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THE NATO AND EU MISSIONS IN KOSOVO*: DRAWING LESSONS FROM THE PAST TO FACE CURRENT CHALLENGES



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* THIS DESIGNATION IS WITHOUT PREJUDICE TO POSITIONS ON STATUS, AND IS IN LINE WITH UNSCR 1244/1999 AND THE ICJ OPINION ON THE KOSOVO DECLARATION OF INDEPENDENCE - (KOSOVO*: COUNCIL PRESIDENCY AND EUROPEAN PARLIAMENT AGREE ON VISA FREE TRAVEL, THE COUNCIL OF THE EU, 2022, RETRIEVED DECEMBER 20, 2022, FROM [HTTPS://WWW.CONSILIUM.EUROPA.EU/EN/PRESS/PRESS-RELEASES/2022/12/14/KOSOVO-COUNCIL-PRESIDENCY-AND-EUROPEAN-PARLIAMENT-AGREE-ON-VISA-FREE-TRAVEL/](https://www.consilium.europa.eu/en/press/press-releases/2022/12/14/kosovo-council-presidency-and-european-parliament-agree-on-visa-free-travel/))

In the aftermath of the violence in Kosovo*, the UN Security Council passed Resolution 1244 (1999), whereby a NATO-led Kosovo Force (KFOR) would be deployed to stabilise the region and prevent further violence. Though initially composed of around 50,000 personnel, NATO's presence was progressively downsized as the security environment improved. The mission successfully prevented the resumption of hostilities in the Western Balkans and supported the transition towards peace and democracy in Kosovo*. However, sporadic incidents of violence have often revived unresolved tensions in Kosovo*. The impossibility of reaching a consensus on Kosovo's* international status and its declaration of independence in 2008 led to an extension of KFOR's presence in the region. As the declaration of independence threatened to trigger another wave of violence, the European Union also established the EU Rule of Law Mission in Kosovo* (EULEX), which focused on supporting Kosovo's* authorities in upholding the rule of law and reforming Kosovo's* police, judiciary and customs.

Though often criticized for visible signs of malfunction and corruption, the combined efforts of KFOR and EULEX have significantly improved the situation in Kosovo* in the past decade. As the security environment in Europe worsens due to the ongoing war in Ukraine, both NATO and the EU have reaffirmed their commitment to upholding peace in the Western Balkans. Their presence remains crucial to deter the outbreak of a conflict that would destabilize the region and have the potential to propagate beyond the Balkans. It is precisely at these times that looking back at the failures and successes of KFOR and EULEX in the region is essential to draw lessons from the past in dealing with current issues in the region.

KFOR and EULEX

KFOR was established to provide security and support the United Nations Mission in Kosovo (UNMIK) immediately after NATO's air campaign to end the violence in Kosovo* in 1999 (NATO 2022a). NATO initially deployed a force of around 50,000 personnel, which was progressively downsized to less than 10% of its initial size as the security situation improved. With a marked focus on security issues, KFOR's initial tasks revolved around relocating displaced persons, engaging in de-mining activities, providing medical assistance, maintaining public order, protecting patrimonial and religious sites, and preserving border security. The force was also involved in implementing and monitoring weapons amnesty programmes, protecting minorities, and supporting the establishment and development of civilian institutions. Since 2008, NATO assumed further tasks related to security sector reform in Kosovo*, assisting in the dismantlement of the Kosovo Protection Corps and establishing the Kosovo Security Forces, a professional, inter-ethnic force in charge of emergency response and hard security tasks, yet controlled by civilian structures (NATO 2022a).

Despite KFOR's stabilising effect and the legitimacy it gained as a peacekeeping force, the local population grew dissatisfied with the international community's presence in Kosovo*. Serbian citizens claimed that local and international actors had failed to prevent repeated attacks against them (Mahr 2020). UNMIK and the Organization for Security and Cooperation in Europe (OSCE) created the Kosovo Police Service in 1999, a multi-ethnic police force under UN control that was generally effective in its functions, but it often failed to attend to the security concerns of the Serb minority in northern Kosovo* (Sahin 2017; Dursun-Özkanca 2017).

At the same time, the Albanian community expressed its concerns about the question of Kosovo's* international status. Kosovo* unilaterally declared independence in 2008. Although initially designed as part of the Ahtisaari Plan, the European Union decided to launch EULEX anyway with a mandate of maintaining public order and security in Kosovo*, as well as assisting local authorities in developing an accountable, capable and multi-ethnic police force (Council 2008). With this objective, more than half of EULEX's 3,000 personnel were police officers (Ioannides and Collantes-Celador 2011). Despite its salient civilian nature, EULEX often adopted a security-focused approach, partly due to its Heads of Mission being former KFOR commanders.

KFOR and EULEX were similar in size, composition, goals, and interaction with local actors – and yet they performed and were perceived differently by local actors. Since the creation of EULEX in 2008, the EU and NATO missions in Kosovo* grew more interdependent to provide security (Petrov et al. 2019). Both missions would coordinate their actions as the Kosovo Police would act as the first respondent to crisis situations, with EULEX and KFOR acting as second and third respondents, respectively (Brosig 2011). Still, KFOR was often deployed to support EULEX in developing its functions. This was especially the case in the Northern part of Kosovo*, which became a hotspot for illegal activities and whose population was primarily Serbian and thus rejected the presence of the Kosovo* Police (International Crisis Group 2011). EULEX acted extensively in this area, restoring the rule of law by re-establishing a local court in Northern Mitrovica and engaging in peacekeeping missions where ethnic disputes erupted (Zupanec and Pejic 2018; Ioannides and Collantes-Celador 2011). However, EULEX was often criticized for failing to implement its mandate in the field of security and riot control (Mahr 2020), often relying on KFOR to guarantee the security of its personnel.

Brief assessment of the NATO and EU Missions in Kosovo*

The NATO mission in Kosovo* managed to consolidate peace and improve the security environment in the region. KFOR assumed the responsibility and managed the administration of the country until UNMIK and Kosovo's* local institutions were functional and able to take control. On the ground, KFOR has acted as a stabilizing actor by engaging in traditional peacekeeping activities such as patrolling, which have contributed to deterring inter-ethnic violence (Osmani 2014). NATO has also contributed to the transition towards democracy by strengthening local institutions, using the values of the Alliance as a basis for its activities in Kosovo*. Still today, KFOR is perceived and acts as an ultimate guarantor of security in Kosovo*, deploying in sensitive areas at times of crisis and instability to deter flare-ups between local actors (Alexandrowicz 2022; Salazar-Winspear 2022; Mahr 2020). Though reassuring, this reality reflects an underlying truth: Kosovo* still relies on KFOR to prevent an outbreak of violence from destabilizing the region with potential worldwide effects (Osmani 2014). For this reason, NATO has reaffirmed its commitment to supporting peace and stability in the Western Balkans, especially at a time when different agendas challenge the existing security architecture in Europe (NATO 2022b).

Despite numerous failures, EULEX has achieved relative success in pursuing its objectives in Kosovo*. Through its work, EULEX has assisted in improving the respect for the rule of law in Kosovo's* police, judiciary and customs, either directly or by assisting local institutions (Zupančič et al. 2017). The advances in police and customs reform have been significant, including the creation of effective, inter-ethnic law enforcement bodies and the improvement of relations between the Serbian population and the Kosovar police.

Overall, EULEX has successfully helped stabilise Kosovo*, making substantive contributions towards long-lasting peace and democracy. Still, the mission has often been subjected to intense criticism both from the inside and the outside. Many claims have repeatedly exposed the malfunctioning of the mission, such as cases of internal corruption among its staff and vis-à-vis local institutions, including the judiciary, as well as a failure to appropriately implement its mandate at times (Papadimitriou et al. 2007; Shepherd 2009; Radin 2014; Qehaja and Prezelj 2017; Zupančič & Pejić 2018). These claims, added to how the local Albanian and Serb populations perceive the mission and its activity, have eroded EULEX's legitimacy and ability to act over time, particularly in northern Kosovo* (Mahr 2020; Zupančič, et al. 2017). Notwithstanding the foregoing, when assessing the success of the EU's mission in Kosovo* it must be noted not only that it is a unique mission in its size and the executive components in its mandate, but also in the particularly challenging security environment where it operates, all of which result in an inherently complex mission design, deployment, and implementation (Spernbauer, 2019).

Current State of Affairs

Despite the advances and overall success achieved by the EU and NATO missions in Kosovo*, it remains deeply divided and the prospect of inter-ethnic violence lingers as a real possibility. The latest incident arising out of this division took place in August 2022, when the Government of Kosovo* announced that the old Serbian identity and vehicle documents used by members of the Serbian minority in Kosovo* would no longer be valid and to be replaced by the new ones issued by the Government of Kosovo*. Serbian citizens in northern Kosovo refused to accept this measure and responded with protests, blockades on the border with Serbia, and even firing guns at the air (Alexandrowicz 2022; Werley 2022).

As a response, KFOR deployed its forces in the area, lifting blockades and deterring the outbreak of violence by or against members of the Serbian community. The Government of Kosovo* established September 1st as the deadline for all citizens to comply with the measure. Tensions increased as the date approached and the situation remained unresolved (Dragojlo 2022), including fears of foreign actors intervening to profit from the escalation of violence – e.g. Russia encouraging Serbia to pursue a military intervention in Kosovo* to destabilise the region and divert NATO and the EU's attention from the war in Ukraine. On August 27th, High Representative Josep Borrell announced that Serbia and Kosovo* had reached an agreement under the auspices of the EU to put an end to this dispute (Gijs 2022; Brzozowski 2022).

This is a great example of how capable and vital the EU mission –with NATO's support– has become in facilitating dialogue in Kosovo*. It is during these flare-ups when EULEX and KFOR's work to stabilise Kosovo* and ensure peace in the region become more apparent. Though imperfect and flawed in design and implementation, both missions have broadly achieved their primordial objective – to avoid future violence in Kosovo* – in a particularly challenging environment and despite being some of the most comprehensive missions of their type. Nevertheless, learning from the criticism accumulated throughout the years is important to avoid repeating past mistakes – especially as the strategic environment surrounding the Balkans grows in complexity.

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