



## **Foreign Policy Club**

NATO presence in Kosovo

Implications of KFOR troop reduction and essential political processes

*Prishtina, May 2011*

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### ***About the Foreign Policy Club***

The Foreign Policy Club is a non-governmental organization which brings together intellectuals, politicians and prominent civil society activists that show affinity in foreign policy. The Club aims to contribute through intellectual debates and recommendations with regard to generating Kosovo's foreign policy in the function of peace in Kosovo, the region and the world. The Club generates debate, examines developments and gives recommendations for Kosovo's foreign policy; focuses in examining global trends that affect Kosovo's daily political-economics, and also researches Kosovo's opportunities for integrating in the world. The Club strives to draw attention to world debates and the necessary steps for Kosovo's politics in relation to such developments.

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## Executive summary

Since 2000, NATO has constantly been in the process of reducing its KFOR troop presence in accordance with the political and security context in Kosovo. On October 2010, the North Atlantic Council announced plans to reduce KFOR's presence from less than 10,000 troops to 5,500 in the upcoming months, which according to NATO has predominantly been conducted in accordance with a constant evaluation of the security context in Kosovo and the region, and on the basis of supporting and maintaining a safe environment for Kosovo, ensuring freedom of movement as needed and border monitoring. NATO Secretary General, Anders Fogh Rasmussen, stated in 2009 that "I would like to see the reduction of the KFOR troops to a small reaction force or a complete troop withdrawal."<sup>1</sup>

However, regardless of statements that the reduction of KFOR troops is done in accordance with the continuous assessment of the security context in Kosovo and the region, it is important to emphasize the structural shortcomings that have an impact on the overall security situation in Kosovo and the region. This paper reflects on four basic challenges that should be considered when assessing the security situation in Kosovo in relation to the process of reducing NATO's presence. They include: a) the situation in Northern Part of Kosovo; b) bilateral relations between Kosovo and Serbia; c) Euro-Atlantic prospect for Kosovo; d) development of security capacities that will assume new, transferred responsibilities.

### Northern Kosovo

The primary issue that should be taken into account is the fact that Kosovo does not have institutional presence in the North. The north of Kosovo has remained in a state of a frozen conflict for more than 12 years now; as such it presents a constant threat to the stability of the country. The continuous illegal activity of Serbian authorities since 1999, especially in the Northern Part of Kosovo and

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<sup>1</sup> [http://www.nato.int/cps/en/natolive/opinions\\_56776.htm](http://www.nato.int/cps/en/natolive/opinions_56776.htm)

authorized by the Ministry of Interior of the Republic of Serbia while violating the UN resolution 1244 as well as Kosovo's Constitution post-independence, has been tolerated to date. The fact that there has been no violence for 12 years is a result of the tolerance of a state with no legal and constitutional order in this part of Kosovo.

#### Normalization of the relations between Kosovo and Serbia

Even though the EU-facilitated dialogue between Serbia and Kosovo began in March 2011 in order to address the so called technical issues, Serbia systematically has been engaged in preventing the state building process for Kosovo, whether in terms of the interior functionality or in gaining international legitimacy. Since 1999, Serbia has spent more than 6 milliard Euros (half a milliard a year) for the maintenance of its structures in Kosovo, especially in the areas inhabited by the Serbian community. In the constitution of Serbia, Kosovo continues to be defined as a part of Serbia and little hope exists that the political elites in Serbia are willing to change their stance toward Kosovo. It is necessary that the reduction of NATO troops in Kosovo is conducted in full compliance with the normalization of relations between Kosovo and Serbia, while being proportional with Serbia's advancement toward recognizing Kosovo's status or the reduction of its aspirations toward Kosovo.

#### Integration in Euro-Atlantic Structures

The five Western Balkan countries have well advanced in the Euro-Atlantic integration processes; meanwhile, Kosovo is the only country that does not have contractual relations with the EU due to the fact that five EU member states have not recognized its independence. These five member states are also NATO members, and as such Kosovo is hindered from being integrated in Euro-Atlantic structures. The gap between Kosovo and the rest of the region in integration processes is continuously widening, and Kosovo's competitive capacities are also diminishing in relation to the region. Furthermore, the lack of a clear European

perspective is increasing the skepticism of Kosovar citizens about their future and keeping alive Serbia's detrimental ambitions toward Kosovo.

A clearly-defined road to integration processes as well as narrowing the gap between Kosovo and countries in the region should be a precondition for building a stabile and secured environment in Kosovo. The latter would be possible only if NATO and EU overcome the discrepancies amongst the five member states regarding Kosovo's status. The NATO troop withdrawal must be conditioned with overcoming the current neutrality over Kosovo's status. Only when NATO has the capacity to involve Kosovo in integration processes in step with the countries in the region, stability in Kosovo could be considered sustainable.

#### Increasing security capacities

In the meantime, KFOR's troop reduction in Kosovo should be conducted in proportion to the capacities of local institutions to take the responsibility for a safe and secure environment in Kosovo. In this regard, it is necessary to increase the professional capacities of Kosovo Security Forces in order to assume all responsibilities that do not fall upon police or civic structures. In this regard, it is necessary to open a discussion over gradual transformation of KSF into the Kosovo Military Force, which would be established in accordance with all alliance standards.

Kosovo Police must continue to undertake competencies for border control from KFOR, according to the signed agreement. But the latter should be done in proportion to KP's increased capacities and resources. To date, the complete competences for the green border line with Albanian have been transferred to Kosovo Police. Nevertheless, the northern part presents a great obstacle as over 60% of the border line is not under the law and control of the local authorities. Also, the border lines between Kosovo and Macedonia and Montenegro remain under joint management, though the transfer of competencies in the border line with Macedonia is under preparation. The European Commission progress report for Kosovo in 2010 also pointed out the need for swifter reforms regarding to integrated

border management. The report states that “border checks are not carried out in line with EU standards [...]. Kosovo needs to ensure EU-compliant border management system is made operational as soon as possible. Kosovo failed to demonstrate political will to ensure implementation of this EU financed project.”<sup>2</sup>

Taking into consideration the serious implications of NATO troop’s reduction in Kosovo, the Government of Kosovo must increase the level of responsibility and investment in state capacities in order to face the new responsibilities, such as border control.

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<sup>2</sup> European Commission 2010 Kosovo Progress Report.  
[http://ec.europa.eu/enlargement/pdf/key\\_documents/2010/package/ks\\_rapport\\_2010\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2010/package/ks_rapport_2010_en.pdf)

## NATO PRESENCE IN KOSOVO

### I. Introduction

With the end of NATO's 1999 air campaign, the UN Security Council 1244 paved the way for the establishment of the United Nations Mission in Kosovo, placing Kosovo under the international protectorate, and the signed so-called "Kumanovo Agreement" between the International Security Force (KFOR) and the Governments of the Federal Republic of Yugoslavia and the Republic of Serbia. The Military Technical Agreement marked immediate termination of conflict and hostilities, and embarked on the role of maintaining and securing a safe environment, ensuring freedom of movement as needed, and border monitoring - an important component of the international protectorate's mission as well as for Kosovo's state-building efforts. During the 10-years of the UNMIK administration of Kosovo, NATO continued to serve the specific role pertaining to paragraph 9 of UN Security Council Resolution 1244, which gave KFOR a range of eight responsibilities.<sup>3</sup> During this time period, the Special Representative of the Secretary General (SRSG) held *reserved responsibility*<sup>4</sup> over this sector. Due to Kosovo's unresolved status at the time, an important emphasis was placed on NATO leading and ensuring overall security and stability. Kosovo's institutions involvement in the security sector was very limited, as more emphasis was placed on the overall approach of conducting and implementing the necessary security reforms with regard to the establishment

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<sup>3</sup> Deterring renewed hostilities, maintaining and where necessary enforcing a ceasefire, and ensuring the withdrawal and preventing the return into Kosovo of Federal and Republic military, police and paramilitary forces, except as provided in point 6 of annex 2; Demilitarizing the Kosovo Liberation Army (KLA) and other armed Kosovo Albanian groups as required in paragraph 15 below; Establishing a secure environment in which refugees and displaced persons can return home in safety, the international civil presence can operate, a transitional administration can be established, and humanitarian aid can be delivered; Ensuring public safety and order until the international civil presence can take responsibility for this task; Supervising demining until the international civil presence can, as appropriate, take over responsibility for this task; Supporting, as appropriate, and coordinating closely with the work of the international civil presence; Conducting border monitoring duties as required; Ensuring the protection and freedom of movement of itself, the international civil presence, and other international organizations."

<sup>4</sup> Reserved responsibility is a definition used by UNMIK which marked the executive authority of SRSG over the key domains in Kosovo.



of Kosovar security actors as well as NATO's ongoing preparations toward downsizing its military presence in Kosovo.

However, Kosovo's declaration of independence on 17 February, 2008 and the adoption of the Constitution on 15 June, 2008 marked the most significant change toward involvement of national structures in the security sector, as the Kosovo Assembly passed laws and a legal basis for the establishment of Kosovo Security Council (KCS), Kosovo Security Force (KSF) and its respective Ministry, and the Kosovo Intelligence Agency (KIA). As foreseen in The Comprehensive Proposal for a Status Settlement for Kosovo, the above-mentioned institutions were established through the support and supervision of KFOR, the EU Rule of Law Mission (EULEX) and the International Civilian Office (ICO).

Parallel to these processes, NATO has also continued with its process of downsizing military presence in Kosovo, and the most recent assessment has brought NATO presence in Kosovo to around 5,500. Although NATO holds that troop reduction is conducted on the basis of supporting and maintaining a safe and secure environment for Kosovo, ensuring freedom of movement as needed and border monitoring, it is without doubt subject to political processes and implications prevailing in Kosovo and the region - considering that Kosovo continues to face significant challenges in rule of law, territorial integrity, frail and in-existent relations with neighboring Serbia, and an unclear road toward Euro-Atlantic integrations. Therefore, a number of key sectors and components should be taken under consideration via the process of NATO's troop reduction in Kosovo by examining the current state of affairs as well as the implication involved or that would yield from such a process.

## **Background information on Kosovo's security sector**

With the deployment of NATO troops in Kosovo through KFOR in 1999 and the establishment of the UNMIK international administration, the UNMIK authorities carried overall executive authority over the security component. In compliance with the 2001 Constitutional Framework for Kosovo, UN SC Resolution 1244 designated the entire public security sector - including the judiciary, police services, prison system and emergency services - as reserved functions within executive powers of the United Nations Mission in Kosovo (UNMIK). The framework of Resolution 1244 required the demilitarization of the Kosovo Liberation Army (KLA) and the establishment of an environment that would guarantee for the return of refugees to Kosovo. During the time scope, KFOR has been directly involved and responsible for maintaining any potential outbreak of ethnic violence, as well as held the lead in the developments within Kosovo's security sector.

In accordance with developments and reforms within international and national structures, political and legal frameworks, as well key political events, the developments within Kosovo's security sector has been summarized within three distinct phases.<sup>5</sup>

**The first phase** pertains to the 1999-2005 period whilst UNMIK held executive authority over the security component and when the overall focus of KFOR was on recovery measures. This phase sets off with the demilitarization of the KLA in June 1999, the establishment of the Kosovo Protection Corps (KPC) 1999-2009, and the establishment of the Kosovo Police Service (KPS) 1999-2008.

The demilitarization process of KLA ended in September 1999, with the signed regulation Nr. 1999/8 for the foundation of the Kosovo Protection Corps (KPC) by the SRSG.<sup>6</sup> Afterward, the KPC Commander and the KFOR Commander signed the Declaration of Principles, establishing the KPC as a civilian emergency

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<sup>5</sup> "Context Analysis of the Security Sector Reform in Kosovo 1999-2009." Kosovar Sector for Security Studies. Civil Society Capacity Building to Map and Monitor Security Sector Reform in the Western Balkans, 2009-2011. November, 2010.

<sup>6</sup> UNMIK Regulation Nr. 1999/8 [http://www.unmikonline.org/regulations/1999/re99\\_08.pdf](http://www.unmikonline.org/regulations/1999/re99_08.pdf)

service organization in Kosovo, and the majority of its membership was composed of KLA veterans. The establishment of Kosovo's Police Services was conducted through UNMIK, which had a large international policing component in charge with establishing a new police force and maintaining civil law and order.<sup>7</sup> Meanwhile, under Kosovo's Constitutional Framework for Provisional Self-Government of 2001, the SRSG held "reserved" responsibilities and powers attributed to the domain of defense and security.<sup>8</sup>

By 2002, NATO's initial task force of 45,000 personnel was downsized to 39,000 on the basis that the primary objectives had been achieved, and the reduction continued to 17,500 by the end of 2003 under a process of 'normalization.'<sup>9</sup> Moreover, during this time period, KFOR was also involved in policing and border control duties, particularly in the north of Kosovo, where Kosovar institutions had limited, or even no access and influence.

However, by March 2004, KFOR faced the operation's most delicate confrontation in maintaining an outbreak of ethnic violence, which consequently it failed to deliver. The event was triggered by media reporting that two Kosovar Albanian children drowned in the river after being chased by Kosovar Serbs. The report led to a breakout of riots in Mitrovica, and other parts of Kosovo, with around 50,000 demonstrators,<sup>10</sup> followed by 4,000 internally displaced people, destruction of private property from both Serb and Albanian communities, and 36 Serbian Orthodox Churches were damaged or destroyed.<sup>11</sup> The clashes also resulted with the casualties of 19 dead civilians (11 Albanians and 8 Serbs), 954 persons injured; around 115 international police personnel were assigned to UNMIK Police precisely for crowd and riot control purposes, around 65 international police officers, 58

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<sup>7</sup> UN Security Council Resolution 1244. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N99/172/89/PDF/N9917289.pdf?OpenElement>

<sup>8</sup> Kosovo's Constitutional Framework for Provisional Self-Government of 2001

<sup>9</sup> Ibid 5

<sup>10</sup> "Kosovo Criminal Justice Scorecard." Human Rights Watch. Volume 20, No. 2(D). March 2008.

<sup>11</sup> "Report of the Crisis Management Review Body" UNIK, Kosovo. June 1, 2004.

Kosovo Police Service (KPS) officers; 61 personnel of the Kosovo Force (KFOR) suffered injuries.<sup>12</sup>

On the side of UNMIK Police, their failure has been linked to the fact that they lacked tactical and strategic warning and effective coordination with KFOR - therefore, even though there were around 9,000 international police and Kosovo Police Service personnel on duty and available to confront rioters estimated to 50,000, there lacked to be a centralized command and control structure to handle the crisis.<sup>13</sup> KFOR's command structure had been spread through four contingencies, thus a decentralized structure reporting to national contingents of their "rules of engagement—commonly referred to as 'caveats.' As such, the lack of KFOR's unified command structure prevented it from having a quick response to maintaining the violence, which also pointed to absence of information sharing between the civilian and military presence and the local institutions."<sup>14</sup> As Kosovo Police Services were predominantly left to react to the riots, they were recently trained and still lacked necessary capabilities to deal with a violence of such levels.<sup>15</sup>

Following the March 2004 riots, in February 2005, the then SRSG Søren Jessen-Petersen commissioned an 'Internal Security Sector Review' (ISSR) by a UK Government's Security Sector Development Advisory Team, the purpose of which was to "engage stakeholders in a process that would deliver a security sector architecture that serves the legitimate security concerns of all in Kosovo", which provided a framework for the development of the sector.<sup>16</sup>

**The second phase** points to the gradual transfer of competencies to the Provisional Institutions of Self Government (PISG) and more oversight over security structures.<sup>17</sup> Nevertheless, UNMIK still preserved competencies related to sovereignty, such as foreign affairs and customs, and those related to the rule of

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<sup>12</sup> Ibid 11.

<sup>13</sup> Ibid 11.

<sup>14</sup> Ibid 5.

<sup>15</sup> Ibid 11.

<sup>16</sup> Dugolli, Ilir and Lulzim Peci. "Kosovo's Security Policies: Challenges of Formulation and Implementation." Western Balkans Security Observer English Edition (Western Balkans Security Observer English Edition), issue: 3 / 2006, pages: 2126, on [www.ceeol.com](http://www.ceeol.com).

<sup>17</sup> Ibid 5.

law, such as police, security and justice. The first transfer with regard to the security sector was the establishment of Kosovo's civil emergency mechanisms, which were reformed and transferred from the Department for Civil Security co-headed by the local and international authorities to the Ministry of Public Services of the PISG. Other transfer of competencies included the KPS, which took over from UNMIK police but still did not report to PISG but UNMIK authorities. Most police stations and many departments did not pass to KPS control until 2006, which is also when UNMIK established internal affairs and justice ministries.<sup>18</sup>

**The third phase** refers to post-declaration of independence in 2008 with the transformation of KPS into the Kosovo Police and the dissolution of KPC and establishment of Kosovo Security Forces and the Ministry of Security Force of Kosovo.<sup>19</sup>

In post-2008 Kosovo, NATO confirmed its continued support to new tasks, as it carried out the dissolution of the Kosovo Protection Corps in 2009 after eight years of service to Kosovo, lead the establishment of the Kosovo Security Force within its established mandate as a civil protection force, and the North Atlantic Council mandated NATO to support the establishment of the Ministry of Kosovo Security Force with the objective that Kosovo institutions ensure proper civilian oversight of the Kosovo Security Force. KFOR troops also have been involved in transfer of competencies to the Kosovo Police, for which initially NATO had held all responsibilities.

One of the transferred competencies has included the guarding of cultural heritage sites, such as when KFOR handed over the guarding task at Gazimestan Monument to the Kosovo Police on March, 2010, in which the EULEX mission also participated. Overall, there are nine cultural heritage sites that were under the protection of KFOR, including Gazimestan, from which the protection of five sites have been transferred and four sites remain under KFRO since they still carry

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<sup>18</sup> "The Rule of Law in Independent Kosovo." International Crisis Group. Europe Report N°204 – 19 May 2010.

<sup>19</sup> Ibid 5.

problematic baggage due to either the surrounding, property disputes or political views.<sup>20</sup>

However, a significant competence that is also being transferred, which required greater capacities and resources for Kosovo's actors is that of border policing. The green border line still remains KFOR's main responsibility, although a guideline was signed between the KP and the KFOR to gradually begin with transfer of competences. For the time being, Kosovo institutions lack professional capacities to assume completely duties of the state border management. Therefore, while the green border line with Albania has been transferred to Kosovo Police, the border lines with FYROM and Montenegro continue to be under joint management, and that with Montenegro still awaits demarcation. Meanwhile, KFOR retains that the border with Serbia is an administrative borderline, and to have good cooperation with Serbian security forces there.<sup>21</sup> Nevertheless, the issue of NATO troop reduction cannot be examined and assessed outside of the national, regional and international political constellations in relation to Kosovo.

### **The reduction of NATO's operations in Kosovo**

As part of its continuous evolvement, NATO has constantly been in a process of reducing its KFOR troop presence in accordance with the political and security context of Kosovo. In the immediate aftermath of NATO's bombing campaign, KFOR troops amounted to around 48,000 troops comprised of 46 countries, both NATO and non-NATO members. Throughout the past 11 years, KFOR has continually, though at a slow pace, reduced its military presence, by reflecting on the "the accomplishment of particular tasks by KFOR, and the general positive internal and regional evolution regarding Kosovo."<sup>22</sup>

On October 2010, the North Atlantic Council announcement plans to reduce KFOR's presence from less than 10,000 troops to 5,500 in the upcoming months,

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<sup>20</sup> KFOR source.

<sup>21</sup> Ibid 20.

<sup>22</sup> Larry Rossin, Deputy Assistant Secretary General for Operations NATO HQ. July 2, 2010. Foreign Policy Club conference "Political and Security Implications of NATO troop reduction in Kosovo."

which according to NATO has predominantly been conducted in accordance with a constant evaluation of the security context in Kosovo and the region.<sup>23</sup> KFOR continues to retain responsibility to act as a third respondent to any dangers to safety and security, which implies shared responsibilities depending on field amongst KFOR, EULEX and KP.<sup>24</sup> Moreover, KFOR also has liaison monitoring teams (LMT), whose purpose is to enhance the presence of KFOR among the people, gather info for KFOR HQ and to keep KFOR present among people so people can address them.<sup>25</sup> The latter is importance considering that a significant proportion of the population perceive that their security has improved since 2006. Nevertheless, “a relatively high proportion of people still fear an outbreak of violent conflict over the next five years. The main causes are seen to be unresolved political issues, but economic and social problems also create frustration and tension, which are perceived to have the potential to contribute to triggering violent conflict.”<sup>26</sup> According to a survey with around 20 focus group discussions that took place during two periods in late 2009 and mid-2010 and that covered around 1,200, the most serious safety and security issue within their communities is high levels of crime, followed by unfavorable solution of Kosovo status/politics and poor interethnic relations.

To date, KFOR troop reduction is foreseen to undergo several phases, referred to as Gates that would ensure that even at smaller troop levels, responsibilities are carried out. Moreover, the movement from one Gate to another entails a separate decision by the North Atlantic Council, following the recommendation from the Supreme Allied Commander of Europe who is NATO senior military commander, until it receives advice from NATO’s Military Committee, which is the military advisory body to North Atlantic Council.<sup>27</sup> The so far undertakings in troop reduction and transfer of competencies have been a part of

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<sup>23</sup> Ibid 22.

<sup>24</sup> Ibid 20.

<sup>25</sup> Ibid 20.

<sup>26</sup> “A matter of trust. Public perceptions of safety and security in Kosovo, 2009-2010.” Safeworld, 2010.

<sup>27</sup> Ibid 22.

GATE 1. Decisions to move to other GATE phases will be made based upon the recommendations of The Supreme Allied Commander Europe (SACEUR).<sup>28</sup>

Despite the fact that reduction of NATO troops in Kosovo is conducted in accordance with the political and security context, Kosovo's continues to face problems in challenges in consolidating its statehood and establishing rule of law and control in all of its territory. A persisting obstacle continues to be the north, where Kosovo continues to lack control of the northern boundary points, and KFOR has to date had a very concentrated activity on the borders.<sup>29</sup> As such, NATO troop withdrawal from Kosovo should occur in accordance with Kosovo attaining full statehood, functionality of state institutions in its entire territory, and a process that ensures the smoothing of relations between Kosovo and Serbia, and of Kosovo's Euro-Atlantic integration has begun.

## **II. Establishment of Rule of Law and Order**

On February 17, 2008, Kosovo declared independence within the framework of the Ahtisaari Comprehensive Status Proposal, which is responsible for ensuring the implementation of Kosovo's status settlement and offering support for Kosovo's European future. Moreover, the Kosovo government and institutions also invited the EULEX mission, which is the European Union Rule of Law Mission in Kosovo, the largest civilian mission to assist and support Kosovo in the areas of rule of law – pertaining to the police, judiciary and customs. Although the mission is technical and functions under the mentoring, monitoring and advising mission (MMA), it also bears executive powers in certain decision-making areas. Moreover, EULEX withholds to be status neutral and functions under the general framework of the United Nations Security Council Resolution 1244. the latter was done following the adoption of the UN's "six point plan", a compromise reached by Secretary- General Ban Ki-moon, Serbian president Boris Tadić and then-EU High Representative Javier

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<sup>28</sup> Ibid 22.

<sup>29</sup> Florian Qehaja, Executive Director Kosovar Centre for Security Studies.



Solana, the aim of which was to regulate policing, justice and customs procedures under EULEX authority in the North. The “six point plan” was rejected by Kosovo authorities; Serbia has also undermined it, particularly on customs issues.<sup>30</sup>

The EULEX mission became fully operational on April 2009. It contains 1,382 international staff and 1,100 local staff, while it was initially envisioned to be around 3,200 with 1,950 international judges, prosecutors, police and customs officers including 1,250 of local staff.<sup>31</sup> The judges and prosecutors of the EULEX mission compose less than 10% of its international staff, where as there are around 550 police officers for crowd and riot control. Out of 1382 international EULEX staff, around 563 EULEX police offer await action on crowd and riot control, where there are in total 1,100 EULEX police officers from the total officers out of the total of 1382 international staff of the mission.<sup>32</sup>

#### **a) Judiciary**

Even though Kosovo has drafted and adopted modern legislation, Kosovo’s overall justice system remains weak in upholding independent and effective prosecution, and overall law implementation and enforcement. Assessments or discussions regarding the judicial system in Kosovo of the past nine years have by and large focused on the system’s failure to serve as the mechanism that upholds rule of law and accountability. To this day, Kosovo’s justice system has faced abundant challenges. Procedural factors that impact the overall performance of the judiciary range from lack of support staff, or even judges, a limited budget and number of courtrooms, low salaries (although they have recently been increased), weak administration, failure to produce electronic recordings of court proceedings, delays in re-evaluation of judges and prosecutors, unreliable data collection, understaffed prosecution offices and lack of interrogation facilities, poor

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<sup>30</sup> “North Kosovo: Dual Sovereignty in Practice.” International Crisis Group. Europe Report N°211 – 14 March 2011

<sup>31</sup> “Strengthening Rule of Law in Kosovo: The Fight Against Corruption and Organized Crime.” Kosovo Institute for Policy Research and Development. November, 2010.

<sup>32</sup> Ibid 31.

cooperation between police and public prosecution and even lack of a judicial police unit, etc.<sup>33</sup> While daily delays accumulate to problems pertaining to the overall operations of the judiciary, problems of political and professional will and mechanisms that can ensure the system's independence, accountability and transparency, pose greater concerns.

During 2010, reforms in the judiciary have pertained to the legal framework and the vetting process. In July 2010, the Kosovo Assembly adopted the Law on Courts; while the remaining pack of laws on the judiciary, including: the Law on Prosecutor's Office, Law on the Prosecutorial Council and the Law on the Kosovo Judicial Council were approved by the Government of Kosovo, while the Assembly only passed their first reading.<sup>34</sup>

Meanwhile, the Government of Kosovo in 2010 prepared a strategy on the fight against organized crime, narcotics, terrorism and corruption. However, its undertaking with regard to strategy implementations remain low, as their mere drafting does not ensure that they will enable efficient measures in the field of security. The implementation of the national strategy for counter-narcotics, prepared by the Ministry of Internal Affairs and released in 2009, has been subject to financial constraints.<sup>35</sup> Among the main challenges remain lack of capacities and resources, judicial cooperation such as lack of sanctions, lack of effective cooperation mechanisms of the Judiciary Council, Ministry of Justice and Anti-Corruption Agency, lack of coordination and cooperation between the relevant mechanisms and institutions for anti-corruption – such as the Anti-corruption Agency, Public Prosecutor and EULEX. Moreover, according to the US State

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<sup>33</sup> European Commission 2008 and 2010 Kosovo Progress Report.  
[http://ec.europa.eu/enlargement/pdf/key\\_documents/2010/package/ks\\_rapport\\_2010\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2010/package/ks_rapport_2010_en.pdf)  
[http://ec.europa.eu/enlargement/pdf/key\\_documents/2010/package/ks\\_rapport\\_2010\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2010/package/ks_rapport_2010_en.pdf)

<sup>34</sup> The Criminal Code and the Code of Criminal Procedure of the Republic of Kosova,  
<http://www.assembly-kosova.org/common/docs/ligjet/Evidenca%20e%20ligjeve-anglisht.pdf>

<sup>35</sup> US State Department report, Kosovo 2010.  
<http://www.state.gov/p/inl/rls/nrcrpt/2011/vol1/156361.htm#kosovo>

Department 2010 report on Kosovo, politicians and organized crime figures influence the progress of case investigations.<sup>36</sup>

With regard to the legal framework for the fight against corruption, the government has adopted an all-inclusive legal package, which addressed the responsibilities of the legislative but fails to do so with regard to the executive. The Assembly of Kosovo needs to address the overall legal infrastructure by improving and adding to the Law on Declaration and Control of Wealth of Senior Public Officials, the Law on Financing of Political Parties, Law on Protection of Personal Data and Law on Secret Documents. Meanwhile, the legal frameworks for suppressing corruption, the Law on Suppression of Corruption, the Law on Access to Official Documents and Law on Preventing Conflict of Interest in Public Functions, still face implementation challenges.

For example, the Law on Suppression of Corruption foresees the foreclosure of financial assets of Kosovo judges and prosecutors on a yearly basis. Even though the Anti-Corruption Agency of Kosovo and the KJC do cooperate on the verification of declared assets, much of the implementation of the law depends on the willingness of the actors themselves.

In 2010, Kosovo also underwent a vetting and re-appointment process of judges and prosecutors as the means revitalizing and improving the overall judiciary sector, and bringing younger generations into the system. However, overall there continues to lack sufficient numbers in judges and prosecutor. There are between eight and 9.8 working judges for each 100,000 citizens, in comparison to the region where Bosnia and Herzegovina has 22.1, Croatia 40.1 and Montenegro 51 judges per 100,000; meanwhile, as of June 2010, there were 78 prosecutors working at municipal, district and Public Prosecution of Kosovo including the Special Prosecutors Office of Kosovo with 3.53 prosecutors per 100.000 inhabitants; in

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<sup>36</sup> Ibid 35.

comparison to other countries, Kosovo remains with the lowest percentage of prosecutors per 100.000 inhabitants.<sup>37</sup>

Meanwhile, the EULEX mission has about 20 prosecutors that also practice their MMA mandate; therefore, out of the total number of 1382 international staff, less than 20% of the mission is composed of judges, prosecutors and executive police staff working directly on its exclusive mandate. Important to note is that a division between the national and international component prevails as well. National structures are sometimes excluded from more sensitive cases due to lack of confidence in them from international institutions.<sup>38</sup> The judiciary in the North of Kosovo will be addressed in the section pertaining merely to the North. Meanwhile, public trust in EULEX remains the lowest, as it is either perceived as not having fulfilled overall expectations as well as doubt regarding the EULEX's capacity to respond to their security concerns.<sup>39</sup>

## **b) Kosovo Police**

The UNMIK administration of Kosovo entailed within its mission the creation of the Kosovo Police Service, which was established in September 1999, based on Resolution 1244 for the UN Security Council. The Ministry of Internal Affairs followed in December 2005.<sup>40</sup> Following Kosovo's declaration of independence, the KPS was transformed into the Kosovo Police, which now functions through a unified chain of command in Kosovo, with police stations that corresponds to municipal borders.<sup>41</sup>

Overall, the Kosovo Police remains one of the most trusted institutions with great public support. The Kosovo Police force is comprised of around 7,000. However, there lacks a "culture of performance" with regard to strategic planning at

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<sup>37</sup> Ibid 31.

<sup>38</sup> Ibid 31.

<sup>39</sup> Ibid 26.

<sup>40</sup> Based on UNMIK Regulation 2005/54. Its establishment was approved on December 20, 2005 (defacto established in March 2006). Article 128 [Kosovo Police] of the Constitution of Kosovo, June 15, 2008.

<sup>41</sup> Colin FW Smith QPM (MB) and Samedin Mehmeti. "Vertical Functional Assessment of Kosovo Police." November 2009.

all levels and inefficient structures of management, pertaining to long hierarchies, poor communication, slow decision-making, and system of wages that dictate the managing structure.<sup>42</sup> Part of it is a result of the UNMIK period as it did little to build Kosovo police capacities by training independent senior managers or strong leaders.<sup>43</sup> As such, the Kosovo Police continues to face challenges in structural and behavioral manners. There is lack of managerial skills and vision within its leadership, performance collides between older and younger staff, lack of cooperation among the station commanders and Inspectorate, and lack of inner transparency.<sup>44</sup>

Overall, the Kosovo Police continues to have limited capacities to investigate more complex crimes, such as high-level corruption, organized crime, financial fraud, drug and human trafficking – mainly due to the fact that KP has still to gain experience and training in the latter as well as due to political interferences and security problems.<sup>45</sup> Other problems pertaining to the fight against narcotic trafficking include porous borders and corruption among the Kosovo Border Police (KBP) and Customs officers; even though the BP continues its attempts in fighting drug trade, it has limited capacities and counternarcotics remain a low priority.<sup>46</sup>

However, after 12 years of continuous capacity-building efforts, an overall fatigue over trainings and reluctance of management to send officers away from duty prevails.<sup>47</sup> Also, a weak working relationship between the public prosecutors, in charge of investigating serious crime, and the police exists.<sup>48</sup> Kosovo also does not have a judiciary police, as the Ministry of Internal Affairs has recently resigned from drafting legal framework for a judiciary police, which results in the lack functionality

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<sup>42</sup> Ibid 41.

<sup>43</sup> Ibid 18.

<sup>44</sup> Ibid 18.

<sup>45</sup> Ibid 18.

<sup>46</sup> Ibid 35.

<sup>47</sup> Ibid 30.

<sup>48</sup> Ibid 18.

of the prosecutors and courts, particularly since Kosovo's courts continue to have backlog of cases and all responsibility falls upon the prosecution.<sup>49</sup>

With regard to economic crime and corruption, Kosovo Police has established a Directorate, though it is still subject to political interference and lacks proper equipment and needs strengthening as well.<sup>50</sup> The same goes for the Anti-Corruption Agency, which has not received the adequate financial and political support, as well as the new anti-corruption task force created within the Special Prosecution Office. Moreover, there is poor IT infrastructure for an information network among units and no mechanism for tracking investigations as the police have only basic data-management capacity, and there is reluctance to use statistical data as a means of examining performance.<sup>51</sup> Despite millions of euro of funding, the electronic case management system is still not operational, exacerbating the backlog in cases and making effective monitoring and resource allocation almost impossible. Outreach to affected communities is inadequate, leaving victims and witnesses in the dark about the outcome of cases, and further undermining confidence in the system.<sup>52</sup> Moreover, crime statistics are inconsistent and not compatible with regional commands.

### **c). Integrated border management**

Kosovo has a border line of 734 km. The Border Police is organized at the central, regional and local level comprising 1337 police staff members, and 53 supporting administrative staff. Kosovo borders Albania, Macedonia, Montenegro and Serbia, and it has 15 functioning border crossing points, 13 permanent border crossing points and 2 temporary border crossing points.<sup>53</sup> Integrated border management in Kosovo falls predominantly under the responsibility of Kosovo Police (Border Police), which was established in 2006. Other involved structures with the

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<sup>49</sup> "Kosovo without a Judiciary Police." Telegrafi. March, 2011. <http://www.telegrafi.com/?id=2&a=13282>.

<sup>50</sup> Ibid 2

<sup>51</sup> Rifat Marmullaku.

<sup>52</sup> "Kosovo Criminal Justice" HRW. March 2008.

<sup>53</sup> "Integrated Border Management in Kosovo." Forum for Security. December 2010.

Kosovo Border Police include Ministry of Economy and Finance (MEF) and the Kosovo Veterinary and Food Agency (located with the office of the Prime Minister). Kosovo has adopted the law and state strategy on IBM.<sup>54</sup> Kosovo also has a national strategy and action plan on IBM.

Integrated border management in Kosovo falls predominantly under the responsibility of Kosovo Police (Border Police), which was established in 2006. The Border Police is organized at the central, regional and local level comprising 1337 police staff members, and 53 supporting administrative staff. Other involved structures with the Kosovo Border Police include Ministry of Economy and Finance (MEF). Kosovo has adopted the law and state strategy on IBM.<sup>55</sup> Kosovo also has a national strategy and action plan on IBM.

The Strategy and IBM National Action Plan are lead by the Executive Board, which is headed by the Minister of Internal Affairs. Some flaws with the legislative framework of IBM include the fact that the strategy foresaw the establishment of institutions first, followed by their integration within structures, while the law on Border management needs to address the responsibilities of the border agencies – which is expected to go to parliament in 2011.<sup>56</sup> Despite the fact that the strategy is foreseen to be implemented by 2011, barriers such as inter-agency cooperation for IBM, which seeks joint work of inner actors, infrastructure, logistics, equipment etc., might lead toward he reassessment, modification and extension of the strategy.<sup>57</sup>

The green border line still remains KFOR's main responsibility, although a guideline was signed between the KP and the KFOR to gradually begin with transfer of competences, as it was the case with the green border line with Albania. For the time being, Kosovo institutions lack professional capacities to assume completely

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<sup>54</sup> Zana Batusha, Chief of the International Cooperation in Kosovo Customs. Interview April 2011.

<sup>55</sup> The Constitution of the Republic of Kosovo grants the right to authorities of Kosovo to exercise their role/mandate throughout the territory of Kosovo. Article 125.1 has explicitly regulated obligations of Kosovo's institutions regarding border control in the territory of Kosovo. In 2008, Government of Kosovo has drafted the law on integrated management and control of the state border

<sup>56</sup> Ibid 54.

<sup>57</sup> Shaban Gruda, Head of Border Police. Interview April 2011.

duties of the state border management. Therefore, border lines with FYROM and Montenegro continue to be under joint management.

The Kosovo Border Police faces some of the same challenges and issues as mentioned with regard to the overall police structures. This includes the need to clearly defined managerial structures, decentralization of functions, increasing intelligence capacities and approval of an integrated system of intelligence, coordination of intelligence among regions and central KP level, formalized links with other border agencies, developing capabilities for patrol over green border line, etc. The Kosovo Border Police also faces challenges with regard to lack of sufficient work space, proper technological equipment, it is predominantly dependent upon donations provided by the European Commission and International Criminal Investigative Training Assistance Program (ICITAP), which apart from donations on technical equipment they mainly provide training related to handling of these equipments.<sup>58</sup>

With regard to its information technology infrastructure, the Kosovo Border Police currently operates under a system called the Personal Identification Secure Comparison and Evaluation System (PISCES), an ICITAP donation, which records all entries and exits from/into border crossing points. However, the Kosovo Border Police currently lacks a database where all IBM agencies could access, there is limited internet access and lacks a proper statistical system.<sup>59</sup> The IS systems among the police and customs are not connected since the police uses the PISCES system while customs use that of TIMS – therefore, the IT system is not coordinated among the three agencies and exchanges continue to be conducted physically (a joint group of experts has been created in order to connect them at a common point).<sup>60</sup> Kosovo authorities lack planning capability and ownership when it comes to identifying IT border management solutions.<sup>61</sup>

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<sup>58</sup> Ibid 57.

<sup>59</sup> Ibid 57.

<sup>60</sup> Ibid 57.

<sup>61</sup> Ibid 2.



Moreover, Kosovo's police have not yet established cooperation with the international organizations, such as EUROPOL and FRONTEX, which are responsible, respectively, for preventing and combating terrorism, drug trafficking and organized crime, and intelligence driven activities for border security. Also, according to EULEX advisors, the KBP sometimes allow buses to pass without being search, and that there are credible statements regarding corruption among KBP and customs officials at the borders.<sup>62</sup>

The European Commission Kosovo progress report 2010 identified some progress with regard to border management, such as initial steps on implementing the IBM strategy. The report comments on the need for swifter reaction to reforms. According to the report, "Border checks are not carried out in line with EU standards. Kosovo needs to ensure EU-compliant border management system is made operational as soon as possible. Kosovo failed to demonstrate political will to ensure implementation of this EU financed project."<sup>63</sup>

With regard to the green line border with Macedonia, parts of the border are in the process of being transferred, while the border with Montenegro is yet to be demarcated. The EC Progress Report also noted incidents at the border between the former Yugoslav Republic of Macedonia and Kosovo, which have illustrated the limits of police cooperation between the two, and calling for "enforcement capacity of the Kosovo Customs Service and border police need to be improved and the fight against cross-border crime intensified. Kosovo borders/boundary are still not fully secured, including the challenges in detecting and handling cases of forged documents."<sup>64</sup>

According to assessments made by experts, current capacity of the KBP does not meet criteria as required by the Schengen rules on the Western Balkans. An additional 1662 trained police officers are required to guard the border and 124 supporting administrative staff. This could be done either by reallocation of staff

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<sup>62</sup> Ibid 31.

<sup>63</sup> Ibid 2.

<sup>64</sup> Ibid 53.

from other sectors, though relocated staff would need to undergo specific border training.<sup>65</sup> The police report itself also calls for evaluating the specific levels of recruitments in accordance with the strategy for KFOR transfer. Comparisons to the rest of the region point to an additional 1,000 police officers needed.

#### **d). Kosovo Security Forces**

Following Kosovo's declaration of independence, the Kosovo Protection Corps were dissolved, and the Ministry for the Kosovo Security Force was created and oversees the Kosovo Security Force. The KSF was established within a fixed mandate as a civilian protections force and the North Atlantic Council appointed NATO to support the establishment of the Ministry for Kosovo Security Forces with the aim that Kosovo institutions will secure the needed oversight of KSF. To date, KFS' competencies entail only crises response and include fire fighting, hazardous material search and rescue, humanitarian demining and disaster relief. Currently, the KSF has around 2,000 members, who have been recruited from the 2500 active members planned. Recently in March 2010, the KFS closed an opened vacancy where for 300 opening, 4565 people applied.

Overall, the KSF's mandate includes civil protection and crisis response. The KFS is not an army and the reduction of KFOR troops does not imply the KSF taking over competencies or that it will bear responsibility in protecting the territorial integrity of Kosovo.<sup>66</sup> works closely with KFOR which offers oversight of its operations and is responsible for carrying out necessary KSF trainings. In 2009, the KSF had initial capability, and the plan is for it to reach final operational capability by 2013 in order to perform all duties envisioned in the Ahtisaari Plan, which includes EOD landmines, crisis response and civil protection.

In 2009, the Kosovo Government allocated 21 million euro for KSF but only 62% of this budget has been used, and the KSF requested in 2010 an increase for an

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<sup>65</sup> Ibid 51.

<sup>66</sup> Ibid 20.

extra 10 million euro. The KSF Parliamentary Commission has been established in the autumn of 2009 but there has not been marked a substantial performance.

KSF is still short of starting their training in using light weapons. No serious readiness has been shown by the Government and the Ministry in having KSF gradually assuming responsibilities from KFOR and the local role in consolidating the KSF is highly limited. The role of KFOR in the consolidation of KSF is very powerful and this was proved in many occasions, especially in March 2010 when KFOR froze the relations with KSF because of the presence of the KSF in the “Ceremony of KLA”.

The Minister of KSF took over the Mine Action Center for which KFOR had temporarily resumed responsibility in 2008. Therefore, besides the Kosovo Police dedicate to maintaining public order, Kosovo does not have another fully operational force. KSF is limited in number and fields of operation. KSF’s focus remains in achieving full capacities and serving to the help of the population.

In general, the KSF is under the control of Kosovo authorities, NATO continues to provide oversight over operations. In addition, the Kosovo Intelligence Agency (KIA) and the Kosovo Security Council (KSC), which are charged with advising the Government on security matters,<sup>4</sup> were established in 2009, as were the parliamentary committees responsible for overseeing the KIA and the KSF. The Kosovo Intelligence Agency (KIA) has recruited members through an open application process at the beginning of 2010, while the parliamentary commission for KIA supervision was established in 2009. However, due to pertaining legislation KIA functioning is not transparent. The KIA awaits functionality due to Government delays in appointing the director, deputy director and general inspector. Finally, in 2010, Kosovo’s Security Strategy was adopted by the Government of Kosovo and approved by the Assembly of Kosovo.

### **III. North of Kosovo**

Since the establishment of UNMIK in Kosovo, followed by the deployment of the EULEX mission, the north of Kosovo has remained outside of the jurisdiction of Prishtina as well as international actors, where attempts to establish law and order have continuously failed. The existence and operation of criminal and illegal activities in the North of Kosovo control also the entire political and economic life – particularly pertaining to the three northern municipalities of Zvecan, Leposavic and Zubin Potok. Moreover, the city of Mitrovica remains divided, a division supported even by KFOR on the basis of preventing inter-ethnic clashes by placing barbed wire fences on the main bridge in town – and intervention in the north was not seen as possible because a contingent of at least one state with an important role in this part did not take orders to fight Serbian parallel structures in the north.<sup>67</sup> Since March 2000, Kosovo does not have formally functional Kosovar courts in the north and “Cargos entering Kosovo from Serbia are only registered and then it is the suppliers’ choice whether they want to custom their goods or not, since the border crossings between Serbia and Kosovo has no customs officers yet.”<sup>68</sup>

Following Kosovo’s declaration of independence in 2008, Serb inhabitants of northern Kosovo attacked and torched two border crossings between Kosovo and Serbia, known as Gate 1 and 31, and forced out Kosovo judges and police officers from the north. In March 2008, UNMIK tried to get control of the District Court in Mitrovica and other institutions of rule of law but faced resistance from Serb extremists, during which a French soldier and Ukrainian police officer lost their lives. As Kosovo’s independence entailed the adoption and implementation of the Ahtisaari package, it also included the shrinkage of the role UNMIK throughout Kosovo, though UNMIK remained present in the North. UNMIK has taken a very passive and secondary role in northern Kosovo since the departure of UNMIK administrator for the region of Mitrovica, Gerard Gallucci. UNMIK has attempted to mediate in the dispute over the reconstruction of Albanian homes in the

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<sup>67</sup> NATO Military Sources. “The Strategy Without a Strategy” Foreign Policy Club, PERISKOPI bulletin..

<sup>68</sup> Ibid 67.

neighborhood of Kroji Vitakut in the village of Suhodoll, but even in this case they did not play a major role.

The most important office for the mission in Mitrovica is the ICO office, originating from their head office in Prishtina, and established following the Ahtsaari's plan. However, the ICO has presence only in southern part of Mitrovica, while failing to extend its presence in north as their attempts are faced with violence by Serb extremists. ICO had even rented a building in the northern city with the objective of operating as a head office for Mitrovica; however, they never made it to northern part.

Kosovar institutions as well as international actors have limited effective access to the North of Kosovo. To date, KFOR has had the most visible, uncontested and effective presence in northern Kosovo, which simultaneously is not contested by anyone. However, KFOR's role in the north does not pertain to that of the police work or even engaging in a fight against criminal groups or Serbian illegal institutions operating in north. As previous KFOR commander, Lieutenant General Marcus Bentler stated, KFOR will not intervene against parallel institutions as long as they do not directly threaten Kosovo's security.<sup>69</sup>

Meanwhile, EULEX has also failed to establish presence in the north of Kosovo. EULEX has adopted a strategy of slow but secure expansion in northern Kosovo. EULEX so far has a modest presence in the two customs posts between Kosovo and Serbia destroyed by Serb extremists during the protest held a month after the declaration of independence in March 2008 and the District Court in northern Mitrovica, which is not operational since March 2008 when the same was under attack by Serbian extremists. The north remains a particular challenge, as any potential violence is largely only expected in the North.<sup>70</sup>

EULEX has intensified its patrolling, registering and checking operations at gates 1 and 31 and along the border with Serbia. The data collected at the two gates are shared with the Kosovo Customs Service and Serbian customs. However, full

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<sup>69</sup> Ibid 67.

<sup>70</sup> Ibid 23.

customs controls at gates 1 and 31 have not been restored. To this day, the Kosovo Government is not able to send 2 containers in the north, and the Kosovo Customs cannot be present as there is no guarantee over security from national institutions, EULEX or KFOR, while KFOR is also not invited to protect institutions but only offer border security.<sup>71</sup>

Kosovo institutions have also failed to establish presence in the North. In this regard, the only successful institution has been the Kosovo Police Services. However, with the declaration of independence, Serb police officers stopped reporting to work – some due to not accepting the new Kosovo Police and others also due to great pressure from Serbian authorities. One somewhat failed attempt of the government was in 2009, with the Strategy to the North. The Strategy for the North was initially prepared by the ICO, however referred to as a government product and responsibility. The strategy foresaw actions three areas: rule of law, municipal government and economic development.<sup>72</sup> The government has so far appointed a coordinator for the Strategy for the North; however, limited activities have been carried with respect to the strategy itself.

Recently, new steps have been undertaken with regard to the strategy as there is an initiative for a change of commanders in all police station in the north, in the municipalities of Zvecan Zubin Potok and Leposavic, as well as border points 1 and 31. The new initiative also foresees that besides establishing control points, to also target criminal groups and overall to have greater engagement of order forces in cooperation with EULEX.<sup>73</sup> Nevertheless, results from this new action wait to be seen. Moreover, EULEX sources have stated that there is hesitation regarding cooperation with KP in the north since it was often resulted in leaked information, particularly when dealing with sensitive cases – as a result, EULEX has found greater support with KFOR.<sup>74</sup> This became evident in a recent action conducted by EULEX and KFOR without the presence of KP, which EULEX head, Xavier Bout de Marnhac,

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<sup>71</sup> Ibid 54.

<sup>72</sup> Ibid 30.

<sup>73</sup> "It started in the North." Ahmed, Nexhmije. Gazeta Express. May 16, 2011.

<sup>74</sup> "EULEX has no trust in police in northern Kosovo." ArbenAhmeti, Koha Ditore. May 19, 2011.

stated to be a result of the fact that KP in the north is a community police while EULEX bears the executive mandate.<sup>75</sup>

The lack of territorial control in the north of Kosovo is an issue not related only to security implications, but one of political consequences and implications as well as the north remains a continuous threat of destabilizing the country. Some of the problems pertaining to the north include the existence and uninterrupted activity of illegal Serb structures particularly of the police, the interference of the Ministry of Internal Affairs of Serbia, Serbian intelligence whether be it civil or military, which all effect any political or security sustainability of Kosovo. A significant component to the prevailing obstacle to establishing any presence in the north has been Serbia's influence and detrimental role in the north of Kosovo. Serbia remains present in the north of Kosovo through its MUP with around 200 clandestine officers as around several million Euros are believed to go to the MUP every year, which is in violation with the Security Council Resolution 1244.<sup>76</sup> In total, Serbia spends some €200 million annually on the North, down from over €300 million in the middle of the previous decade.<sup>77</sup>

The lack of control in the northern territory also gives space to greater illegal activity, such as organized crime and corruption as Kosovo Police and Kosovo Customs still cannot operate freely. Moreover, the EULEX mission in Kosovo bears executive competencies in fields of the judiciary, police and customs, and the mission itself has demonstrated little progress in the past two years in securing access and establishing rule of law in the north.

Although the Kosovo Border Police proved capable and containing the capacities in the protection and control of the green border line with Albania, the northern part remains a great obstacle as over 60% of the border line is not subject

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<sup>75</sup> "The police have no power in the north." [http://www.zeri.info/artikulli/1/1/26009/policia-s-ka-fuqi-ne-](http://www.zeri.info/artikulli/1/1/26009/policia-s-ka-fuqi-ne-veri/)

veri/

<sup>76</sup> Ibid 30.

<sup>77</sup> Ibid 30.

to law and control of national authorities. Therefore, the lack of fully operational and functional local structures, and more importantly the persisting political and territorial problems on Northern Kosovo call for a thought-out and premeditated plan for the process of KFOR troop reduction. Meanwhile, Kosovo Serbs continue to have the greatest trust in KFOR, which “seem to stem mainly from the role KFOR played during and immediately after the war. How relevant they are seen to be in terms of providing security today depends very much on where people are living; for Kosovo Albanians in the North of Kosovo, KFOR is still an important security provider.”<sup>78</sup>

#### **IV. Process of EU integration and NATO and Normalization of reports with Serbia**

Considering that KFOR is responsible for security under the Military Technical Agreement signed in July 1999, continued dialogue with Serbia is required. Such dialogue is regularly held under the frame of the Joint Implementation Commission. However, with KFOR reducing gradually a sustainable mechanism to replace a Joint Implementation Commission will have to be found in the future. At the same time, normalization of reports with Serbia should also be placed within a process of EU and NATO integration.

The first attempt to hold talks for solving technical issues between the two countries started in 2003, between representatives of Prishtina and Belgrade in Vienna on issues of missing persons, return of Internally Displaced People, transport, telecommunication and energy. The aim of these talks was to pave the way toward talks on the future status of Kosovo, and they were supported by countries of the Contact Group, with large support from the EU, NATO and OSCE were behind such talks. The talks did not yield specific results, while only the group on missing person has continued functioning to this day, though with little progress.

These talks were later on followed by the UN Special Envoy Martti Ahtisaari, who presented the Comprehensive Status Proposal, leading to Kosovo's

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<sup>78</sup> Ibid 26.



independence. To date, five EU member states continue to refuse recognizing Kosovo's status, and besides neighboring Serbia, Bosnia and Herzegovina as well. The latter has without doubt been impediments to Kosovo's cooperation and integration within regional and international processes.

Regionally, non-recognition of Kosovo's documentations by Serbia and Bosnia and Herzegovina have hindered Kosovo's economic benefits as though Kosovo is part of CEFTA, but does not enjoy open, free trade without custom barriers when importing or exporting raw materials and finished products The Central European Free Trade Agreement, since Serbia and B&H refuse any product carrying the stamp of the Republic of Kosovo and issued by the Kosovo Customs. With regard to Serbia, other issues that fall under "technical" talks include hindrances to air space, railroads, post telecommunications etc.

On March 2011, talks between Prishtina and Belgrade commenced under the auspices of the European Union to tackle what have been identified as technical issues that would address the difficulties posed to the lives of ordinary people. The EU-backed and sponsored talks between Prishtina and Belgrade are set to focus on issues vital and important to improving daily life in Kosovo. Some of the issues include regional cooperation, communications, freedom of movement and the rule of law. The majority of the issues to be discussed have greater implications and impact for the citizens of Kosovo – such as the fact that Serbia continues to block Kosovo's trade, using the air space above Serbia for flights, doesn't allow passengers with Kosovo passports or car registrations, and how Kosovo cannot get its own telephone country code or join many international economic bodies because of Belgrade's opposition, etc. While solutions to such issues might improve daily life for citizens of Kosovo, in a political context, Kosovo and Serbia enter the talks from different positions, and particularly in relation to the fact that the talks are said that will determine the road of Serbia and Kosovo toward EU membership.

While on one hand, Serbia is already undergoing the Stabilization Association Agreement and its path toward attaining a candidate member status has been

opened, Kosovo does not even have the capacities to enter into contractual agreement with the EU (since five member states do not recognize Kosovo). As such Kosovo is very much lagging behind in channels of official processes for EU integration, particularly in comparison to the entire region. So the talks might end up delivering solutions to issues that have predominantly been blocked or hindered by Serbia to date, and meanwhile Kosovo does not necessarily gain much from as far as political advancement is concerned.

As a result, Kosovo has lagged far behind in European integration matters, while the countries of the Western Balkans began the process of EU integration through the Stabilization and Association agreement. Meanwhile, the Partnership for Peace, which entails first step toward NATO integration as a rather technical step, has not been undertaken by Kosovo, leaving Kosovo as the only place in the region that is not a part of the program. The Partnership for Peace is a tool between NATO and its agreement's member countries to prevent any possibility of conflict and solve conflict before it presents itself. KFOR should have been used more in order to integrate into this programs, which would have also increased Kosovo's credibility.<sup>79</sup>

A way of normalizing relations between Kosovo and Serbia could be addressed through a euro-Atlantic integration framework. Such a process would allow Kosovo to ultimately transform and guarantee a strong stability element if it were to enter integration processes with the EU as the rest of the region. Regional cooperation could be achieved between Kosovo and Serbia if they were to facilitate the process for one another. And although the danger of large-scale war in the Western Balkans has largely disappeared, the lack of any control on the north continues to feed insecurity and prevents normal relations in the region; first of all between Kosovo and Serbia but in different ways, the Kosovo can affect also Bosnia and Herzegovina, Macedonia and Albania.<sup>80</sup>

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<sup>79</sup> Ibid 29.

<sup>80</sup> Ibid 16.

## **List of Acronyms**

|         |  |
|---------|--|
| ACA     | Anti Corruption Agency   |
| CEFTA   | Central European Free Trade Agreement                            |
| EC      | European Commission  |
| EOD     | Explosive Ordnance Disposal                                      |
| EU      | European Union   |
| EULEX   | European Union Rule of Law Mission in Kosovo                     |
| EUROPOL | European Law Enforcement Agency                                  |
| FRONTEX | EU agency  |
| FVA     | Food and Veterinary Agency                                       |
| IBM     | Integrated Border Management                                     |
| ICITAP  | International Criminal Investigative Training Assistance Program |
| ICO     | International Civilian Office                                    |
| IT      | Information Technology   |
| ISSR    | Internal Security Sector Review                                  |
| KBP     | Border Police  |
| KFOR    | Kosovo Force   |
| KIA     | Kosovo Intelligence Agency                                       |
| KLA     | Kosovo Liberation Army   |
| KP      | Kosovo Police  |
| KPC     | Kosovo Protection Corps  |

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|--------|---|
| KPS    | Kosovo Police Service   |
| KSC    | Kosovo Security Council   |
| KSF    | Kosovo Security Force   |
| MEF    | Ministry of Finance   |
| MIA    | Ministry of Internal Affairs                                    |
| MMA    | Monitoring, mentoring and advising                              |
| MUP    | Ministry of Interior of the Republic of Serbia                  |
| NATO   | North Atlantic Treaty Organization                              |
| OSBE   | Organization for Security and Co-operation in Europe            |
| PISCES | Personal Identification Secure Comparison and Evaluation System |
| PISG   | Provisional Institutions of Self- Government                    |
| SACEUR | Supreme Allied Commander Europe                                 |
| SRSB   | Special Representative of the Secretary-General for Kosovo      |
| UN     | United Nations  |
| UNMIK  | United Nations Interim Administration Mission in Kosovo         |