious obstacles to the re-establishment of a genuine multi-ethnic society in Kosovo. Nevertheless, this remains the essential goal of the international community and the international presences there. It is particularly important that the Serbian and other minority communities understand that they have a legitimate stake in Kosovo's future. Therefore, we strongly support the participation of these communities in the political and administrative structures established by UNMIK. We support their participation in the municipal elections scheduled for later this year. We are helping with projects to encourage the return of displaced persons from Serbia to Kosovo in conditions of security and safety. UK troops in central Kosovo are doing pioneering work with UNMIK and NGOs to improve conditions of life and work there for the Serb community. Strong action by UNMIK and KFOR to tackle violent extremism and crime will also help give confidence to the minorities, and to Albanian moderates.

**(36) We are concerned that these smaller and therefore particularly vulnerable minority communities [such as the Roma and Muslim Slavs] should be given better protection by the international community. (Paragraph 188)**

The Government agrees on the need to protect the smaller minority communities in Kosovo. Their voice must also be heard. For this reason, the UK and our Contact Group partners have developed guidance for UNMIK on the establishment of provisional self-government institutions which makes special provision for the rights of these communities. British troops are doing pioneering work in central Kosovo to improve conditions of life for the minority communities. Operation Trojan, run by the UK KFOR contingent, is helping Kosovo Serbs by providing escorts, security, better road and transport links and better access to UN services.

**(37) We recommend that the Government continue to make it plain to Kosovo Albanian leaders that any ethnic violence or indeed discrimination is unacceptable and that, if they wish to secure international respect, they must take responsibility for the safety of all the people of Kosovo and actively encourage a society to develop in which minority communities feel safe. (Paragraph 190)**

The Government endorses the Committee's recommendation and is grateful for the contribution the Committee made during its own visit to Kosovo in March 2000. The Government has taken a lead since the early months of the deployment of UNMIK and KFOR in warning the Kosovo Albanian leadership of the damaging consequences their inability to prevent further intimidation and violence against minority communities would have. We also took the lead in securing conclusions from the European Union, which made clear that international support for Kosovo would inevitably be affected if efforts were not made to curb the pattern of violence and intimidation against minorities. We are consulting closely with Allies and Partners about how best to tackle the problem of extremists in Kosovo.

**(38) We recommend that the Government continue to encourage all states to put pressure on Belgrade to release Kosovan detainees and to continue to allow full and unimpeded access by the ICRC to all those who are still denied their freedom. (Paragraph 191)**

The ICRC has good access to the 1,245 Kosovo Albanians still detained in Serbia and Montenegro by the Federal authorities. They see the detained in private, make follow-up visits and organise communication between detainees and their families in Kosovo. They are confident that they are seeing all those detained. 850 Kosovo Albanians have been released since July 1999. We also maintain regular contact with the ICRC on the fate of the missing. UNHCR carried out a humanitarian demarche in Belgrade in May 2000. We would support the appointment of a UN Special Envoy for the missing. EU Missions in Belgrade are being encouraged to monitor the trials of the detainees. The EU is looking at the possibilities for providing bilateral assistance for projects designed to help the families of those missing or detained.

**(39) We recommend that the Government give all possible assistance to the positive identification of the dead and that the Milosevic regime is left in no doubt as to the unacceptability of the holding of unidentified prisoners. (Paragraph 192)**

The ICRC estimate that 3,368 people remain unaccounted for since 1 January 1998. With other humanitarian organisations, the ICRC are working to trace the missing and have posted their details in a "Book of the Missing" on their website. The UK is funding a Scenes of Crime team to investigate grave sites in Kosovo this year. Last year the UK team exhumed over 500 bodies and passed its findings to the ICTY for war crimes investigations. This year the team is working under the auspices of the UNMIK police force. They are liaising closely with ICTY and with UNMIK, which is responsible for missing persons in Kosovo, in seeking to identify bodies and to return them to their families for burial.

**(40) We recommend that the FCO should give strong support to the BBC World Service including extra grant-in-aid to enable it to act as a force for the development of human rights in Kosovo and the region. (Paragraph 194)**

The FCO contributed towards the additional costs incurred by the BBC World Service as a result of enhanced broadcasting to Kosovo and the region during and after the conflict. The FCO supports the activities of the BBC World Service in Kosovo and the region.

**(41) We recommend that the Government should ensure that the British Council is adequately funded to enable it to achieve its full potential in the development of human rights and civil society in Kosovo and the region. (Paragraph 195)**

The FCO grant-in-aid is awarded as a lump sum to the Council to cover its global activities. It is for the Council to decide on its allocation between countries and activities, in consultation with the FCO. We welcome the Council's initiative in establishing a presence in Kosovo. We agree with the Committee's view of the value of the Council's work.

**(42) We recommend that a very close watch is kept on developments in the Kosovo Protection Corps to ensure that its avowed civilian and multi-ethnic purpose is not subverted. (Paragraph 197)**

The Government agrees that UNMIK and KFOR must continue to supervise closely the activities of the KPC. We will support tough action by UNMIK and KFOR against any members of the KPC found to be involved in illegal activities.

**(43) We welcome the Government support for the fight against organised crime in Kosovo. (Paragraph 198)**

The Government welcomes the Committee's support for its efforts to enhance the international capacity to combat serious organised crime in Kosovo. The UK proposed last year that a more focused effort was needed in this area. As a result, the Government is taking the lead in establishing a Criminal Intelligence Unit within the UN Police in Kosovo, which will act as a centre for the collation and processing of information, including from sensitive sources, about serious crime and organised criminal networks in Kosovo. The British Government plans to second 20 specialists to this Unit. The Unit should be established within the next couple of months.

**(44) We conclude that the situation in both Mitrovica and the Presevo Valley demonstrates that extremism and terrorism remain grave threats to Kosovo. We support action by KFOR to suppress those who seek to inflame violence there or elsewhere in Kosovo. (Paragraph 202)**

The Government welcomes the Committee's support for tough action by KFOR against violent extremism in Kosovo. The Government notes the progress that has been made in recent months in stabilising the situation in Mitrovica. But Mitrovica, and the Presevo valley in Southern Serbia, remain areas of concern which UNMIK and KFOR are watching closely.

#### *Criminal Justice System*

**(45) We welcome the increase in the police numbers sent from the United Kingdom, and we recognise the very high quality that the British police bring to Kosovo. We recommend that the British contribution should now be further enhanced. (Paragraph 208)**

The Government has met all UN requests for civilian police officers for Kosovo. The UK is now the eighth largest contributor of police officers to the UN International Police in Kosovo (120 officers) and the second largest contributor of police trainers to the OSCE Police Training School (40 officers). In addition there is a team of 15 police and specialist officers working on scenes of crime investigations. Police officers, as noted above, will also be seconded to the Criminal Intelligence Unit in UNMIK. The Government agrees that UK officers have made an outstanding contribution in Kosovo. But it should be borne in mind that UK police officers (who are all volunteers) work for forces which are heavily committed domestically.

**(46) We recommend that the FCO arrange for an experienced police firearms trainer (a) to visit Kosovo to discuss with the UNMIK Police Commissioner the level of firearms skill necessary to patrol in Kosovo and (b) to report to the FCO on the training need which this would imply (Paragraph 209)**

A senior police officer visited Kosovo last autumn to assess firearms training requirements prior to the RUC deployment. His assessment was that different weapons and a greater level of training were required for the conditions in Kosovo, as compared to the conditions in the UK. His recommendations were accepted. A lack of firearms training is not the only factor preventing a larger deployment of UK police officers to Kosovo. UNMIK also requires police officers to perform an executive role. However, the current interpretation of the 1996 Police Act does not permit police officers from the English and Welsh forces covered by the Act to perform an executive function in international missions (Scottish forces are covered by separate legislation, but are currently fully committed in view of the Lockerbie trial). This leaves only those forces covered by separate legislation, ie the RUC, Ministry of Defence Police (MDP) and British Transport Police (BTP), as sources of police officers able to perform an executive role. Having drawn heavily on the pool of officers available from the RUC and MDP, the FCO therefore approached the BTP who have indicated that they would not be able to contribute.

**(47) We recommend that the FCO urgently study with the Home Office and Scottish Executive the feasibility of deploying recently retired firearms trained officers in Kosovo. (Paragraph 210)**

The UN Secretariat has now agreed to the use of recently retired police officers on peacekeeping operations. The UK had been pressing for this for some time. The Government is now exploring the practicalities of how it can make best use of this decision. It should be noted, however, that the pool of retired police officers with firearms training will be relatively small.

**(48) We recommend that the Government press for a reduction to six months in the minimum period of engagement for UNMIK police officers. (Paragraph 211)**

The UN Secretariat has now agreed to reduce the minimum tour of duty for UNMIK police officers from 12 months to six, at the suggestion of the UK. The Government hopes this will encourage more UK officers to volunteer for UN duty.

**(49) We recommend that the FCO explore with the Northern Ireland authorities the possibility of recruiting more RUC officers for service in Kosovo. (Paragraph 212)**

The RUC currently contributes a significantly higher number of police officers to international missions than any other police force in the UK (there are also three RUC officers with the IPTF in Bosnia), for which the Government is grateful. However, the RUC has domestic commitments which may make it difficult for them to contribute many more officers.

**(50) We believe that UNMIK is to be congratulated on recruiting a multi-ethnic local police force in Kosovo, and we recommend that the British Government give full and generous assistance to the equipping and training of the Kosovo Police Service. (Paragraph 213)**

We endorse the Committee's welcome for progress so far in the recruitment and training of the Kosovo Police Service (KPS). We agree that the multi-ethnic nature of the KPS is of great importance. Of those so far enrolled, almost a fifth are women, six percent are Kosovo Serbs and as many again are from other non-Albanian communities. The British Government is providing 40 of the police trainers at the OSCE-run school in Vucitran. The FCO has contributed £50,000 to the School to provide an improved water supply.

**(51) We believe that the development of the KPS should be an important priority for the international community. (Paragraph 214)**

The Government agrees with the Committee. The aim is that the graduates of the Kosovo Police School should progressively take over from UN International Police (UNIP) personnel, initially under UNIP supervision. This would be part of the wider transfer of responsibility from the UN Mission to provisional institutions for democratic self-government.

**(52) We recommend that the British Government should contribute to the material needs of the courts of Kosovo, as identified by the OSCE. (Paragraph 218)**

The Government agrees on the importance of establishing an effective and impartial justice system in Kosovo. For this reason, we were one of the first countries to express support for SRSG Kouchner's proposal to bring international judges and prosecutors to Kosovo to work with and to help train the local personnel recruited by UNMIK. Britain offered more than 40 candidates for international prosecutors to the UN Mission in Kosovo. UNMIK has signalled its intention to recruit an initial group of UK prosecutors. We have sent the UN names of candidates for judicial support staff. The Government supports the work of the OSCE Mission in re-equipping the courts in Kosovo and have made a voluntary contribution of £100,000 to provide electricity generators for this project.

**(53) We believe that the absence of a functioning prison system is a very serious problem for Kosovo, and we recommend that the British Government consider as a matter of urgency sending experienced prison staff to assist in its development. (Paragraph 220)**

The Department for International Development and the Canadian Government participated in a project to renovate the prison at Istok in Kosovo in 1999. One of the British prison staff seconded by DfID has been taken on by the UN Mission.

*Economic and Infrastructure Reconstruction*

**(54) We believe that UNMIK and KFOR have made an impressive beginning in the reconstruction of the economy and infrastructure of Kosovo. (Paragraph 221)**

The Government agrees that significant progress has been made by the EU-led economic pillar of UNMIK. This is due in large part to the leadership given by Joly Dixon, a UK national working for the European Commission, and by Ian Fletcher, a civil servant from the Department of Trade and Industry, who was Director-General of the Customs Service and co-head of the Department of Trade and Industry in the Joint Administration. The Government is committed to the successful development in Kosovo of a modern, free-market economy, based on recognition of property rights and the rule of law. Given the state of Kosovo's economic development, this process of transformation will inevitably take time.

**(55) We recommend that, once a functioning criminal justice system is in place, UNMIK and KFOR should deal vigorously with those accused of evading taxes. (Paragraph 223)**

The Government agrees that establishing effective systems for collecting revenue and for punishment of tax evasion are important objectives. The Department for International Development is looking to second a UK Inland Revenue official to UNMIK to help take forward this work.

**(56) We believe that large scale unemployment is one of the most major problems which Kosovo faces, and that urgent consideration should be given to the development of successful employment schemes. (Paragraph 224)**

We agree that unemployment is a serious problem in Kosovo, particularly given the province's predominantly young population. It is important that young people in particular are offered the prospect of gainful employment. Building on the progress made by UNMIK in its first year in establishing a successful macro-economic base in Kosovo, it will now be a priority to attract the foreign investment and to encourage the local enterprise that will be needed to create more jobs.

*Promoting the establishment of autonomy and self government*

**(57) We recommend that the FCO consider special funding to support the work of the Westminster Foundation for Democracy to promote the full involvement of all the people of Kosovo in its political life. (Paragraph 231)**

In Financial Year 1999–2000, the Westminster Foundation for Democracy (WFD) received grant-in-aid from the FCO of over £4 million, a 33% increase over the previous year. The FCO gave additional funding of £104,530 for WFD projects in support of political party and civil society development in Kosovo. We also provided £71,547 for

WFD projects in support of civil society development in Serbia and Montenegro. We are currently considering WFD's request for further funding to continue their programmes in Kosovo in 2000–01.

**(58) We recommend that the British Government encourage UNMIK to ensure the conditions for holding local elections are met as soon as possible, providing material assistance as necessary. (Paragraph 233)**

The Government agrees on the importance of holding local elections this year, as a valuable first step in the process of taking forward democratisation in Kosovo and bringing a new generation into politics. UK secondees in UNMIK are involved in preparing the elections. In the financial year 1999–00 the British Government gave £1.25m to UNMIK to support electoral registration.

**(59) We endorse the Foreign Secretary's view that there should be no undue haste in calling elections to a Kosovo-wide body. (Paragraph 235)**

The first step will be local provisional institutions for self-government. The next step will be the development of Kosovo-wide institutions. The UK and its Contact Group partners have started to consider guidance for UNMIK on the form and content of such institutions in the changed circumstances of Kosovo today. These would be provisional institutions, whose development would be without prejudice to Kosovo's future status, which would remain to be resolved at a later stage. But they would have the advantage of requiring communities in Kosovo to take greater control of their own affairs, under international supervision.

**(60) We find this [the idea that Kosovan independence will stabilise Macedonia and the region] implausible, and conclude that the effect of Kosovan independence on Macedonia is potentially destabilising, at least at present. Macedonia is the one state which has left the former Yugoslavia without bloodshed, and it is important that bloodshed should be avoided in the future. (Paragraph 242)**

The Government agrees on the importance of maintaining stability in a multi-ethnic Macedonia, and welcomes the fact that Macedonia has now begun negotiations with the European Union on a Stabilisation and Association Agreement (SAA). As the Foreign Secretary has said to the Committee, the Government does not favour independence for Kosovo, and would prefer Kosovo to remain in a reformed, democratic and genuinely devolved Federal Republic of Yugoslavia. But it will be impossible to make progress on a new accommodation between Kosovo, Montenegro and Serbia while Milosevic, or a regime like his, remains in power in Belgrade.

**(61) We believe that the redrawing of boundaries which partition of Kosovo would involve would be destabilising for the region and a barrier to any idea of multi-ethnic states in the region. (Paragraph 245)**

The Government agrees that the creation of mono-ethnic states or provinces in the former Yugoslavia would not serve to promote stability.

**(62) We believe that the international community is prudent in deferring any decision on its references for Kosovo's long-term future. (Paragraph 246)**

The Government welcomes the Committee's acknowledgement that it makes no sense to try now to resolve Kosovo's future status. Any stable settlement will require the support of Kosovo, Serbia and Montenegro. The process of reconciliation which that implies will take time. Britain and its international partners will concentrate on building durable and effective institutions for democratic, tolerant society in Kosovo, supporting the democratically-elected government of President Djukanovic in Montenegro and encouraging the process of change in Serbia through its support for the democratic opposition, civil society and free media.

**(63) We strongly support UNMIK's intention to move forward with an interim constitution and interim government for Kosovo. (Paragraph 247)**

The Government welcomes the Committee's support for UNMIK's strategy and agrees on its importance. As noted above, the Contact Group is developing guidance for use by the Secretary-General's Special Representative in formulating proposals for interim political institutions.

**(64) We conclude that the present interim status for Kosovo is likely to remain in place for an indeterminate period. (Paragraph 248)**

The Government agrees that the current interim period in Kosovo should not be pre-determined. Progress towards a final settlement will depend on a number of factors, crucially regime change in Belgrade and the development of a more mature political society in Kosovo.

*Montenegro*

**(65) We conclude that developments in Montenegro have been extremely positive for the large majority of the Montenegrin people and for the United Kingdom and its allies, and that the British Government should continue to do all that it can to support the democratic process in Montenegro. (Paragraph 256)**

We agree. We will maintain our support for the reform process in Montenegro, through effective EU aid for which we have consistently argued and through bilateral assistance, particularly in media and public administration reform, including advice on privatisation.

**(66) We conclude that support from the United Kingdom for democratic forces in Montenegro is a valuable means of supporting democratic forces in Serbia as well. (Paragraph 257)**

We agree that Montenegro can serve as a useful example to the rest of the FRY of the benefits of positive engagement with the international community on the basis of genuine political and economic reform. The UK encourages contacts between Montenegro and the Serbian democratic opposition. We have supported Serbian opposition participation in projects in Montenegro, for example human rights and media training.

**(67) We recommend that the Government continue to encourage the maximum degree of autonomy for Montenegro without endangering regional stability. (Paragraph 261)**

The future of the Federal Republic can be durably resolved only when there is a democratic government in Belgrade, which can deal reasonably with government in Montenegro and the democratic institutions for provisional self-government which will be developed by UNMIK in Kosovo. We regard the "Platform" for constitutional change in the FRY put forward by the Montenegrin government in August 1999 as a constructive basis for dialogue. We welcome contacts between the Montenegrin governing parties and the Serbian opposition. We understand the frustrations of the people of Montenegro. But we consider that the interests of Montenegro and the region are served best by the avoidance of any precipitate moves which could lead to conflict or instability.

**(68) We recommend that the FCO should take into account the deep anxieties of Montenegrins in any future discussions on the independence of Kosovo. (Paragraph 262)**

The questions of the future status of Montenegro and Kosovo are closely related. We agree that Montenegrin concerns should be taken into account in the process of determining Kosovo's future status. We welcome the contacts between the UN Mission in Kosovo and the government of Montenegro, including Foreign Minister Lukovac's recent visit to Pristina.

**(69) We recommend that the British Government request NATO to examine closely the allegation that the Military Technical Agreement has been breached by troop movements into Montenegro. (Paragraph 265)**

Under the terms of the Military Technical Agreement (MTA), FRY/Serbian forces had to withdraw to locations in Serbia outside Kosovo within set timeframes. KFOR concluded that the FRY/Serbian forces had complied with the terms of the MTA.

**(70) We believe that it is imperative that Western policy is directed towards prevention of a civil war in Montenegro. (Paragraph 267)**

We agree that the avoidance of conflict and instability in Montenegro is a top priority. We have pursued a twin-track strategy in this regard: providing economic and political support and advice to the government of President Djukanovic, while warning Milosevic not to seek to destabilise Montenegro. We have warned both sides to avoid provocative actions. In that context, we welcomed the cooperation of all parties in Montenegro with the OSCE in the run-up to the local elections on 11 June, and the general acceptance of the results.

**(71) We strongly agree [that a build up of Western troops in the region and guarantees of support to President Djukanovic in case of aggression from Serbia should help to deter another crisis] and see the merit of keeping Milosevic guessing as to the West's reaction to any military intervention or other attempt at destabilisation by him in Montenegro. We recommend that Milosevic should be in no doubt, however, as to the willingness of the United Kingdom and its partners to protect the democratic government of Montenegro. (Paragraph 269)**

We welcome the Committee's understanding for our position that we should not disclose to Milosevic our options for reacting to any attempt by him to undermine the democratically-elected government in Montenegro. But no one should doubt the international community's resolve to support Montenegro's progress towards democracy and prosperity. As successive meetings of NATO Ministers have noted, the Alliance continues to monitor the situation in Montenegro closely.

**(72) We recommend that the Government take prompt action to ensure that the EBRD is able to work in Montenegro and report back to the Committee as to the position of the major shareholders of the Bank. (Paragraph 275)**

The EBRD is considering ways in which it may be able to help Montenegro. When the Bank has produced a concrete proposal, its shareholders will examine it closely. We will keep the Committee informed of developments.

**(73) We very much welcome the new urgency which the European Council has given to support for Montenegro, and we encourage the Government to drive forward the Council's commitment in the months to come. We recommend that the Government press for any remaining bureaucratic obstacles to macro-economic assistance for Montenegro from the European Union to be removed. (Paragraph 279)**

The Government welcomes the increased EU support for Montenegro and the active leadership of Commissioner Patten in pursuing a more effective EU approach. The Council of Finance Ministers (ECOFIN) recently agreed to provide 20m euro of exceptional financial assistance (budgetary-support) to help the macroeconomic situation in Montenegro. The European Parliament had rejected this proposal owing to their concerns about the transfer of money from the MEDA (the EU Mediterranean assistance programme) reserve. Given the importance of delivering economic support to Montenegro, we have pressed for a solution to be found as quickly as possible. The Parliament has now proposed a Supplementary and Amending Budget which will include the 20m euro. This should be approved before the summer. The European Investment Bank will be sending a mission to Montenegro to consider the prospects for a 15m euro loan. We expect the mission's report to be submitted to ECOFIN in September.

**(74) We recommend that the Government, with its European partners, should keep under constant review the sanctions regime against Yugoslavia, moderating it where possible to assist Montenegro. (Paragraph 280)**

Montenegro has already been exempted from the EU flight ban and oil embargo. Recent changes to EU financial sanctions against the FRY have released all Montenegrin companies except for those included in a special “black list” from certain potential barriers to trade with EU entities.

**(75) We agree with the Foreign Secretary that the EU should find creative ways to improve the trade regime which applies to Montenegrin goods to remove the discriminatory duties which apply even to products which clearly originate in Montenegro. (Paragraph 281)**

The Commission published a proposal on 7 June for increased access for products from the Western Balkans to EU markets. As Montenegro is part of the FRY and not a separate customs area, the extension of trade preferences to Montenegro alone is not possible. However, under the Commission proposal, there would be limited and specific concessions (a duty-tariff free quota) to the FRY for aluminium products only. Since these are produced only in one plant in Montenegro and not in other parts of the FRY, in practice these concessions will benefit only Montenegro.

**(76) We recommend that every effort is made to give concrete support to Montenegro through the Stability Pact. (Paragraph 282)**

The UK played a leading role in enabling Montenegro to participate in the Stability Pact, and continues to support Montenegrin participation in all Pact activities. A major transport infrastructure project in Montenegro was included in the Pact’s “quick start package”, endorsed at the Regional Funding Conference in March 2000.

**(77) We wish to see the FCO adopt an imaginative solution which will allow the establishment of a British representative office in Podgorica. (Paragraph 283)**

We have no plans for a British representative office in Podgorica. The UK has good relations and regular contacts with the government and other key figures in Montenegro. The British Council runs a British Information Centre in Podgorica. The FCO helped establish the Centre in its premises by providing books and internet-access terminals.

**(78) We recommend that visas to visit the United Kingdom should be issued in Podgorica. (Paragraph 284)**

We are looking into possible ways of making it easier for people in Montenegro to apply for UK visas. But the absence of an office and wider resource constraints prevent the establishment of a visa issuing operation in Podgorica. Montenegrins can obtain visas from the British Interests Section in the Brazilian Embassy in Belgrade, which operates a full visa service. In many cases this can be done by courier.

#### *The Regional Dimension*

**(79) We recommend that the Government should inform the Committee in unambiguous terms how much of the £100m it has promised for the next three years for the Balkans is new money, and how much had already been announced. (Paragraph 292)**

The £100m of UK assistance which was announced at the Stability Pact Regional Funding Conference in March 2000 represents the estimated total of our bilateral and regional programmes in Balkan countries over the next three years. These funds, which are part of the spending plans of the Department for International Development, are intended to support existing projects and those which are still under consideration. The Committee should also be aware that the “European Commission” allocation referred to in its report is, of course, money provided by EU member states, of which the UK share will be around 234m euro (£150m).

**(80) We believe that the Stability Pact offers an opportunity for the international community to avoid the mistakes of the past in the region, but that the current level of commitment will result in that opportunity being missed. The United Kingdom contribution to the Stability Pact has been minimal and should be increased substantially. Another conflict in the region will be far more costly than a relatively modest financial contribution at this stage. (Paragraph 296)**

The Government has been a staunch supporter of the Pact. We have provided an FCO official to work in the Office of the Special Co-ordinator. Our bilateral programmes in the region fully support the objectives of the Stability Pact. The Prime Minister's speech at the Pact Summit in Sarajevo in July 1999 launched two of the most substantial initiatives to be developed so far by the Pact, the Investment Compact and Media Charter. At the June meeting of the Pact's Regional Table, the OECD welcomed the lead given by the UK on the Investment Compact. At that meeting, the UK proposed a new emphasis by the Pact on promoting reform and development through use of IT, including by linking the Balkans more effectively to the EU's e-agenda. This UK initiative was enthusiastically welcomed by the Pact's Special Co-ordinator.

**(81) We recommend that the Government encourage the EU to adopt its next Common Strategy on South Eastern Europe, in order to define clearly its policies, as well as to facilitate better decision making within the EU in this important policy area. (Paragraph 303)**

We consider that EU policy on South East Europe is already well defined, in particular through the EU's Stabilisation and Association Process and its contribution to the Stability Pact. The Lisbon European Council mandated CFSP High Representative Solana, with the Commission, to make EU policies and actions more coherent and effective. The Feira Council made clear the EU's commitment to intensifying co-operation with the region in key areas of trade, justice and home affairs and economic and financial assistance. We therefore support the intention of the French Presidency to work to improve the EU effort through these mechanisms.

**(82) We welcome the Commission's intention to pursue asymmetrical trade liberalisation with the countries of South Eastern Europe, and trust that its proposals will be far reaching. We urge the Government to take up these proposals and to pursue them vigorously. (Paragraph 306)**

The Commission's proposal, published in June, is far-reaching. It would abolish remaining tariff ceilings on most industrial products from Albania, Bosnia-Herzegovina and Croatia; improve market access for agricultural products; and will extend preferences to Kosovo. The proposal can be extended to Kosovo as, under UNMIK, Kosovo has become a customs territory, distinct from the rest of the FRY. Montenegro has no independent customs administration and cannot therefore be listed as a separate beneficiary. However, the Commission proposal will benefit Montenegro by including aluminium (only produced at a particular plant in Montenegro) in the list of tariff free allowances for FRY. We strongly support the proposal which is now being discussed in the EU.

[There is no recommendation 83 in the Committee's report]

**(84) The Government should increase the BBC World Service's provision of news to Serbia in Serbian and English, to offset the stranglehold the regime has on news information. (Paragraph 310)**

The BBC has just increased the provision of Serbian language broadcasting. The World Service now broadcasts 11 hours 45 minutes of Serbian language programming daily, into Serbia, Montenegro and Bosnia. This represents an increase of over one hour per day. It was decided in response to the recent increase in repression in Serbia, particularly against the independent media. BBC World Service also maintains an on-line internet service which receives 30-35,000 "hits" every month. The FCO is active in support of Serbian national and regional independent media.

**(85) We recommend that the Government consider what measures can be taken to encourage the Serbian opposition to unite in its campaign against Milosevic. In particular, consideration should be given to supporting only those elements of the opposition that are prepared to sign up to a joint programme. (Paragraph 312)**

The UK is working with EU partners, the US and others to encourage the democratic opposition to unite against Milosevic's repression in Serbia. The 10 January agreement on a common platform and work to produce a unified opposition list for elections have been signs of progress. Any parties which wilfully damage this united front – to the benefit of Milosevic – should not expect UK or international support.

**(86) We are concerned that there appears to be evidence that the EU visa ban on Serbian officials is not being respected. We request that the FCO report to us on all violations of the ban, and what action the FCO has taken in response to these infractions. (Paragraph 313)**

We have little direct evidence of violations of the EU visa ban list. We believe that one or more individuals on the list may have third country passports which allow lawful visa-free entry to some or all EU member states. There have also been uncorroborated reports that banned individuals have acquired EU visas through error on the part of national authorities or through the use of false passports. We follow up such reports wherever possible. In two cases since summer 1999, other EU member states have granted visas to FRY parliamentarians on the visa ban list to attend conferences organised by the Inter-Parliamentary Union. The UK argued against exemptions in both cases.

**(87) We recommend that that United Kingdom should continue to take a leading role in building a consensus amongst our allies to promote peace and stability in South Eastern Europe, recognising that, if we do not, we will be faced once again with refugee flows and the need to deploy British forces, and British resources, in the region. (Paragraph 315)**

We agree with the Committee that international consensus is needed in support for a coherent approach to the related problems of the region. We agree the European Union has a crucial role to play. We were one of the leading supporters of an enhanced role for the CFSP High Representative, in association with the Commission, in leading the EU effort. The US contribution, through NATO, the OSCE, the Stability Pact and bilaterally, remains vital. Here, as in other areas, a more coherent and effective EU contribution is welcomed by the US administration. We also believe, as the Committee's report notes, that the engagement of Russia is important. We welcome the progress made in recent months in the Contact Group and G8, where the Russian government has been a constructive partner on a range of Balkans issues.

#### *Conclusion*

**(88) NATO took the unprecedented action of bombing an internationally recognised European state in defence of the rights of a large minority within that state. As a result these rights have been restored.**

**However the objective establishing a multi-ethnic Kosovo society within a democratic Yugoslavia remains unachieved. Milosevic remains in power.**

**In the meantime as a result of NATO action, the UN has been compelled to assume virtually unprecedented responsibility for the governance of a province. It has to establish all the basic requirements of a civilised society, an economy and a currency, institutions to uphold law and order and to deliver the whole range of services necessary to society.**

**This is a formidable challenge which deserves the full support and attention of the international community. We are concerned that the attention span of the international community is short. There is a tendency to act immediately and then move on, leaving the UN to bear the longer term consequences.**

**This should not happen in Kosovo. NATO with the support of the European Union, authorised the action taken in Kosovo outside the terms of the UN Security Council. NATO and EU states, therefore, more than the UN, have a very specific and heavy responsibility to establish long term stability and peace in Kosovo and in the region.**

**We have made a commitment to Kosovo. Unless we fulfil that commitment, and build peace in Kosovo and the region, our efforts to date will have been in vain. (Paragraphs 316-321)**

The Government remains convinced of the necessity and rightness of NATO's action in Yugoslavia in spring 1999.

NATO's intention was not to replace the government in Belgrade, but to restrict that government's ability to conduct appalling repression against its own civilians. That objective was achieved. The Government accepts the Committee's view that the objective of a multi-ethnic Kosovo within a democratic FRY remains to be achieved. Both elements will be difficult. The last year has shown that violence and intimidation, albeit of a different nature and on a vastly smaller scale, remain a blight on the landscape in Kosovo. We are committed to tackling the violent extremism on all sides which is inimical to all we are trying to achieve in Kosovo.

The international community, under the leadership of the United Nations, has taken on a formidable challenge in assuming responsibility for the governance of Kosovo. The Government supports the process, foreseen in UNSCR 1244, of the progressive transfer of responsibilities for self-government to the people of Kosovo, under the close and strict supervision of the UN Mission. The Government accepts that the establishment of a mature democracy in Kosovo will be a long term project which will require continuing international attention and support.

The Government has been one of the leading advocates of a positive and dynamic European Union commitment to Kosovo and to the region as a whole. We welcome the radical proposals of the European Commission for trade liberalisation and are working with partners to promote similarly bold initiatives in other fields, eg Justice and Home Affairs.

As a permanent member of the Security Council, a leading NATO Ally and European Union partner, Britain made a decisive contribution to diplomatic and military activity throughout the Kosovo crisis. We shall continue to make a substantial investment in and leading contribution to the process of stabilisation and peace-building in Kosovo and in the region.

## ANNEX

### Select Committee on Foreign Affairs First Report

#### Letter from the Chairman of the Committee to the Foreign Secretary, 5 November 1998

On 16 September you issued a statement to the effect that all flights by Yugoslav carriers to the United Kingdom were to be banned with immediate effect, consequent upon the Common Position (98/426/CFSP) adopted by the European Council on 29 June and the subsequent Council Regulation no. 1901/98, which entered into force on 8 September 1998. I understand that the prohibition was given effect in United Kingdom law by the Yugoslavia (Prohibition of Flights) Regulations 1998, which came into force on 18 September.

The Committee was concerned to read reports in mid-September which indicated that the Government had considered delaying implementation of the prohibition order until after the expiry of the twelve-month notice period stipulated in the UK/Yugoslavia Air Services Agreement of 1959, a position which your statement happily reversed.

I should be grateful if you could indicate to the Committee on what legal grounds the 1959 agreement had been deemed to take precedence over the Council Regulation; why the notice of the ban was not served upon the Yugoslavian Government until 9 September; and the reason for the review of the timing of the ban's implementation.

## Select Committee on Foreign Affairs First Report

### Letter to the Chairman of the Committee from the Foreign Secretary, 30 November 1998

#### YUGOSLAVIA FLIGHT BAN

Thank you for your letter of 5 November about the EU flight ban on Yugoslav carriers. you asked three specific questions.

First, the relationship between our obligations under the 1959 UK/Yugoslavia Air Services Agreement (ASA) and the EC Regulation. Article 234 of the EC Treaty sets out the principle that a pre-accession agreement between a Member State and a third country is not affected by the provisions of the EC Treaty or by subsidiary Community legislation.

Second, the timing of serving notice on the FRY Government. The EU adopted a Common Position on the flight ban on 29 June. It was generally accepted that EU Member States would only take action once the implementing Regulation was adopted. The Commission then invited Member States to submit details of their air services arrangements. The Commission produced a draft Regulation at the end of July. It was eventually adopted on 8 September. Our Embassy in Belgrade handed over a Note Verbale to the FRY authorities the following day giving notice of termination of the ASA.

Third, the timing of implementation of the flight ban. There was always a balance to be struck between our legal obligation under the 1959 ASA (which was not overridden by the EC Regulation) and the need to bring Milosevic to comply with his obligations. That balance had tilted sharply by September given the worsening humanitarian situation on the ground in Kosovo, and in particular the reports of serious human rights abuses committed by the FRY and Serbian security forces. As my statement of 16 September makes clear, I concluded that, on moral and political grounds, Milosevic had forfeited the right to the 12 months' notice period which would normally apply under the terms of the ASA.

There is an implication in your letter that we were more reluctant than EU partners to implement the flight ban. This is not the case. The decision to press forward with a flight ban and other sanctions against Yugoslavia was taken under our Presidency. In addition, no Member State took action before the Regulation came into effect on 8 September. For practical and administrative reasons, most took a day or two to impose the flight ban: and Greece has still not implemented the ban. The UK gave notice of termination of the ASA on 9 September (the day after the Regulation came into effect). We implemented the flight ban a week later on 16 September.



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