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2.5 The Conclusion report

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LIST OF ABBREVIATIONS

AFBiH	Armed Forces of Bosnia and Herzegovina
BCP	Border Crossing Point
BCP	Border Crossing Point
BiH	Bosnia and Herzegovina
CBT	Capability building and training
CEP	Centre for European Perspective
CFSP	Common Foreign and Security Policy
CPCC	Civilian Planning and Conduct Capability
CSDP	Common Security and Defence Policy
EAR	European Agency for Reconstruction
ECHO	European Civil Protection and Humanitarian Aid Operations
ECMM	European Community monitoring mission
EDA	European Defence Agency
EEAS	European External Action Service
ESDP	European Security and Defence Policy
EU	European Union
EUFOR ALTHEA	European Union Force Althea
EULEX	European Union Rule of Law Mission in Kosovo
EUMM	European Union Monitoring Mission
EUPM	European Union Police Mission
EUPT	European Union Planning Team
EUSR	European Union Special Representative
FINCENT	Finnish Defence Forces International Centre
FRY	Federal Republic of Yugoslavia
GDP	Gross Domestic Product
IBM	Integrated Border Management
ICR	International Civilian Representative



IDP	Internally displaced person
IECEU	Improving the Effectiveness of Capabilities in EU Conflict Prevention
ILP	Intelligence led policing
IPA	Instrument for Pre-accession assistance
IT	Information technology
KCSS	Kosovo Center for Security Studies
KCSS	Kosovo Center for Security Studies
KFOR	North Atlantic Treaty Organization Mission Kosovo Force
KLA	Kosovo Liberation Army
KP	Kosovo Police
KPS	Kosovo Police Service
MMA	Monitoring, Mentoring and Advising
NATO	North Atlantic Treaty Organization
NCBM	National Center for Border Management
NGO	Non-governmental organization
OHR	Office of High Representative
OMIK	Organization for Security Cooperation in Europe Mission in Kosovo
OSCE	Organization for Security Cooperation in Europe
PSC	Political and Security Committee
SAA	Stabilization and Association Agreement
SFOR	Stabilization Force in Bosnia and Herzegovina
SG	Secretary General
SSR	Security Sector Reform
TAKFO	European Commission Task Force for Reconstruction of Kosovo
UN	United Nations
UNDP	United Nations Development Programme
UniLju	University of Ljubljana
UNMIK	United Nations Administration in Kosovo



UNSC	United Nations Security Council
UNSCR	United Nations Security Council Resolution
USA	United States of America
VAT	Value-added tax
WP	Work package



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1 INTRODUCTION

The **main objective** of this deliverable (D2.5 – Conclusion report) is *to provide an assessment of the current state of three security institutions – the Kosovo police, the Kosovo Customs and the Armed forces of Bosnia and Herzegovina (BiH) – that benefited from two CSDP missions/operations in the Balkans (EULEX Kosovo and EUFOR Althea), and evaluate the impact of the EU engagement in these regards*. According to the Grant Agreement, the report is based on the earlier research conducted within Working Package 2 ‘The Balkans’ (WP2), in particular the two desk studies (D2.1 – Kosovo review: desk study; D2.2 – BiH review: desk study), the Round table discussion of experts (D2.4), and the interviews conducted during the research trips of IECEU consortium researchers to Kosovo and BiH (completed in February and March 2016 in the framework of D2.3: Primary field research and analysis: study report).

The **main contribution** of this report, which finalises and rounds up the WP2, are the *identified lessons, best practices and recommendations pertaining not only to EULEX and EUFOR Althea, but also to CSDP in general*. As stipulated in the Grant Agreement, the intention of such an approach, which is founded on extensive primary research, is two-fold: first, to provide the argumentative deliberations for future action with regard to the eventual modifications in EULEX and EUFOR Althea (implementation in practice), and second, to serve as a point of departure for the work in the subsequent Working Packages of IECEU project (WP5, WP6, WP7).

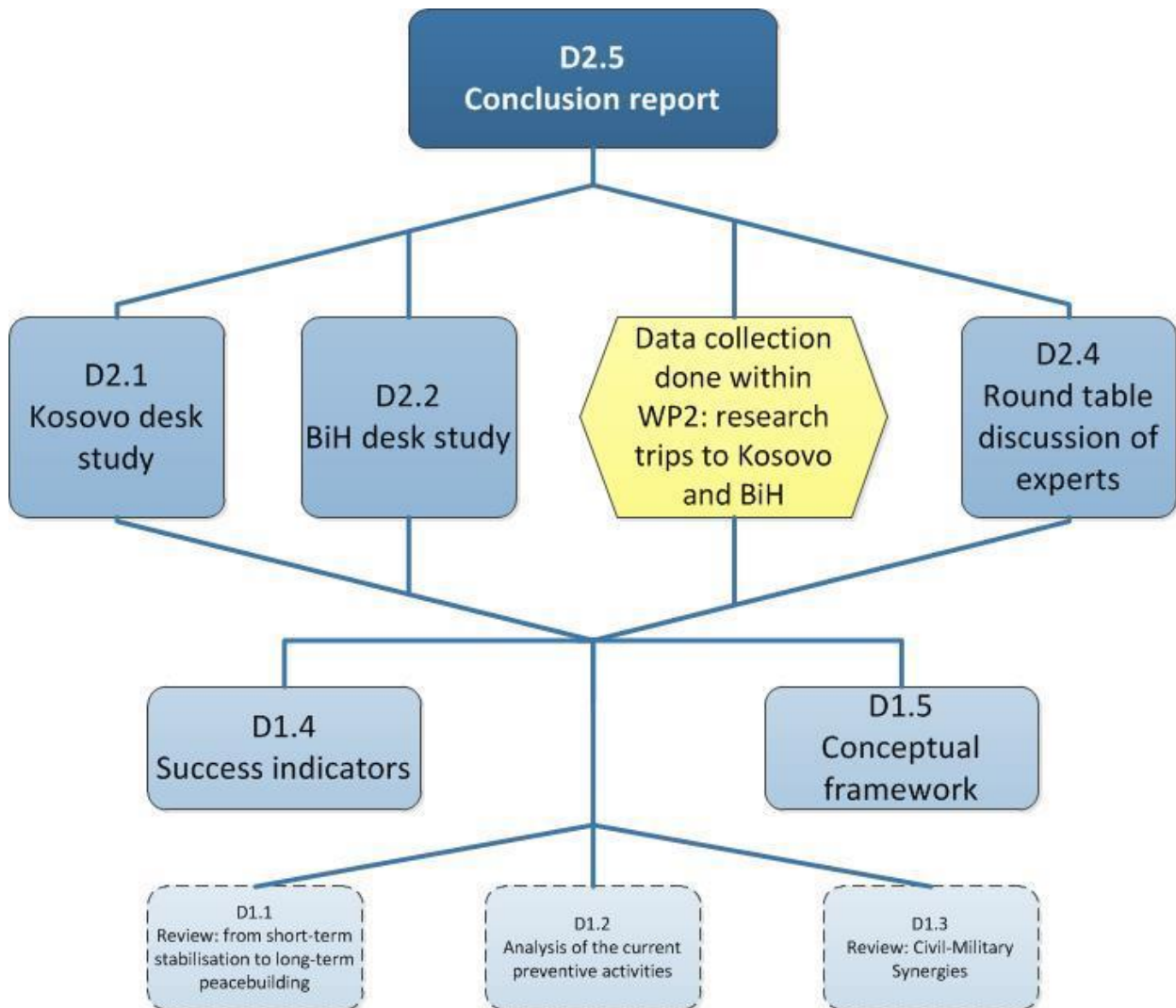
At this point, it seems necessary to mention the **main limitation**; namely that this report does not represent an overall assessment of EULEX, as it does not focus on judiciary, but analyses only the role of EULEX in the reform of the Kosovo police and Kosovo customs, as intended by the Grant Agreement.

In order to make this report as succinct as possible, one should not expect this conclusion report to address the effectiveness of EULEX and EUFOR Althea through the lens of four effectiveness criteria (established in D1.4 - Success Indicators) in detail, nor does the report explore the six capabilities established in the Conceptual framework (D1.5) extensively, as all these topics have been thoroughly analysed in the Study Report (D2.3). Hence, **this report should be read conclusively with the previous work done in WP2**. However, it should be noted that the researchers contributing to this report made use of the earlier findings, so as that the lessons learned and recommendations are founded on credible argumentation. Last, but not least, as the research of CSDP missions and operations done by the IECEU consortium is by no means the only research pursued currently or in the last couple of years – on the contrary, these topics



attracted significant amount of excellent research – the final chapters of the IECEU research make reference to the existing knowledge and connect IECEU findings to what has already been done, thus putting the findings of the consortium into a wider perspective.

Figure 1: The position of Conclusion report (D2.5) in Working Package 2



The report follows the guidelines set in the Grant Agreement, and is, hence, **structured** as follows:

1. introduction, which outlines the objective of this report and describes the methodological approach;
2. brief overview of the general context of the EU engagement in the Balkans, and more specifically of the Security Sector Reform (SSR) processes in the area, with a special



attention to the research focuses of WP2 (various aspects of the EU engagement in Kosovo and BiH);

3. assessment of the current status of the researched institutions (Kosovo Police, Kosovo Customs, and Armed Forces of BiH);
4. assessment of the impact of EU engagement in these fields;
5. identified ways forward and recommendations for the future work of EULEX, EUFOR Althea and CSDP in general;
6. Conclusion.

The D2.5 report is a joint work of researchers from the University of Ljubljana (UniLju), the Centre for European Perspective (CEP) and the Finnish Defence Forces International Centre (FINCENT). UniLju in cooperation with CEP was primarily responsible for analysing EULEX and general EU engagement in Kosovo, while FINCENT analysed EU engagement in Bosnia and Herzegovina with a special focus on EUFOR Althea mission. In the concluding chapter of this report, authors present joint conclusions on EU CSDP engagement in the region of the Western Balkans.

2 GENERAL CONTEXT OF THE EU ENGAGEMENT IN THE BALKANS

Pre-1999 activities

The Balkans has always been a region where great powers vied for supremacy. If we scrutinize the last century only, we first see the Central powers clashing in the Balkans with the Entente during the World War I. A similar analogy occurred during the World War II, and a comparable pattern can be traced also in the period of the dissolution of former Yugoslavia, since there were some states supporting the fragmentation of the country. On the other hand, especially in the first stage of armed violence in the territory of former Yugoslavia (June–December 1991), most of the relevant actors in the world were reluctant to allow the transformation of Yugoslav republics into independent states, since the Balkan states were perceived as least integrated and most unstable compared to other European countries.¹

The opposition to the fragmentation of Yugoslavia is evident from the statement of the United States Secretary of State, James Baker, given on 21 June 1991 – five days before the declaration

¹ Leeda Demetropoulou, “Europe and the Balkans: Membership Aspirations, EU Involvement and Europeanisation Capacity in South East Europe,” *South East European Politics* 3/2-3 (2002): 87-106.



of independence by the Slovenian and Croatian National Assembly – in Belgrade, where he stated that:

“We [the USA – comm. B. U.] came to Yugoslavia because of our concern about the crisis and about the dangers of a disintegration of this country /.../ [Speaking of the expected declaration of Slovenia’s independence Baker said that] it would not be the policy of the United States to recognize that declaration [the declaration of independence – comm. B. U.], because we want to see this problem solved through negotiations and through dialogue.”²

However, Slovenia declared its independence and soon after the independence war started with the attack on Slovenia by the Yugoslav People’s Army on the 27th of June 1991. The war ceased with the signature of the cease-fire in the first days of July 1991 and ended with the Brioni Agreement, signed by all the belligerent parties on 7 July 1991. On one hand, Slovenia committed not to exercise the executive powers for three months, while on the other hand, the Yugoslav People’s Army promised to return to the military barracks and to leave the Slovenian territory afterwards. However, this was happening at the time, when it was already known that the war in the former Yugoslavia had not finished, but has only been transferred from Slovenia to Croatia and later to Bosnia and Herzegovina, Kosovo, and in the last instance, to Macedonia.

In all these wars, the EU was primarily staying aside, trying to solve the conflicts by diplomatic means, but it was mostly unsuccessful. In some of the interviews and discussions (conducted in the framework of this and other projects), the interlocutors explained that the EU is seen in the territory of ex-Yugoslavia as a relevant normative power, but lacks efficiency and effectiveness, especially in the field of military activities. As pointed out, the EU and the whole international community were reluctant to allow the dissolution of Yugoslavia; however, the atrocities committed in Croatia and in Bosnia and Herzegovina urged the USA to do something. The results of the US engagement were several air-strikes and – not just symbolic – the signing of the Dayton Agreement, which terminated the three-year long civil war in BiH. According to some remarks of our interlocutors in Sarajevo, the EU lost a greater portion of trust in BiH due to its inactivity, compared to the USA or even Nato (which is in the Balkans understood as the *longa manus* of the USA). Despite the fact that the EU decisively entered the process of conflict prevention and peacebuilding in 2004 (Althea), the local population in BiH still considers it more of a back-up plan, while on the other hand the society and some decision-makers in BiH perceive NATO and the USA as the main actors in the conflict prevention and peacebuilding.

² Thomas L. Friedman, "Baker urges end to Yugoslav rift," *New York Times*, June 22, 1991. Accessed June 30, 2016, <http://www.nytimes.com/1991/06/22/world/baker-urges-end-to-yugoslav-rift.html>.



Post-1999

Despite the fact that the EU had not directly acted in the Western Balkans prior to 1999, it had tried to establish a sort of indirect impact in the region. On one hand this was done via technical and development assistance, which was provided to the countries devastated by the war, while on the other hand the EU also exerted indirect influence through its normative power, by promising the Western Balkan countries a future in the EU and thus encouraging them to comply with the EU Acquis requirements. The wielding of the EU normative power was visible especially in the accelerated political and economic transition of some Western Balkan countries that opted for joining the EU.

In 1999, with the launching of the Stability Pact (for the Western Balkans) and the Stabilisation and Association Process, the EU officially (and directly) entered into the Western Balkans. The idea of the Stability pact was to enable the region to strengthen the inter-state integration, which would on one hand, lead towards a greater stability in the region, while on the other hand accelerate the path of the Western Balkan countries towards the Euro-Atlantic integration. As pointed out by Vesnić-Alujević, the Stability Pact was “introduced as a long-term conflict prevention strategy on the territory of the SE Europe”.³ On the other hand the introduction of the Stabilisation and Association Process played an important role in the stabilisation of the region and in fostering the common European future for all Western Balkan countries. The Stabilisation and Association Process covered four fields of cooperation between the EU and the Western Balkan countries, i.e. (a) bilateral Stabilisation and Association agreements; (b) trade relations (autonomous trade measures); (c) financial assistance; (d) regional cooperation and good neighbourly relations.⁴

The next step towards a greater involvement of the EU in the Western Balkans, was the Thessaloniki European Summit, which developed the conditions and activities in the Stabilisation and Association Process, representing the waiting room for the European integration. For the first time it became clear that the EU understood the need of the Western Balkan countries for their future in the EU, since the region could otherwise find itself back on the “old tracks” outside the EU.

³ Lucia Vesnic Alujevic, *European Integration of Western Balkans: From Reconciliation To European Future* (Brussels: CES, 2012).

⁴ “Stabilisation and Association Process,” European Commission, accessed July 15, 2016, http://ec.europa.eu/enlargement/policy/glossary/terms/sap_en.htm



What is particularly relevant for our analysis in the Thessaloniki Summit Declaration is the point 5, stating:

*"We support the full implementation of Resolution 1244 of the UN Security Council on Kosovo and the 'standards before status' policy of UNMIK; we remain committed to the Dayton/Paris Agreements and we encourage full implementation of the Ohrid and Belgrade agreements. /.../ The recent launching of the EU police Mission in Bosnia and Herzegovina and of the operation "Concordia" in the former Yugoslav Republic of Macedonia are tangible proofs of the EU's commitment to the region."*⁵

This is the first time that one of the two operations (Concordia), held under the umbrella of the EU, is mentioned. After Concordia and EUPM, the EU set three additional CSDP activities in the Western Balkans (table 1), with the primary goal of enforcing the peace-building process.

Table 1: CSDP duration and mandates in the Western Balkans

Country	BiH		Macedonia		Kosovo
Name of the operation	EUPM (1/2003-7/2012)	EUFOR ALTHEA (12/2004-present)	EUPOL MAXIMA (12/2005-07/2006)	CONCORDIA (04/2003-12/2003)	EULEX (02/2008–present)
Task(s)	Alleviate BiH police service to EU and international standards Improve authorities' capacities to deal with organised crime	Ensure compliance with 1995 Dayton Agreement Support HR/EU SR Assist local authorities in mine clearance	Consolidate law and order Promote reform of the MI Build confidence in local police Enhance cooperation with neighbouring states in policing	Implement the Ohrid Agreement	Assist Kosovo institutions Ensure promotion of the rule of law Fight against corruption

Source: Developed on the basis of Kirchner.⁶

As seen from the table above, the main activities of the EU CSDP missions were related to the re-enforcement of the rule of law and to the development of the capabilities in the field of the security sector and police cooperation. The latter was already marked as a priority of the EU missions in 2004 and later in 2006 (pre-EULEX), and continues to be one of the most important issues today. One of the major problems in this field, which was already emphasised in 2006,⁷ is the lack of coherence and coordination in the formulation of the SSR in the above-mentioned countries. As pointed out in 2006 (*ibid.*), the idea of the SSR is to "encourage the governments of the West Balkan partners themselves to gather information on what is being done, and on who is doing

⁵ "Press release 10229/03 (Presse 163), "EU-Western Balkans summit," accessed June 30, 2016. http://europa.eu/rapid/press-release_PRES-03-163_en.htm.

⁶ Emil Kirchner, "Common Security and Defence Policy peace operations in The Western Balkans: impact and lessons learned," *European Security* 22, no. 1 (2012): 35-54.

⁷ Judy Batt, EU Presidency Conference on Security Sector Reform (Vienna: ISS, 2006). <http://www.iss.europa.eu/uploads/media/rep06-03.pdf>.



what: this would promote ‘local ownership’ and build government’s coordination capacities”. Here, much was expected of the EU actors, but the expectations were not fulfilled. As pointed out by the interviewees and by the round table, organised in the framework of WP2 (D2.4), the EU lacks the instrumentarium to enhance the capacities of the locals. Even though their activities are quite targeted, the problem lies in the expectations of the locals and other relevant stakeholders, which expected more than it was done. More than a decade after the first CSDP deployment, which took place in the Western Balkans, the EU has to provide not only an answer to the problems that became clear in the last decade (regarding its deployments), but also tackle the issues of targetedness and efficiency of CSDP in general.

2.1 ENGAGEMENT OF THE EU IN KOSOVO

Aspirations of the EU to become a global actor, which means also the provider of security and stability, have most significantly materialized in the region of the Western Balkans, where the EU has launched the most extensive external involvement including several CSDP missions and other forms of engagement. The central point of its engagement has been aimed at Kosovo. Besides the CSDP mission (EULEX), the EU has introduced numerous complementary activities, with a view to providing relevant incentives for long-term peace-building.⁸ According to Papadimitriou, the EU’s role in Kosovo since 1999 on can be divided into four major sections: coordination of economic reforms, institution building, political reform, and ensuring security.⁹ To this we should add also substantial humanitarian and developmental assistance of the EU, as well as its role in the reconstruction of Kosovo. The following overview will introduce the main aspects of the EU engagement in Kosovo from the beginning of the war in Kosovo (1998) until now in order to evaluate the overall comprehensiveness of the EU engagement in Kosovo.

2.1.1 HUMANITARIAN AND DEVELOPMENT SUPPORT

Following the start of the war between the Kosovo Liberation Army (KLA) and the armed forces of the Federal Republic of Yugoslavia (FRY) in 1998, about 200,000 people fled their homes, which led to extensive internal displacement. The conflict further escalated in April 1999, when according to UNHCR approximately 860,000 people fled into the neighbouring countries: Albania (444,600),

⁸ James Ker-Lindsay, “The UN and the Post-intervention Stabilization of Kosovo,” *Ethnopolitics* 11 no. 4 (2012): 392-405.

⁹ Dimitris Papadimitriou, Petar Petrov and Labinot Greicevci, “To Build a State: Europeanization, the EU Actorness and State-Building in Kosovo,” *European Foreign Affairs Review* 12 (2007): 219-238.



FYR Macedonia (344,500), and Montenegro (69,900).¹⁰ NATO estimated that aside from the refugees in the abovementioned neighbouring countries, approximately 21,500 had reached BiH and over 61,000 had been evacuated to other countries; by the end of May 1999, 1.5 million people, i.e. 90% of the population of Kosovo, had been expelled from their homes.¹¹ The European Commission's Humanitarian aid and Civil Protection department (ECHO), which aims at saving and preserving life, preventing and alleviating human suffering, and safeguarding the integrity and dignity of populations affected by natural disasters and man-made crises, was actively engaged in the immediate aftermath of hostilities in Kosovo.¹²

ECHO responded swiftly to set up refugee centres and camps and arrange accommodation with host families. The agency joined UNCHR and several other NGOs working in the region and primarily in Albania and FYR Macedonia, which had been experiencing the highest influx of refugees.¹³ They set up a central distribution system, community kitchens, latrines, waste disposal, medical points, power supplies, playgrounds etc. As Albanian refugees returned to Kosovo in the aftermath of the conflict, about 200,000 people, mainly Serbs and Roma, fled into Serbia and Montenegro to escape retributive violence. ECHO allocated €378 million to address the needs of the refugees and IDPs in Kosovo. Among other, ECHO was providing assistance in the following fields: psycho-social assistance, food and basic assistance, shelter, health/medical care, rehabilitation etc. ECHO concluded its operations in Kosovo in 2001, when the focus of the EU shifted from humanitarian assistance to development support.¹⁴

The EU and its member states today remain by far **the largest investor, trade partner, and donor** in Kosovo. Half of all donations to Kosovo still come from the EU. Since 1999 Kosovo has received more than € 2 billion assistance by the EU; furthermore, the EU has committed to invest

¹⁰ Astri Suhrke, Michael Barutciski, Peta Sandison and Rick Garlock, "The Kosovo refugee crisis: An independent evaluation of UNHCR's emergency preparedness and response," EPAU/2000/001, accessed July 18, 2016, <http://www.alnap.org/resource/2848.aspx>

¹¹ "NATO's role in relation to the conflict in Kosovo," NATO, accessed July 18, 2016, <http://www.nato.int/kosovo/history.htm>

¹² "About the EU Humanitarian Aid and Civil Protection department (ECHO)," The European Commission's Humanitarian aid and Civil Protection department, accessed June 27, 2016, http://ec.europa.eu/echo/who/about-echo_en

¹³ Astri Suhrke, Michael Barutciski, Peta Sandison and Rick Garlock, "The Kosovo refugee crisis: An independent evaluation of UNHCR's emergency preparedness and response," EPAU/2000/001, Accessed July 18, 2016, <http://www.alnap.org/resource/2848.aspx>

¹⁴ European Commission Humanitarian Aid Office, "ECHO in the Balkans: 12 years of humanitarian action 1991 –2003," accessed June 27, 2016, http://perfil.amb.cat/c/document_library/get_file?uuid=ab314a02-876f-4b06-a85d-c869e5a07874&groupId=5000



another 650 million euro in Kosovo until 2020.¹⁵ Assistance of the EU to Kosovo thus amounted to one of the highest levels of per capita assistance ever given to any state.¹⁶ While the support initially focused mostly on emergency relief actions and reconstruction, it now focuses on fostering Kosovo's development of stable institutions and sustainable economic development.¹⁷ Support of the EU to Kosovo is channelled through several programmes and initiatives such as IPA, twinning projects etc.

In addition to the previous and on-going assistance programmes, one of the most notable assistance initiatives from the EU to Kosovo to date was organized in the form of a donor conference, following the declaration of Kosovo independence. It took place on 11 July 2008 in Brussels. At the conference, which gathered representatives from 37 countries and 16 international organisations, donors pledged a total of over €1,2 billion.¹⁸ A total EU contribution including both the Commission and member states was approximately €800 million.¹⁹ Nowadays, the EU continues to provide coordination of donors active in Kosovo by organising – together with the Kosovo Ministry of European Integration – regular donor coordination meetings.²⁰ However, the coordination of foreign donations and investments remains an important challenge, as acknowledged by several of our interviewees, who noted that insufficient coordination occasionally leads to double investment in certain projects, or on the other hand to the lack of focus on specific issues that should be addressed.²¹

The abovementioned foreign donations, assistance and incentives are complemented by efforts of the EU, when it acts as the **leading actor in the promotion of internal development mechanisms for a balanced and equal development** of Kosovo. An example of such initiative is Development Fund for the Northern Kosovo municipalities, which was established in 2013 as a result of the EU facilitated “Dialogue” between Kosovo and Serbia. The fund, made up from the

¹⁵ Samuel Žbogar, “European Path of Kosovo,” accessed May 26, 2016, http://eeas.europa.eu/delegations/kosovo/press_corner/all_news/news/2016/20160302_en.htm

¹⁶ Nikolaos Tzifakis, “The European Union in Kosovo Reflecting on the Credibility and Efficiency Deficit,” *Problems of Post-Communism*, 60 no. 1 (2013): 43-54.

¹⁷ “Political & economic relations,” European Union office in Kosovo. accessed June 20, 2016, http://eeas.europa.eu/delegations/kosovo/eu_kosovo/political_relations/index_en.htm

¹⁸ “Kosovo donors conference,” Accessed June 20, 2016, <http://ec.europa.eu/enlargement/archives/seerecon/kdc/index.html>

¹⁹ “Political & economic relations,” European Union office in Kosovo. Accessed June 20, 2016, http://eeas.europa.eu/delegations/kosovo/eu_kosovo/political_relations/index_en.htm

²⁰ European Commission, “Commission Staff Working Document: Kosovo 2015 Report, Accompanying the document Communication From The Commission To The European Parliament, The Council, The European Economic And Social Committee And The Committee Of The Regions,” accessed June 20, 2016, http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_kosovo.pdf

²¹ Interviews no. 10 and no. 4.



revenues collected at the crossing points of Gate 1 Jarinje and Gate 31 Brnjak, is distributed among the development projects in the Northern Kosovo.²² As of 1 March 2016, the Fund has collected in excess of 8.3 million EUR. To that date, the Management Board has approved 13 different projects amounting to 6.4 mil EUR.²³

2.1.2 OBSERVATORY ROLE OF THE EU IN SECURITY PROVISION AND PREVENTION OF INTER-ETHNIC VIOLENCE

Prior to the deployment of EULEX, the field of security, with a special focus on inter-ethnic violence, pertained to the domain of the European Union Monitoring Mission (EUMM), previously known as the European Community Monitoring Mission (ECMM), which has been deployed in a broader region of the Western Balkans to monitor and observe the conflicts following the disintegration of Yugoslavia and provide early warning to the EU. The mission was deployed already in 1991, when the hostilities in former Yugoslavia began. The objective of EUMM was to monitor political and security developments and contribute to the shaping of the EU's policy towards the region.²⁴

In addition to its observatory role in the field of inter-ethnic relations, **EUMM has been the only official information channel of the EU regarding the security-related issues in Kosovo for a long time**, as both the Commission and the Council did not have its official representations in Kosovo until 2004, due to the political challenges of the Kosovo status issue.²⁵ EUMM completed its mandate in the Western Balkans on 31 December 2007.²⁶

²² Municipalities, Leposavic, North Mitrovica, Zubin Potok and Zvecan.

²³ "Development Fund," European Union office in Kosovo. accessed June 20, 2016, http://eeas.europa.eu/delegations/kosovo/eu_kosovo/development_fund/index_en.htm

²⁴ EU Council, "Javier SOLANA, EU High Representative for the CFSP, welcomes the successful completion of the European Union Monitoring Mission (EUMM)," accessed July 18, 2016, https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/esdp/97868.pdf

²⁵ Arolda Elbasani, "European integration and transformation in the Western Balkans," (New York: Routledge, 2013).

²⁶ EU Council, "Javier Solana, EU High Representative for the CFSP, welcomes the successful completion of the European Union Monitoring Mission (EUMM)," accessed July 18, 2016, https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/esdp/97868.pdf



2.1.3 POLITICAL AND ECONOMIC (EUSR/EU) OFFICE IN KOSOVO

The EU as part of UNMIK pillar IV

Following the arrival of an extensive international presence to Kosovo in 1999, the EU joined the peacebuilding efforts as the fourth pillar of UNMIK, focusing on **reconstruction and economic development**. Simultaneously, European Agency for Reconstruction (EAR) focused on the management of a longer-term sustainable reconstruction and development programmes in the region, and financed a series of projects for the institution building, economic reconstruction and political reform in the country. It also focused on rebuilding critical infrastructure and safety by providing demining teams.²⁷ EAR continued the work started by the European Commission's Task Force for the Reconstruction of Kosovo (TAKFO) in 1999 through supporting, initiating and financing developmental projects in Kosovo.

By entering the UNMIK pillar IV, the EU undertook three immediate tasks focusing on progressively taking over from the humanitarian pillar in reconstruction, especially in housing and utilities, setting up a simple budget with clear expenditure priorities and identified revenue sources, which were supposed to replace flows of donor funds over time and prepare the plan for putting in place the basic institutions of the market economy, including a payments system, regulatory and licensing systems for natural monopolies.²⁸ EU played its role as part of UNMIN from November 1999 until June 2008 and took charge, among other, of Kosovo's customs services, the privatization program, the supervision and regulation of the banking sector, etc.²⁹

EU special representative for Kosovo (EUSR)

The EU special representative for Kosovo (EUSR) primarily offers advice and support to the Government of Kosovo, provides the overall coordination for the EU presences in Kosovo and contributes to the development and respect of human rights and fundamental freedoms. The office has been present since 2008. Among already listed tasks, EUSR is expected to provide political guidance to the Head of EULEX, including the political aspects of issues related to executive responsibilities; monitor, assist and facilitate progress on political, economic and European priorities and through that support Kosovo's progress towards the Union as well as assist in the

²⁷ "The European Union at work in Kosovo," European Union, accessed July 18, 2016, <http://ec.europa.eu/enlargement/archives/seerecon/kosovo/documents/eu-kosovo.pdf>

²⁸ Joly Dixon, "Pillar IV's Role within UNMIK," <http://ec.europa.eu/enlargement/archives/seerecon/calendar/1999/events/kdc/sd/dixon.pdf>

²⁹ Nikolaos Tzifakis, "The European Union in Kosovo Reflecting on the Credibility and Efficiency Deficit," *Problems of Post-Communism*, 60 no. 1 (2013): 43-54.



implementation of the Belgrade-Pristina dialogue facilitated by the Union.³⁰ The EUSR reports to the Council of the European Union through the High Representative for CFSP and Secretary-General of the Council.³¹

For the period of 2008–2012, in addition to the previously listed role, the EUSR had a "second hat" by serving as the "International civilian representative" (ICR). While on one hand this dual role gave it even more leverage, the positions were essentially in contradiction to each other. While EUSR was bound to the status neutrality within the framework of UNSC Resolution 1244,³² the ICR was supposed to acknowledge and support the independent Kosovo and its institutions. This contradiction furthers the claims already observed in the composition of the EULEX mandate, asserting that the lack of common vision and differences among EU member states are profoundly evident through discrepancies of EU "actorness" in foreign affairs.

EU office Kosovo

Following the entry into force of the Lisbon Treaty, the European Commission Liaison Office jointly with the EUSR mandate became the European Union Office in Kosovo. Before merging with EUSR into the European Union Office in Kosovo, the European Commission Liaison Office has been functioning since September 2004.³³ Following the merging of the EUSR Office and the Commission Liaison Office in Pristina in 2012, EUSR gained its significance due to substantial political and financial influence, which provided it with the leverage to act as the main EU actor towards the local stakeholders in Kosovo.³⁴ The EU Office plays a central role in realizing the European agenda in Kosovo with the overarching long-term goal to promote and assist Kosovo's integration in the EU. The EU Office furthermore ensures that a permanent political and technical dialogue is maintained with the Brussels institutions.³⁵ Despite the identified and occasionally public disagreements among the member states concerning (mostly status related) issues, our interviews indicated that the EU is mostly perceived by the locals as a united actor.³⁶ In order to achieve a comprehensive engagement of the Union, regular coordination meetings, e.g. among

³⁰ European Council, "Council joint action on Appointing a European Union Special Representative in Kosovo," Council document 2008/123/CFSP, Accessed July 25, 2016, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:042:0088:0091:EN:PDF>

³¹ Ibid.

³² Similarly as EULEX.

³³ "Political & economic relations," European Union office in Kosovo, accessed June 20, 2016, http://eeas.europa.eu/delegations/kosovo/eu_kosovo/political_relations/index_en.htm

³⁴ "Political & economic relations," European Union office in Kosovo, accessed June 20, 2016, http://eeas.europa.eu/delegations/kosovo/eu_kosovo/political_relations/index_en.htm

³⁵ Ibid.

³⁶ Interviews no. 9, no. 13 and no. 18.



EULEX, EUSR/EU office in Kosovo and EU member states embassies, take place in the premises of the EU Office on average once every week.³⁷ We can assess regular coordination meetings as a positive example of efforts to enhance a comprehensive role of the EU in Kosovo.

2.1.4 JUDICIARY, CUSTOMS AND POLICE REFORM (EULEX)

EULEX, a primary tool of the EU for assisting in the field of judiciary, customs and police in Kosovo, was deployed in 2008 – a decade after the start of the Kosovo war and just before the declaration of Kosovo independence. On 10th of April 2006 the Joint Action 2006/304/CFSP “On the establishment of an EU Planning Team (EUPT Kosovo)” has been adopted.³⁸ The planning mission which was supposed to comprise about 30-80 personnel was tasked to prepare the ground for a possible EU crisis management operation in the field of the rule of law and possible other areas in Kosovo.³⁹ According to the answers from our interviews, the deployment of EUPT prior to the deployment of the extensive EU CSDP mission has been mostly assessed as a positive practice.⁴⁰

The planning process of the EU mission in Kosovo has been permeated with several disagreements, both internally among EU members and in the broader international sphere. While the EU was eventually able to agree on deploying a CSDP mission, it did not manage to form a unified response regarding the indicated announcement of Kosovo independence. Five member states had reservations and did not recognize the statehood of Kosovo.⁴¹ As noted by Ker-Lindsay and Economides, despite the division on the question of status, EU members were nevertheless united on the need to improve standards on the ground, regardless the status, as a matter of practical urgency.⁴² In international sphere, objections have been expressed especially by the Russian Federation and Serbia. The adopted EULEX mandate declared the mission as status neutral, while its tasks and responsibilities required it to strengthen the institutions of independent

³⁷ Interview no. 20.

³⁸ European Council, Joint Action 2006/304/CFSP “On the establishment of an EU Planning Team (EUPT Kosovo),” accessed July 25, 2016, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:112:0019:0023:EN:PDF>

³⁹ Douglas Alexander, “Letter from Rt Hon Douglas Alexander MP, Minister for Europe, Foreign and Commonwealth Office to the Chairman” accessed May 15, 2016, <http://www.publications.parliament.uk/pa/ld200607/ldselect/ldcom/187/187119.htm>

⁴⁰ Interview no. 20.

⁴¹ Romania, Slovakia, Spain, Cyprus, Greece declared that each state should decide in accordance with its national practice and international law; Ugo Caruso, 2008, “Kosovo declaration of Independence and the International Community - an assessment by the Kosovo Monitoring Task Force”, JEMIE 7 (2008)

⁴² James Ker-Lindsay and Spyros Economides, “Standards before Status before Accession,” *Journal of Balkan & Near Eastern Studies* 14/1 (2012): 77-92.



state. The compromise solution is contradictory and does not resolve one of the core challenges – the mission’s relation to the Kosovo status issue, which was acknowledged also by some of the locals we had interviewed for the purpose of this research.⁴³ This was a consequence of the abovementioned political aims and barriers that exceed the mission’s mandate. Experts at the IECEU roundtable agreed that the unresolved status of Kosovo is something that the EU has to live with.⁴⁴ However, the EU’s inability to form a unified response left a big stain on the broader perception of the EU and CSDP in general in Kosovo, and consequently limited the desired showcase of a strong and dedicated EU, capable of solving the challenges in its neighbourhood.

When the EU consequently “entered” Kosovo with a relatively robust and extensive civilian mission, the substantive EU presence was initially able to win over the local community and raise high expectations. Big promises on the rule of law reforms, strict implementation of European legal norms, elimination of political interference, and going after the “big fish”, have been warmly welcomed by the Kosovo population. The raised expectations might have had temporary beneficial effects on the operational capabilities of EULEX, but they were only partially met in the end. The once alluring attraction of EULEX quickly vanished, and the mission was exposed to severe public criticism due to its presumed inefficiency and the failure to deliver on its promises.⁴⁵ EULEX is most often criticized by locals for its inability to successfully transform the Kosovo rule of law system on one hand, and on the other proceed and conclude its legal procedures, which could lead to convictions in high level cases. The locals believe that “for the sake of stability”, EULEX has often been too involved in local politics and has not done enough to prosecute local political elites or focus on the rule of law in general.⁴⁶ Radin notes that the need to prevent violence and to avoid undermining the potential of the EU accession in the region, may have led EULEX to avoid risky but transformative activities.⁴⁷ However, perhaps the biggest blow to the credibility and perception of EULEX were the infamous allegations of corruption in its ranks. The mission has been accused of trying to conceal the wrongdoings of its staff, which cut a deep wound in EULEX public image and in the trust of local community.⁴⁸ The Jacque report, which does not go into the substance of

⁴³ Interview no. 19.

⁴⁴ “IECEU Roundtable discussion of experts,” May 24, 2016, Jable Castle, Slovenia.

⁴⁵ Interviews no. 7, no. 9 and no. 18.

⁴⁶ “IECEU Roundtable discussion of experts,” May 24, 2016, Jable Castle, Slovenia; KIPRED, “A *Comprehensive Analysis of EULEX: What’s Next?*” Accessed July 19, 2016, http://www.kipred.org/advCms/download.php?56243_A_Comprehensive_Analysis_of_EULEX.pdf

⁴⁷ Andrew Radin, “Analysis of current events: towards the rule of law in Kosovo: EULEX should go,” *Nationalities Papers*, 42/2, (2014): 181–194.

⁴⁸ Transparency International, “Civil society organisations in Kosovo call for investigation into corruption allegations at EU-LEX,” accessed, July 14, 2016,



the allegations but rather analyses how EULEX handled the case, notes that the procedures for investigation were undertaken late and there were certain administrative and communication mistakes (including in relation to media) on the side of the EULEX. Jacques concludes that the mission was not “covering up” the information, but the procedures and communication management were poor. He also identifies some other important shortcomings of the mission.⁴⁹

EULEX today remains by far the biggest CSDP mission ever deployed by the EU. It was the first EU civilian mission to have an executive mandate. The mission was tasked with supporting Kosovo authorities by monitoring, mentoring, and advising (MMA) on each of the rule-of-law components (Judiciary, Police, Customs), while also retaining certain executive powers, in particular with respect to investigating and prosecuting serious and sensitive crimes. The extensive tasks and responsibilities that the EU has taken upon itself were exceeding the planned framework of a civilian CSDP mission. As noted by one of our interlocutors, CSDP is a rather short term instrument of a limited size.

During the course of this research, we have identified several challenges, related to planning capacity, operational capacity, interoperability, competences, comprehensiveness and technology. In the following we are briefly summarizing just a few findings that have already been assessed in previous deliverables. Firstly, staff related challenges have been evident from the very formation of the mission. The challenges were attributed both to the availability of the staff, their competences and the duration of the deployments of international staff. Both international and local staff interviewed for this research noted the negative implications of relatively short term deployments.⁵⁰ Especially concerning situation has been observed in judiciary, as member states are not willing to second their best judges and prosecutors, or are not seconding a sufficient number of judicial staff at all. The limitation of the deployments durations has been further emphasized by experts at the roundtable who noted it as a particularly significant problem in relation to relatively lengthy judicial proceedings.⁵¹ Local contracted staff was identified as helpful in that aspect as they are usually

http://www.transparency.org/news/pressrelease/civil_society_organisations_in_kosovo_call_for_investigation_into_corruption; Syal Rajeev, “*EU Kosovo mission accused of trying to silence whistleblower*,” accessed July 14, 2016, <https://www.theguardian.com/world/2015/aug/03/eu-kosovo-corruption-bami>

⁴⁹ Jean-Paul Jacques, “Review of the EULEX Kosovo Mission’s implementation of the mandate with a particular focus on the handling of recent allegations,” accessed July 19, 2016, https://eeas.europa.eu/statements-eeas/docs/150331_jacque-report_en.pdf

⁵⁰ Interviews no. 7, no. 8, no. 15 and no. 16.

⁵¹ “IECEU Roundtable discussion of experts,” May 24, 2016, Jable Castle, Slovenia; Jean-Paul Jacques, “Review of the EULEX Kosovo Mission’s implementation of the mandate with a particular focus on the handling of recent allegations,” Accessed July 19, 2016, https://eeas.europa.eu/statements-eeas/docs/150331_jacque-report_en.pdf



contracted for longer periods of time.⁵² Similar findings have also been indicated before by Jacque and Cierco and Reis, which points to the persistence of the challenge.⁵³ Further on, the lack of existence of EU best practices has been identified as a challenge related to both competences and operational capacity of the mission. The challenge that has been persistent ever since the deployment of the mission is the access to the entire territory of Kosovo. Serbs never really accepted EULEX as the replacement for UNMIK.⁵⁴ As noted by Cierco and Reis, the inability of EULEX to access Northern Kosovo has decreased in the last couple of years. However, North remains the challenging region of Kosovo.⁵⁵ Our interviews indicated that the failure to implement a comprehensive presence in the North is an important challenge for the efficiency of EULEX.⁵⁶ However, it would be difficult to argue that EULEX as a mission could have done something in this regard. Some positive examples, such as the integration of Kosovo Serb police forces into Kosovo police, a developed plan for judiciary integration in the North, and an overall engagement of EULEX in ethnicity related cases, are nevertheless worth noting. Another important challenge is the lack of clearly set goals and exit strategy. It is hardly imaginable that the mission could achieve the overall goals of the mandate in a foreseeable future. The EU has failed to set clear and measurable milestones and benchmarks that would enable the mission to first, measure its efficiency and second, determine when the mission is approaching its desired end state.⁵⁷ Some of the interlocutors thus note that overly ambitious end state is an instrument of non-recognizing countries in order to retain substantive international presence in Kosovo. It was also noted by few of the interviewees that efficiency of the mission itself may often be of a lesser importance than the political significance of the statement made by the EU by solely deploying the mission. The mission is thus often perceived as a political rather than a technical tool. It should also be added that CSDP missions in general often rank very low on political agendas of member states. The experts invited to the roundtable discussion in the framework of IECEU WP2 agreed that the CSDP operations are (often) present in the countries towards which there is no clear and unified EU policy; this causes difficulties in the planning and effective implementation of the mandate.⁵⁸

⁵² Interviews no. 2 and no 8.

⁵³ Teresa Cierco and Liliana Reis, "EULEX's Impact on the Rule of Law in Kosovo," in *Revista de Ciencia Política* 3 (2014); Jean-Paul Jacque, "Review of the EULEX Kosovo mission's implementation of the mandate with a particular focus on the handling of recent allegations," Accessed January 19, 2016. http://eeas.europa.eu/statements-eeas/docs/150331_jacque-report_en.pdf

⁵⁴ Interview no. 7.

⁵⁵ Teresa Cierco and Liliana Reis, "EULEX's Impact on the Rule of Law in Kosovo," in *Revista de Ciencia Política* 3 (2014): 654.

⁵⁶ Interviews no. 7. and no. 11.

⁵⁷ "IECEU Roundtable discussion of experts," May 24, 2016, Jable Castle, Slovenia.

⁵⁸ Ibid.



In spite of the many identified challenges, EULEX did, to a certain extent, succeed in its mission. In the judiciary, the mission delivered approximately 620 verdicts; investigated 250 war crime cases and was involved in the proceedings of about 1350 other cases; EULEX adjudicated in over 42.700 property related cases; the mission pursued excavation of sites of alleged mass graves, etc.⁵⁹ It should be also noted, as pointed out by the experts at the roundtable discussion, that purely statistical data, such as the number of verdicts, is not a good indicator of success in judicial proceedings that are generally complex and lengthy. They further commented that while EULEX on average issues a verdict every four days, it is statistically hard to prove its efficiency or inefficiency just based on this fact.⁶⁰ In its strengthening role, EULEX facilitated integration of 287 Kosovo Serb police officers; supported training of Kosovo police; provided advice and material support for the establishment and management of border crossings points (IBM), etc. During the whole duration, EULEX also offered support and advice to Kosovo Judicial and Prosecutorial Council, provided legislative assistance and supported structural changes.⁶¹ We should also note that on many occasions EULEX has served also as a platform to support other EU initiatives (e.g. Belgrade-Pristina dialogue, visa liberalization process, SAA, etc.), which would otherwise be difficult to implement.⁶²

2.1.5 EU INTEGRATION PROCESS

EU integration is a long-term goal of Kosovo and programs leading towards a closer approximation and possible future accession, have an important effect on Kosovo; *vice versa* also holds true – on numerous occasions the EU has stated that Kosovo has the future in the EU. In his 2005 report, Kai Eide, a Norwegian diplomat appointed as a Special Envoy of SG to undertake a comprehensive review of the situation in Kosovo, explicitly cited the importance of integrating Kosovo into various Euro-Atlantic structures and institutions, especially the EU.⁶³ While the momentum of the enlargement process is slowing down, Oproiu notes that it remains the EU's most successful foreign policy tool and transformative power.⁶⁴ Hence, we argue that understanding the EU's role in this respect should be analysed, since EULEX as a mission cannot be evaluated without having in mind the integration processes. Ker-Lindsay and Economides argue

⁵⁹ EULEX, "EULEX achievements booklet," (Pristina, EULEX, 2016).

⁶⁰ "IECEU Roundtable discussion of experts," May 24, 2016, Jable Castle, Slovenia.

⁶¹ Ibid.

⁶² Ibid.

⁶³ United Nations Security Council, A comprehensive review of the situation in Kosovo, "S/2005/635," Accessed July 7, 2016, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N05/540/69/PDF/N0554069.pdf?OpenElement>

⁶⁴ Monica Oproiu, "Current Challenges for EU Coherence in Promoting The Rule Of Law in Kosovo," *Europolity*, 9/2 (2015):147-178.



that while the possible accession of Kosovo is still a distant future, the process itself is important in the aspect of addressing the fundamental structural, political, and economic issues facing the territory.⁶⁵ The most significant milestone in the process of integration was indeed the signing of the Stabilization and Association agreement. The initial negotiations on Stabilisation and Association agreement (SAA) were initiated in October 2013, and the agreement was signed on 27 October 2015, which makes Kosovo the last country in the Western Balkans to sign it.⁶⁶ The EU's procedure with Kosovo was longer and more complex, compared to other neighbouring Balkan countries, in order to avoid problems with the five EU member states that did not recognise Kosovo's independence.⁶⁷ SAA is the first legally binding contract among Kosovo and EU containing several commitments on the Kosovo's road towards European integrations. Among other, the commitments include: normalisation of Kosovo's relations with Serbia; Kosovo's commitment and cooperation with Specialist Chambers, continuation of support and cooperation with EULEX Kosovo etc.⁶⁸ Additionally, other programs such as the Structured Dialogue on the Rule of Law, launched in 2012, aim at addressing the main challenges of Kosovo in the field of the rule of law, in particular the judiciary, fight against corruption and fight against organised crime.⁶⁹

One of the publicly more relevant benefits of Kosovo's path towards a European integration is the visa liberalisation process, initiated in January 2012. On 14 June 2012, European Commissioner for Home Affairs Cecilia Malmström handed the roadmap for visa liberalisation over to the Kosovo government, while acknowledging the conditionality based reform oriented process that leads to visa liberalization for the citizens of Kosovo.⁷⁰ The process continues to be one of Kosovo's key priorities, especially important to Kosovo citizens who are driven by the aspiration of visa free travel to EU countries. Several conditionality based EU engagements provide a needed momentum and guidance for the implementation of local reforms, and thus probably represent the most important tool in the toolbox of the EU, impacting also the work of EULEX and other forms of

⁶⁵ James Ker-Lindsay and Spyros Economides, "Standards before Status before Accession," *Journal of Balkan & Near Eastern Studies* 14/1 (2012):77-92.

⁶⁶ European Commission. Commission Staff Working Document: Kosovo 2015 Report, Accompanying the document Communication From The Commission To The European Parliament, The Council, The European Economic And Social Committee And The Committee Of The Regions. Accessed 20. June 2016, http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_kosovo.pdf

⁶⁷ Petrit Collaku. "Kosovo Parliament Ratifies EU Association Agreement." Accessed 28. June 2016, <http://www.balkaninsight.com/en/article/kosovo-parliament-ratified-saa-11-02-2015>

⁶⁸ Johannes Hahn. European integration process of Kosovo. Accessed 20. June 2016, http://eeas.europa.eu/delegations/kosovo/press_corner/all_news/news/2016/20160204_en.htm

⁶⁹ European Commission, "EU-Kosovo: Further step to consolidate rule of law," Accessed, July 15, 2016, http://europa.eu/rapid/press-release_MEMO-12-394_en.htm?locale=en

⁷⁰ European Commission, "Commission delivers visa roadmap to Kosovo government," Accessed July 15, 2016, http://europa.eu/rapid/press-release_IP-12-605_en.htm



EU engagement in Kosovo.⁷¹ The CSDP mission can by no means succeed alone, as an isolated instrument without other reinforcing and complementary programs and instruments for preventing conflict and establishing a peaceful society in Kosovo.⁷²

The Instrument for Pre-Accession Assistance (IPA) is the main financial instrument to provide EU support to the beneficiaries in implementing reforms with a view to the EU approximation.⁷³ The IPA funds build up the capacities of the countries throughout the accession process, resulting in progressive, positive developments in the region. For the period 2007-2013 IPA had a budget of some € 11.5 billion overall. IPA II was allocated €11.7 billion for the period 2014-2020, for the continuation of support and assistance with reforms in “enlargement countries”.⁷⁴ The majority of recipient countries are from the region of Western Balkans: Albania, Bosnia and Herzegovina, the FYR Macedonia, Kosovo, Montenegro, Serbia, and Turkey. From the overall budget, Kosovo was allocated €645.5 million funding in the period 2014-2020. The allocated money shall primarily cover the following sectors: Democracy & governance; Rule of law & fundamental rights; Energy; Competitiveness & innovation; Education, employment & social policies; Agriculture & rural development; Regional and territorial cooperation; Improving regional and neighbourly relations through Cross-Border Cooperation programmes.⁷⁵ EULEX and the European External Action Service (EEAS) are included and consulted in the planning phase of IPA, and provided relevant input on the needs for IPA II assistance in the rule of law area.⁷⁶

2.1.6 OVERVIEW OF EU ENGAGEMENT IN KOSOVO

This chapter concludes with the table presenting an overall engagement of the EU institutions in Kosovo, which illustrates that the EU has been engaged in various aspects of peacebuilding and conflict prevention for almost two decades.

⁷¹ Interview no. 10.

⁷² Emil Kirchner, “Common Security and Defence Policy peace operations in the Western Balkans: impact and lessons learned”, *European Security* 22: 36-54.

⁷³ European Commission, “Instrument For Pre-Accession Assistance (IPA II): Indicative Strategy Paper For Kosovo,” accessed, 20. June 2016, http://ec.europa.eu/enlargement/pdf/key_documents/2014/20140919-csp-kosovo.pdf

⁷⁴ European Commission. “Instrument for Pre-accession Assistance,” accessed 28. June 2016, http://ec.europa.eu/enlargement/instruments/overview/index_en.htm

⁷⁵ European Commission. “Kosovo - financial assistance under IPA II.” accessed 28. June 2016, http://ec.europa.eu/enlargement/instruments/funding-by-country/kosovo/index_en.htm

⁷⁶ European Commission. “Instrument For Pre-Accession Assistance (IPA II): Indicative Strategy Paper For Kosovo,” accessed, 20. June 2016, http://ec.europa.eu/enlargement/pdf/key_documents/2014/20140919-csp-kosovo.pdf



Table 2: Overview of EU institutions engagement in Kosovo

INSTITUTION	TIME FRAME OF ENGAGEMENT	MAIN FIELD OF ENGAGEMENT / GOALS
European Commission Task Force for Reconstruction of Kosovo (TAKFO)	1999 - 2000	Temporary emergency assistance body.
European Commission's Humanitarian aid and Civil Protection department (ECHO)	1999 - 2001	Humanitarian support and assistance to refugees and IDPs.
European Union Monitoring Mission (EUMM)	2000 – 2007	Dealing with security sensitive matters with a special focus on inter-ethnic violence. At the time it also served as the main communication channel for Brussels
European Agency for Reconstruction (EAR)	2000 - 2008	Assistance in rehabilitation and repair of key infrastructure, institution building, agriculture, etc.
The European Commission's Liaison Office (ECLO)	2004	Management of IPA and remaining programs under CARDS
European Union Planning Team (EUPT)	2006 – 2008	Preparing and planning for the EU mission in Kosovo.
International Civilian Representative /International Civilian Office (ICR/ICO)	2008 – 2012	International supervision of the implementation of provisions included in Ahtisaari plan



European Union Special Representative (EUSR)	2008 – ongoing	Offering advice and support to the Government of Kosovo and providing overall coordination for the EU in Kosovo.
European Union Rule of Law Mission Kosovo (EULEX Kosovo)	2008 – ongoing	Assistance and support to Kosovo authorities in the area of the rule of law, specifically in police, judiciary and customs.
EU Office in Kosovo.	2009 – ongoing	Ensuring permanent political dialogue with Brussels institutions, providing overall coordination of EU presence and advising Kosovo political institutions.

2.2 ENGAGEMENT OF THE EU IN BOSNIA AND HERZEGOVINA

The European Union relations with Bosnia and Herzegovina (hereafter referred as BiH or Bosnia) can be perceived to fall under two main elements; (1) Unions' political agenda seeking to support the country's EU integration process and (2) security focus seeking to enhance the safe and secure environment in the country through the Common Foreign and Security Policy (CSDP).

The EU's diplomatic relations are represented in the country by a **Delegation of the European Union**. EU Delegation promotes the EU's interests that are embodied in common policies relating to, among others, foreign and security issues, commerce, agriculture, fisheries, environment, transport, health and safety. EU Delegation plays a key role in the implementation of the EU's external financial assistance. This primarily relates to the funds allocated under the Instrument for Pre-Accession (IPA)⁷⁷. In the context of the CSDP, the Council of the European Union has

⁷⁷ Between 2007 and 2013, Bosnia and Herzegovina benefitted from €615 million from the Instrument for pre-accession assistance (IPA) which aims at providing targeted financial assistance to countries which are candidates and potential candidates for membership to the EU. A second phase of IPA, from 2014 – 2020 is now under way with at least €165 million allocated for Bosnia and Herzegovina in the first stage. In particular, IPA helps to strengthen democratic



mandated a **European Union Special Representative in Bosnia and Herzegovina (EUSR)** and the **European Union Force Althea** (hereafter referred as EUFOR Althea). The EU Special Representative is mandated to reinforce the EU's political support for its policy objectives in BiH. The EUSR offers advice and facilitation support in the political process to institutions at all levels, aimed at ensuring greater consistency and coherence of all political, economic and European priorities – particularly in the areas of the rule of law and security sector reform.⁷⁸ The EUSR is also responsible for the co-ordination of the EU's public communication in BiH, and for contributing to a culture of respect for human rights and for fundamental freedoms. The EUSR reports to the Council through the High Representative for EEAS/Vice President of the Commission.

2.2.1 FOCUS ON EU INTEGRATION

The EU's strategic engagement in Bosnia can be characterized by its strong political stability and economic growth agenda, with **an aim to support the BiH's integration to the European community**. What is particularly notable in the case of Bosnia, compared to other post-conflict settings, is that EU engagement here forms part of its wider enlargement policy. In other words, **the EU offers countries in the Western Balkans the prospect of becoming EU members**, on condition that they fulfil a set of technical and political criteria for accession. This EU's enlargement strategy to Western Balkans is guided by a perception that the EU membership is a key stabilizing factor, for the countries suffering from weak economic progress, insufficient juridical system, and administrative capacity, corruption, and crime. It is believed to support progress towards fulfilment of the necessary conditions, including those of the Stabilisation and Association Process⁷⁹.

institutions and the rule of law, reform public administration, carry out economic reforms, promote respect for human as well as minority rights and gender equality, support the development of civil society and advance regional co-operation, and contribute to sustainable development and poverty reduction. See: 'BiH and the EU', Website of the Delegation of the European Union to BiH & European Union Special Representative in BiH, at http://europa.ba/?page_id=480, accessed 12 July 2016.

⁷⁸ 'Our role', Website of the Delegation of the European Union to BiH & European Union Special Representative in BiH, at http://europa.ba/?page_id=462, accessed 12 July 2016.

⁷⁹ The Stabilisation and Association Process (SAP) is the European Union's policy towards the Western Balkans, established with the aim of eventual EU membership. Western Balkan countries are involved in a progressive partnership with a view of stabilising the region and establishing a free-trade area. The SAP sets out common political and economic goals although progress evaluation is based on countries' own merits.

The SAP was launched in June 1999 and strengthened at the Thessaloniki Summit in June 2003 taking over elements of the accession process. It rests on three elements; (1) Contractual relationships (bilateral Stabilisation and Association agreements); (2) Trade relations (autonomous trade measures; Financial assistance (the Instrument for Pre-accession Assistance – IPA); (3) Regional cooperation and good neighbourly relations. See for example: 'Stabilisation and Association Process', European Commission website, modified 07 September 2012, at http://ec.europa.eu/enlargement/policy/glossary/terms/sap_en.htm



Although it was believed that the process of European integration, which started in the aftermath of the war in 1995, would bring political stability, economic prosperity and social harmony to Bosnia and Herzegovina, it has not happened so far. In other words, most of the strategies which the EU has used in Bosnia has ended in failure.⁸⁰ A major obstacle for the progress is the country's complex institutional architecture established in Constitution, which has led to inefficient and poor service delivery, and is subject to different interpretations.⁸¹ Consequently, in December 2014 the EU initiated a new approach to BiH, for the re-sequencing of the conditionality in order for the country to progress towards the EU and address the outstanding socio- economic challenges it faced.⁸² This led to the entry into force of the Stabilisation and Association Agreement (SAA) between Bosnia and Herzegovina and the EU on 1 June 2015. It replaced the Interim Agreement (IA) which had been in force since 2008. In July, the country adopted a Reform Agenda aimed at tackling the difficult socio-economic situation and advancing the judicial and public administration reforms. Its implementation has started. Meaningful progress in the implementation of the Reform Agenda is necessary for the EU to approve the EU membership application from Bosnia and Herzegovina, which was submitted on 15 February 2016 and hopes to get an applicant status in 2017.⁸³

A central aspect of the reform process in the case of BiH is that the EU has set the standards and measures that BiH needs to fulfil in order to be considered as a candidate Member State. This *EU conditionality*⁸⁴ is an important way to boost internal reforms in the countries which have established bilateral links with Brussels. Thus, Europeanization reform process in aspirant countries such as Bosnia itself is to a large extent driven by this EU conditionality that stimulates domestic reforms. Nevertheless, although the EU has intensified its activities in Bosnia there have not been significant positive reforms regarding the EU reforms in the country.⁸⁵ Indeed, according to the European Commission's Progress Report for 2015, which evaluates the country's progress regarding the EU-related reforms against the political and economic criteria, the progress in Bosnia and Herzegovina has been modest during the past five years. Despite the fact that BiH has not

⁸⁰ Bedrudin Brljavac, 'Europeanisation Process of Bosnia and Herzegovina : Responsibility of the European Union?' *Balkanologie*, Vol. XIII, n° 1-2, December (2011).

⁸¹ European Commission, 'Key findings of the 2015 report on Bosnia and Herzegovina', Brussels 10 November 2015, at http://europa.eu/rapid/press-release_MEMO-15-6034_en.htm.

⁸² 'Bosnia and Herzegovina 2015 Report,' Commission Staff Working Document, Brussels, 10.11.2015, SWD(2015) 214 final.

⁸³ 'Bosnia and Herzegovina enters new chapter with EU application', European Union External Action Service website, modified 15 February 2016, at http://eeas.europa.eu/top_stories/2016/150216_01_en.htm

⁸⁴ This so called EU conditionality is aimed at integrating the Balkan states into the EU: its intention is to promote reform, to prescribe criteria attached to EU-granted benefits, and to differentiate among countries by assessing each on its own merit. Brljavac, 'Europeanisation Process of Bosnia and Herzegovina'.

⁸⁵ Interview no. 1.



been able to implement the necessary reforms, in relation to rule of law, fundamental rights, strengthening democratic institutions, including public administration reform, as well as economic development and competitiveness⁸⁶, the submission of the EU membership application indicated that Bosnia's aspirations to become EU Member State are still high. Consequently, the EU seeks to maintain its strong presence in the country through number of foreign policy instruments ranging from development projects to financial instruments, and from diplomatic initiatives to CSDP operation. Furthermore, the European commission has said it will support reforms in Bosnia to the tune of €1bn over the next three years, and a further €500m for investment in infrastructure upgrades.⁸⁷ All this exemplifies that *a sui generis* country for the EU. Although, Brussels says BiH must carry out a series of reforms before the application can even be considered, it is no secret that **Bosnian membership application has high symbolic value for the EU.**

Nevertheless, according to several interviewees, the country's membership application is rushed, with high potential to end up like all the others failed projects that Brussels tried to implement in Bosnia.⁸⁸ **Challenges related to Bosnian constitutional arrangement⁸⁹** was reflected also to the submission of the membership application. The Council of ministers of the state-level government adopted agreement on the coordinating mechanism - a crucial legal mechanism for coordinating the country's EU integration process, with limited consulting of the authorities of Republika Srpska. In fact, Republika Srpska President Milorad Dodik stated on press conference that 'Republika Srpska will not accept the recently adopted system of coordination for European Integration, which was adopted without our consent.'⁹⁰ **Consequently, until today the three governments⁹¹ have failed to find a suitable solution on the coordination mechanism, which has hampered the progress of the membership negotiation process.**

All in all, **the political disputes** between the different political parties in BiH have complicated the implementation of the EU's reform agenda in the country.⁹² According to several interviewees for a long time, the EU has applied its "carrot and stick" approach with Bosnian authorities, merely by offering carrots, hoping the Bosnian authorities would work out a way to establish **a common view**

⁸⁶ Bosnia and Herzegovina 2015 Report.

⁸⁷ 'Bosnia to submit EU membership application next month,' *Reuters*, published 26 January 2016, at <https://www.theguardian.com/world/2016/jan/26/bosnia-european-union-membership-application>

⁸⁸ For example Interview no. 2.

⁸⁹ A highly decentralised and often unwieldy system of government bestowed by a 1995 peace deal that divided power along ethnic lines.

⁹⁰ Danijel Kovacevic & Rodolfo Toe, 'Bosnia Split Over EU Membership Application', *Balkan Insight*, published 16 February 2016, at <http://www.balkaninsight.com/en/article/eu-application-draws-mixed-reactions-in-bosnia-02-15-2016> .

⁹¹ The governments of Bosnia & Herzegovina's two autonomous entities – the Muslim-Croat Federation and Republika Srpska, as well as the state-level government.

⁹² Interview no. 3.; "IECEU Roundtable discussion of experts," May 24, 2016, Jable Castle, Slovenia.



on the European integration and commit to it. Nevertheless, this strategy has not brought the desired cohesion among the highly decentralized and ethically polarized political system. Currently, a number of local politicians from all the three ethnic communities equally; Bosnian Muslims, Bosnian Croats, and Bosnian Serbs — is interpreting the European standards and criteria according to their so-called “Bosnian standards” built in particularistic ideological interests.⁹³ As a result, the political positions and views the Bosnian politicians hold clearly demonstrate the seriousness and depth of the credibility crisis that the European Union states are facing in Bosnia.⁹⁴ Currently, it seems that to progress forward within the EU integration, Bosnia will need clear institutional arrangements which will allow it to determine a single position in key policy areas and implement EU legislation. Effective EU engagement needs to focus not on one particular institutional set-up, but rather on clearly identifying what different institutional set-ups can (and cannot) engage with the EU during the accession process and once Bosnia becomes a Member State.⁹⁵

2.2.2 STRONG REFORM AGENDA AND TESTING GROUND FOR THE CRISIS MANAGEMENT CAPABILITIES

It has been widely acknowledged that the conflict in BiH and the EU’s lack of capacity to prevent or solve conflicts in the post-Cold War context, even in the immediate neighbourhood of the Union, led to an increasing interest among the member states to develop its common crisis management capabilities. Indeed, EU engagement in BiH has shaped the broader EU’s foreign and security policy, as EU has showed its rather comprehensive presence in the country almost for two decades. In fact, BiH has sometimes been referred to as a **‘testing ground’** for the CSDP. Firstly, from the point of view of planning and coordinating the different EU crisis management instruments, conflict in BiH was the first time where **both- civilian and military capabilities were deployed in the same region.**⁹⁶ Secondly, it was the first (civilian) crisis management mission ever launched by the EU, as well as the first EU-led Chapter VII operation, and has therefore been a testing ground for EU crisis management capabilities.⁹⁷

⁹³ “IECEU Roundtable discussion of experts,” May 24, 2016, Jable Castle, Slovenia.

⁹⁴ Brljavac, ‘Europeanisation Process of Bosnia and Herzegovina’

⁹⁵ IECEU Roundtable discussion of experts,” May 24, 2016, Jable Castle, Slovenia.

⁹⁶ European Union Police Mission (EUPM) and EUFOR Althea were deployed in the post-conflict setting of the Balkan war to strengthen the development and stability of the region.

⁹⁷ Interview no. 3.; Interview no. 4.; Interview no. 5; Interview no. 6.



The European Union Police Mission (EUPM)

The EU's involvement in the implementation of police reform in Bosnia marked EU's first engagement in crisis management. Hence, although this research has focused merely on the EU's military engagement in BiH in order to better understand EUFOR Althea's role as part of the EU's broader approach to BiH, the EUPM also is discussed.

Since the signing of the Dayton Peace Accords in 1995, the EU has had a key supporting role in the stabilisation of Bosnia and Herzegovina. EUPM followed-up from the UN, with a focus on institution-building at all levels of governance. The mission was part of a broader effort undertaken by the EU and other international actors to strengthen the rule of law in the country, with an aim to establish sustainable policing arrangements in BiH. **EUPM was the first mission under the CSDP being launched** on 1 January 2003 for an initial period of three years. Upon the invitation by the BiH authorities, the EUPM continued its mission with modified mandates and size until 30th of June in 2012.⁹⁸ In nearly a decade of its involvement in the strengthening of the rule of law in Bosnia and Herzegovina, EUPM worked diligently to create, under BiH ownership, a modern, sustainable, professional multi-ethnic police force, trained, equipped and able to assume full responsibility and to independently uphold law enforcement at the level of international standards. Focusing on police reform, and keeping a finger on police accountability, **EUPM's primary centre of attention was the fight against organised crime and corruption.** This effort included, in particular, extensive work on achieving coordination, communication and cooperation among Bosnian police agencies, as well as between law enforcement and judiciary.⁹⁹

As part of its institution-building efforts, EUPM combined strategic, operational and legal approaches, including top-down, bottom-up and horizontal engagements, in an effort to have as wide an impact as possible. These approaches evolved in time as the mission adapted to conditions on the ground and followed EU objectives, so much so that at the end of its mandate, EUPM had a comprehensive experience in exploring what would work best in Bosnia's setting. **During the last mandate the mission transit the EUPM responsibilities to the reinforced EU presence formed jointly by the EU Delegation/EU Special Representative in Bosnia.** With the transition, the EU sought to change the political landscape of its involvement in Bosnia. The strategic aim of

⁹⁸ See for example Tobias Flessenkemper & Damien Helly (eds). *Ten years after: lessons from the EUPM in Bosnia and Herzegovina 2002 – 2012*. (Paris: Institute for Security Studies, 2013).

⁹⁹ 'European Union Police Mission in Bosnia and Herzegovina (EUPM)'. European External Action Service. Accessed 10 June 2016, at http://www.eeas.europa.eu/csdp/missions-and-operations/eupm-bih/pdf/25062012_factsheet_eupm-bih_en.pdf.



EU's approach was to place greater responsibility in the hands of Bosnia's political elites to take ownership of the police reform process.¹⁰⁰

Reforming the police in Bosnia proved to be a challenging task for the EU. Despite almost two decade international engagement in Security Sector Reform (SSR) corruption continues to be widespread and the political commitment on this issue has not translated into concrete results. **The legal and institutional framework remains weak and inadequate.**¹⁰¹ The lack of enforcement of the law negatively affects citizens and institutions. Penalties in force do not constitute a sufficient deterrent against corruption. Concerning the fight against organized crime, which alongside corruption has been the key issue for the country's progress, no major breakthrough has been made.¹⁰² While there have been a number of successful large-scale joint operations in the past year, some including neighbouring countries, coordination and cooperation between all institutions throughout the country needs still to be significantly improved.¹⁰³ The number of final convictions remains low. Financial investigations remain under used. The lack of strategic coordination is hampering the effective delivery of police services.¹⁰⁴

Seventeen years after Dayton, **persistent ethnic and political divisions continue to be one of the main stumbling blocks to state-building in Bosnia**, which in turn also reflects on the pace of the implementation of police reform to date. Despite UN and EU involvement to date, problems with institution-building reforms continue to persist at the political level.¹⁰⁵

2.2.3 COMPREHENSIVE CSDP ENGAGEMENT

In parallel to EUPM, in December 2004 **the military operation ALTHEA (EUFOR ALTHEA)** in Bosnia and Herzegovina was deployed. The launch of operation ALTHEA followed the decision by NATO to conclude its Stabilization Force and the adoption by the UN Security Council of resolution 1575, authorising the deployment of an EU force in Bosnia and Herzegovina.¹⁰⁶ Operation Althea was launched partly **to support the contribution to the maintenance of the safe and secure**

¹⁰⁰ Amelie Padurariu, The Implementation of Police Reform in Bosnia and Herzegovina: Analysing UN and EU Efforts, *Stability – International Journal of Security and Development*. 3(1) 2014, p.Art. 4

¹⁰¹ Interviews no. 9 – 12.

¹⁰² Interview no. 13.

¹⁰³ Interview no. 9; Interview no. 10; IECEU Roundtable discussion of experts, « May 24, 2016, Jable Castle, Slovenia.

¹⁰⁴ European Commission, 'EU Enlargement Strategy', European Commission documents COM (2015) 611 final, Brussels 10.11.2015.

¹⁰⁵ Ibid.

¹⁰⁶ 'EU military operation in Bosnia and Herzegovina,' Website of the European External Action Service, modified 14 May 2016, at http://eeas.europa.eu/archives/csdp/missions-and-operations/althea-bih/pdf/factsheet_eufor_althea_en.pdf



environment in Bosnia. The EUFOR's secondary mission was **to support efforts by the Office of the High Representative and EU Special Representative (OHR), to develop the economy, establish rule of law, and reform the corrupt and ineffective police force.**¹⁰⁷ Many of those support tasks were essentially non-military in nature, and eventually, EUFOR directed much of its manpower and assets—including patrols, intelligence collection and data bases, communications, and helicopters—to fight organized crime, which the OHR had identified as a major obstacle to good governance and economic development.¹⁰⁸ The main functions and objectives of the EUPM and EUFOR are summarized in **Table 3.**

Table 3: Main functions of CSDP operation and mission in BiH

Mission/ Operation	EUFOR Althea	EUPM
Duration	December 2004 – ongoing	January 2003 - June 2012
Main function	Military Executive mandate (UNSR) and non-Executive	Police mission Non-executive mandate
Legal basis	(UNSC) Resolution 1575	Joint Action 2002/210/CFSP
Location	HQ: Camp Butmir, Sarajevo, Bosnia and Herzegovina OHQ: Two- under Berlin Plus agreement in SHAPE, Belgium and another one in Joint Force Command in Napels, Italy.	HQ: Sarajevo, Bosnia and Herzegovina Regional offices: Banja Luka, Mostar and Tuzla.
Main objectives	<ul style="list-style-type: none"> •To provide capacity-building and training to the Armed Forces of Bosnia and Herzegovina; •To support BiH efforts to maintain the safe and secure environment in BiH; •To provided support to the overall EU comprehensive strategy for BiH. <p>The first mandate (2004-2007):</p> <ul style="list-style-type: none"> •To provide deterrence, continued compliance with the responsibility to fulfil the role specified in Annexes 1 A and 2 	<ul style="list-style-type: none"> • To strengthen the operational capacity and joint capability of the law enforcement agencies engaged in the fight against organised crime and corruption; •To assist and support in the planning and conduct of investigations in the fight against organised crime and corruption in a systematic approach; •To assist and promote development of criminal investigative capacities of BiH; •To enhance police-prosecution cooperation; •To strengthen police-penitentiary system cooperation; •To contribute to ensuring a suitable level of accountability.

¹⁰⁷ NATO and the European Union: improving practical cooperation - A Transatlantic Workshop Organized by the Institute for National Strategic Studies in Partnership with the Ministry of Defence of Finland Washington, DC March 20-21, 2006.

¹⁰⁸ Interview no. 14.



	<p>of the Dayton/Paris Agreement (General Framework Agreement for Peace in BiH) and</p> <ul style="list-style-type: none"> •To contribute to a safe and secure environment (SASE) in BiH, in line with its mandate, required to achieve core tasks in the OHR's Mission Implementation Plan and the Stabilisation and Association Process (SAP). 	
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Although the events in BiH and the incidents that followed can be seen as a significant driver behind the EU's willingness to develop its crisis management capabilities and launch CSDP missions, there was wider rationale behind the deployment of EUFOR Althea. **The EU wanted to construct itself as a credible security actor**, alongside the Northern Atlantic Treaty Organization (NATO) and United Nations (UN). In BiH the EU could show its commitment towards international security architecture the flag could be shown in a relatively 'risk-free' way. Furthermore, EUFOR Althea was explicitly framed as an element of a broader, **comprehensive EU policy towards the region**, based on the use of political, economic, cultural, commercial and other state institution strengthening instruments aiming towards eventual EU membership.

Nevertheless, as discussed above Bosnia has been a testing ground for the EU's crisis management capabilities. Consequently, several lessons have been learnt - both in terms of CSDP and EU's external actions in general. For example, in relation to EU coherence of action, a number of problems were reflected by **the fragmented EU presence on the ground**. That was materialized as a poor coordination and communication between the various EU bodies particularly between EUPM and EUFOR Althea for tackling organised crime as well as the lack of an overall strategy for engagement in BiH.¹⁰⁹ Furthermore, the unclear and partly overlapping mandates and activities of EUPM and EU military activities, made it difficult for EUFOR Althea to look for synergies and establish cooperation with the other military actors and international coordination.¹¹⁰

In 2006, in line with the EU Council's Common Operational Guidelines, the missions agreed on the delineation of tasks and coordination structures regulating their interactions. Political Security Committee (PSC) also adjusted the mandates of these two actors in the same year, making EUPM

¹⁰⁹ Interviews no. 3, no. 5, no. 11, no. 15, no. 16, no. 17

¹¹⁰ Interviews no. 3, no. 5, no. 15.



the lead operation for anti-crime measures with the Bosnian authorities. Consequently, EUFOR Althea scaled down its involvement. Furthermore, the coordinating role of the EUSR was upgraded, giving him more say over the coherence of the two operations. Because of these new procedures and structures, coordination and cooperation between the EUSR, EUPM and EUFOR on the operational level in Sarajevo has improved. At the regional and field (tactical) level the cooperation and coordination also improved owing to the guidance the field presence receives from above.¹¹¹

2.2.4 EUFOR ALTHEA - SYMBOLIZING THE EU'S COMMITMENT TO BIH

EUFOR Althea has been present in BiH for nearly 12 years. Although there has not been recurrence of violence the operation still has an executive mandate. The purpose of Althea still being present in the country with Chapter VII mandate has raised lots of questions among the international community. It is widely agreed that the **Althea is present in BiH for political reasons**. Thus, rather than having a clear strategy or reform agenda it seems that **by maintaining its presence in the BiH the operation serves its purpose**.¹¹² In this sub-chapter the development and the key issues regarding the running of the EUFOR Althea are analysed based on the material presented in D 2.2, D 2.3 and D 2.4.

Berlin Plus arrangement - an important operational enabler

The possibility for the EU to take over the military presence in BiH was first discussed at the European Heads of State Summit in Copenhagen in December 2002, following the conclusion of negotiations on the 'Berlin Plus' arrangements. The UK and France were strongly in favor of this, while the US doubted the EU's ability to take over the operation successfully. Nevertheless, in December 2003, after extensive negotiations, **it was agreed that SFOR was to be concluded**

¹¹¹ Council's Secretariat document 15376/06, 2006. The paper identified four key recommendations to further improve EU coordination and coherence in BiH: 1) The Secretariat should set up high-level training for key staff prior to deployment (including designated EUSRs and Heads of EU missions). 2) Precise guidance (using Crisis Management Concepts) and coordinating instructions should be provided to each actor. 3) The EUSR should have a strong coordinating role. 4) There should be consultation between military and civilian actors. See Jari Mustonen, "Coordination and Cooperation on Tactical and Operational Levels, Studying EU-ESDP Crisis Management Instruments in Bosnia and Herzegovina", *CMC Finland Civilian Crisis Management Studies* 1 (2008).

¹¹² "IECEU Roundtable discussion of experts," May 24, 2016, Jable Castle, Slovenia.



and the transition to an EU-led mission within the framework of the ‘Berlin Plus’ ¹¹³ would be undertaken.¹¹⁴ This shift was favoured by the international community, as following the US shift in its foreign policy of prioritizing other regions more than Bosnia. Such development left significant diplomatic space for other global powers such as the EU to assert its influence in this highly problematic country. As a result, EUFOR Althea in BiH was launched on 2 December 2004. UNSCR 1575¹¹⁵ mandated EUFOR to exclusively inherit the role of SFOR. Thus, the EU deployed a robust force of 7,000 troops, under Chapter VII of the UN Charter, to ensure continued implementation of and compliance with Annex 1-A and Annex 2 of the Dayton Agreement and to contribute to a safe and secure environment. A large number of the SFOR troops stayed in BiH and were transferred to the command of EUFOR Althea. From the operational planning point of view, the transition from SFOR to EUFOR Althea was smooth and relatively simple. This was mainly because of the use of the ‘Berlin Plus’ arrangements¹¹⁶ and the existing SFOR operation plans, which formed the basis for EUFOR Althea’s strategic/operational planning.¹¹⁷ Furthermore, based on the Panel of experts, the Berlin Plus arrangement was highlighted as an important enabler for the **intra-organizational cooperation and coordination between the NATO and EU throughout the lifespan of the EUFOR Althea.**¹¹⁸

Notable for EUFOR Althea’s deployment was that it was not deployed to a crisis or an immediate post-crisis situation, but has been an operation ensuring an already established, relatively stable post-crisis security environment. By the end of the 1990s BiH was by and large pacified, with only minor incidents occurring around 1998– 1999. At the end of 2004 the situation between the two political and governmental entities – FBiH and RS – was still difficult and challenging, but the biggest tensions between the ethnic communities were already substantially decreased.¹¹⁹

¹¹³ “About CSDP – Overview”, from the EEAS, accessed 7 July 2016, http://eeas.europa.eu/csdp/about-csdp/index_en.htm.

The agreement involves a comprehensive package of arrangements finalised in early 2003 between the EU and NATO that allows the EU to make use of NATO assets and capabilities for EU-led crisis management operations.

¹¹⁴ EUFOR Althea Briefing for EU MILREP February 2005.

¹¹⁵ “Security Council Resolutions”, UNSC, accessed 7 July 2016, <http://www.un.org/en/sc/documents/resolutions/2004.shtml>

¹¹⁶ The planning and execution of EUFOR Althea hence profited greatly, as they still do, from the access to NATO planning assets, structures, and capabilities under Berlin Plus, along with the infrastructure on the ground, provided by SFOR. The NATO common assets and capabilities as defined in the Specific Agreement for EUFOR Althea comprise mainly Command and Control (C2) items such as Operation Headquarters (OHQ), at Supreme Headquarters Allied Powers Europe (SHAPE), and the European Union Command Element (EUCE) at Joint Forces Command (JFC) Naples; Communication and Information Systems (CIS); and access to NATO’s classified networks, intelligence systems / intelligence database, and infrastructure.

¹¹⁷ Interviews no. 14, no. 16, no. 4, no. 18 and no. 19.

¹¹⁸ “IECEU Roundtable discussion of experts,” May 24, 2016, Jable Castle, Slovenia.

¹¹⁹ Jannik Knauer, “EUFOR Althea: Appraisal and Future Perspectives of the EU’s Former Flagship Operation in Bosnia and Herzegovina,” *EU Diplomacy Paper 7* (2011), 5.



Consequently, deploying troops under the EU flag was politically acceptable policy option among the Member States since it was considered as rather **risk free operation**.¹²⁰

Partly due to the Berlin Plus arrangement, as well as the novelty of the CSDP military engagement, during its first years EUFOR Althea did not have much structural support in the form of institutions dedicated to developing and managing crisis management capabilities. Since the European Defence Agency (EDA) had only been established in July 2004, a couple of months before the EUFOR Althea was launched, it did not play a role in capability development or identifying pooling and sharing capabilities during the first years of the operation. In the initial phase pooling did not take place as such. Some – mostly purchased from NATO – infrastructure and nationally procured materiel was shared. Nevertheless, over the time **the cooperation between NATO and EUFOR has become a great example of effective pooling and sharing**. Althea considerably benefits from the access to the NATO planning assets, structures and capabilities under the “Berlin Plus” arrangements. Besides the use of the NATO planning experience and capabilities, the possibility to use the NATO Communication and Information System, the NATO secured networks and intelligence systems, as well as the NATO intelligence database, has provided an efficient and cost-effective mechanism for EUFOR Althea since the beginning of the operation.¹²¹

Development of the EUFOR Althea’s mandate

The development of the political and security situation in BiH after 2004 affected also the mandate and the tasks of EUFOR Althea. The initial mandate¹²² and tasks largely persisted throughout the period of 2004–2007. However, particularly at the beginning, the fight against organised crime developed increasingly towards Althea’s ‘fundamental task.’ This development was stopped by the Council’s Common Operational Guidelines for EUPM-EUFOR support to the fight against organised crime. In the guidelines EUFOR’s tasks were clearly confined to supportive functions in

¹²⁰ Interview no. 19.

¹²¹ “IECEU Roundtable discussion of experts,” May 24, 2016, Jable Castle, Slovenia.

¹²² Council of the European Union, Council Decision (2004/803/CFSP) of 25 November 2004 on the launching of the European Union military operation in Bosnia and Herzegovina, accessed on 4 July 2016, [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32004D0803\(01\)](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32004D0803(01)). According to the mandate, EUFOR Althea was to provide deterrence, continued compliance with the responsibility to fulfil the role specified in Annexes 1 A and 2 of the Dayton/Paris Agreement (General Framework Agreement for Peace in BiH) and contribute to a safe and secure environment (SASE) in BiH, in line with its mandate, required to achieve core tasks in the OHR’s Mission Implementation Plan and the Stabilisation and Association Process (SAP).



the fight against organised crime.¹²³ The EU Council decision in January 2010 established ‘non-executive capacity building and training support’ for the BiH authorities. Yet, this new, non-executive security sector reform dimension of EUFOR was added to the persisting executive key-military tasks and constituted the most important shift in the operation’s tasks since its deployment. Following another reconfiguration in 2012, EUFOR Althea’s troop level is currently approximately 600¹²⁴ and is now mainly focusing on capacity building and training (CBT) of the AFBiH. It has been argued that the restructuring was driven primarily by lack of political will and by withdrawals of participating nations.¹²⁵

EUFOR Althea’s current mandate is two-fold - executive and non-executive. Its mission is then based on the EU Foreign Affairs Council (FAC) Joint Action which includes an executive part derived from the UNSC (Supporting the BiH authorities in maintaining a safe and secure environment) and a non-executive part (Capacity Building and Training, for the AFBiH). This supports BiH’s efforts to develop into a “security provider” rather than being a “security consumer.”¹²⁶ The international and local actors too have noted **EUFOR Althea’s decreased presence**. Some interviewees assessed the operation as unable to intervene successfully in the event of a large-scale SASE threat. On the other hand, the local actors perceive the presence of EUFOR Althea as sending a strong political message. Furthermore, its presence conveys a symbolic message as it shows the willingness and ability of the EU and partner nations to work together effectively. Some interviewees also argued that EUFOR Althea’s presence reminds the local population of the political objectives of their country and provides certain assurance in that respect.¹²⁷

EUFOR Althea suffers from capability gaps

Although, the local population still perceives **Althea as an important security provider**, as mentioned above in reality its insufficient capabilities would make it difficult to act if serious violence erupted. Currently, EUFOR Althea’s situational awareness suffers from the reduced

¹²³ Council of the European Union, “Common Operational Guidelines for EUPM-EUFOR support to the fight against organised crime,” ST 10769/06, Brussels 21 June 2006. See also Jannik Knauer, “EUFOR Althea: Appraisal and Future Perspectives of the EU’s Former Flagship Operation in Bosnia and Herzegovina,” *EU Diplomacy Paper 7* (2011), 10.

¹²⁴ The only EUFOR military manoeuvres unit now operating in BiH is the Multinational Battalion (MNBN). It is tasked with being prepared to conduct operations autonomously or in support of the BiH authorities in order to maintain a SASE. In addition to this, from the outset, EUFOR has been able to request support by the so-called over-the-horizon forces (D 2.3/91).

¹²⁵ Interviews no. 8, no. 9, no. 20, and no. 21.

¹²⁶ “EU military operation in Bosnia and Herzegovina (Operation EUFOR ALTHEA),” European Union External Action Service, accessed March 12, 2016, http://eeas.europa.eu/archives/csdp/missions-and-operations/althea-bih/pdf/factsheet_eufor_althea_en.pdf.

¹²⁷ Interview no. 22.



number of troops and the low number (17) of Liaison and Observation Teams (LOTs) in the field. This is assessed to compromise EUFOR Althea's ability to react and respond in a timely manner to deterioration in the SASE. Also the planned reserve concept ("over the horizon" forces) suffers because the nations are not able or willing to nominate troops and resources to these tasks. Currently, **EUFOR Althea is two battalions short**. This is assessed as posing a serious or even critical challenge if the security situation in BiH should deteriorate. Especially in a scenario wherein serious security problems break out in many locations simultaneously, EUFOR Althea would not be able to react immediately.¹²⁸ Furthermore, **there are shortfalls in EUFOR Althea's Human Intelligence (HUMINT) assets**, which hinders efficient and effective intelligence gathering. Filling such a capability is difficult because the contributing nations are not willing or able to deploy HUMINT teams. Many nations also have restrictions and limitations on that. Therefore, EUFOR Althea does not have realistic HUMINT capabilities in the field.¹²⁹ All in all, the lack of political will and commitment to truly contribute to the operation are evident and the politicians seem to simply accept levels of risk with the current configuration and contributions.

From a military point of view, the Command and Control (C2) structure of EUFOR Althea is quite complicated on account of there being several 'layers' of political and military actors. Some interviewees argued that the political- strategic level sometimes provides no co-ordination or planning guidance directed to the operational level. Several interviewees also stated that the EU as a whole, should have a common understanding on the preferred strategic development of the country. A joint plan or a road map should be prepared for 'where to go and how'. The operation clearly suffers from lack of a clear end state for the exit strategy. The interviewees also brought up the 'political realities' that limit the strategic/operational planning.¹³⁰ Also the international interviewees indirectly stated that EUFOR Althea's current focus, on CBT, is derived from the member states' inability to decide 'where to go' and, at the same time, unwillingness to contribute troops and resources to the operation.

From the interviews it also seems that **EUFOR Althea is quite low on the agenda of some member states**. One indicator of this is that the nations do not necessarily send their best staff to EUFOR Althea and the operation is seen as a training opportunity for individuals.¹³¹ According to the interviews, that a great number of those deployed are not qualified for the work they are sent to

¹²⁸ Interview no. 23.

¹²⁹ "IECEU Roundtable discussion of experts," May 24, 2016, Jable Castle, Slovenia.

¹³⁰ Interviews no. 21, no. 28, no. 40, no. 39 and no. 36.

¹³¹ "IECEU Roundtable discussion of experts," May 24, 2016, Jable Castle, Slovenia.



do – either through rank or by experience.¹³² Also the staff officers' short duration of tours, usually six months or even less is a significant challenge in terms of institutional memory, continuity and general effectiveness of the operation. Indeed, **lack of personnel with required expertise combined with frequent rotations** is seen to be the major challenges reducing the effectiveness of the Althea significantly. Out of a six-month rotation in most cases at its best only two months are actually effective if the staff possess the required expertise and skills to do the job. Too often generalists are deployed when specialists were needed, and **the pre-deployment training is generally insufficient to prepare the individuals for the tasks.**¹³³

The lack of sufficient capabilities and clear exit strategy is explained by the fact that **CSDP is foremost a political tool**, which is also reflected to the strategic planning of the EUFOR Althea. Although, initially being deployed to protect the civilians and support the stabilization of the country after the Yugoslavian war, Althea operation is foremost still in place for the political reasons. It still has an executive mandate although there has not been major violence for many years, because it is still **the will of the international community** through the Security Council. Hence, EUFOR Althea is not only reflecting the will of the European Union to commit its efforts to Bosnia but the will of a wider international community. Paradoxically, the individual EU member states' seem to have lost interest in Bosnia which is directly reflected to the reluctance to contribute means to the Althea operation. Nevertheless, with the aspirations to integrate Bosnia into European community, as well as to NATO, it is not likely that Althea will come to its end in the near future. Foremost, it symbolizes the European commitment towards the stabilization of the region, and good Neighbourhood policy.

2.2.5 LOCAL'S PERCEPTION OF THE EU ENGAGEMENT IN BIH

As described above, **the EU has practiced its clear enlargement strategy in BiH, with large support to state-building.** What it comes to the local perception of the EU's engagement in BiH, a clear majority of the local interviewees considered the EU presence in BiH to be necessary.¹³⁴ Discussions with the interviewees suggest that understanding of the role and importance of the EU in terms of EU membership is very clear among the local population. However, in terms of visibility and 'actorness', the EU is seen as on a lower footing than the bilateral actors in BiH, some of which have been advancing their own agenda, 'winning hearts and minds', for years (e.g., Turkey)

¹³² Interviews no. 24, no. 25, no. 14, no. 15, and no. 21.

¹³³ "IECEU Roundtable discussion of experts," May 24, 2016, Jable Castle, Slovenia.

¹³⁴ Interviews no. 26, no. 27, no.28 and no. 29.



while others have been increasing their influence in the country lately (e.g., Saudi Arabia, the United Arab Emirates, and Qatar) through significant material-aid projects.¹³⁵ In addition, the views of interviewees, both local and international, on the success or failure of the EU as a whole tended to be intertwined with **the structure and nature of national political institutions and representatives in BiH**. Some interviewees accused the EU of conditionality in its policies towards BiH. Others criticised the lack of sanctions mechanisms that could contribute to accountability in cases wherein local authorities fail to deliver and saw the EU as exerting too little pressure on BiH authorities and institutions, thereby enabling and maintaining corruption among local political élites.¹³⁶

Several local and international interviewees stated that EUFOR Althea's light footprint is reflected also in the operation's visibility and in local perceptions of it: **NATO is considered to be a more credible actor than the EU/EUFOR by the local population**, mostly on account of concrete hard-power capabilities and military action taken, in contrast to EU soft power. According to several interviewees the activities of many of the bi-lateral actors are more known to an average man than those of EU. Bilateral material support brings more visibility to the locals. It was mentioned during the discussions that without concrete results it is difficult to demonstrate the average population what the EU has done or can do in BiH.¹³⁷ Furthermore, some international interviewees stated that, in their view, **there has been a conscious effort to reduce the profile of EUFOR** and that certain nations use the operation only as a training camp for their troops, which has led to loss of EUFOR's symbolic and real power.¹³⁸ In addition, the CSDP operation and the EU as a whole were compared to NATO and criticised for lacking strategic communication; NATO is more active in the media and skilfully conveys strategic messages. Both the EU and EUFOR lack of appropriate communication capability. Unless, the EU has a coherent information strategy, **the intentions and activities of the EU and EUFOR remain unclear to the population**.

Some interviewees criticised the Sarajevo- and base-centric character of EUFOR Althea and stated that the operation lacks visibility even with its 17 LOT field houses. According to them, the EU's significance in terms of accession may be clear among the local population, but **they don't have a proper picture of the tasks and objectives of EUFOR Althea in BiH today**.

¹³⁵ See, for example, 'Dubai developer to build \$4.5bn "tourist city" in Bosnia', in *The Guardian*, accessed on 17 May 2016, at <http://www.theguardian.com/world/2015/oct/16/dubai-developer-to-build-45bn-tourist-city-in-bosnia>, and interviews no. 14, no. 26, no. 28, no. 12, and no. 30.

¹³⁶ Ibid.

¹³⁷ "IECEU Roundtable discussion of experts," May 24, 2016, Jable Castle, Slovenia.

¹³⁸ Interviews no. 26, no. 12, no. 30, no. 7, no. 29, and no. 31.



Furthermore, some international interviewees stated that, in their view, there has been a conscious effort to reduce the profile of EUFOR and that certain nations use the operation only as a training camp for their troops, which has led to loss of EUFOR's symbolic and real power. In addition, the EU as a whole were compared to NATO and criticised for lacking strategic communication; NATO is more active in the media and skilfully conveys strategic messages. The interviewees stated that the CSDP operation too could convey 'strategic EU messages', if there were any.¹³⁹ Both the EU and EUFOR lack of appropriate communication capability. Unless, the EU has a coherent information strategy, the intentions and activities of the EU and EUFOR remain unclear to the population.

2.2.6 EUFOR ALTHEA'S INVOLVEMENT IN SECURITY SECTOR REFORM AND DEFENCE REFORM

The defining feature of security sector reform (SSR) in post-war BiH is the close involvement of the international community. Specifically, the power invested in the Office of the High Representative (OHR) by the so-called Bonn authorities helped create the ripe conditions for SSR after 1997. The High Representative exercised this power on multiple occasions, with the goal of promoting ethnic cooperation, tolerance and security sector reform. OHR, in cooperation with Organization for Security and Co-operation in Europe (OSCE), played a very important role in security sector reform in BiH, particularly in the course of the first years after the war when it contributed to communication between representatives of all three warring parties through measures for confidence-building and agreements established in accordance with Annex 1-B of the Dayton Peace Agreement. In the later stage, the OSCE policy in developing and fulfilling commitments given in the Code of Conduct on Politico-Military Aspect of Security, proved to be a quality resource in the hands of the international community during security sector reform. Apart from that, OSCE enabled some of the preliminary steps towards reforms in that domain, so that NATO and EU could pursue their policies of conditioning the security sector reform.¹⁴⁰

Since 2003, the EU played a key role in the security sector reform in BiH. Together with its international partners, namely OSCE and NATO, the EU has supported state-building and development through its comprehensive involvement in the country. Alongside EUPM and EUFOR Althea, several European Commission projects, focusing on tackling the organized crime,

¹³⁹ Interviews no. 30, no. 32, no. 31, and no. 6.

¹⁴⁰ Bosnia and Herzegovina SSR Background Note', ISSAT website, last modified 2 February 2015, at <http://issat.dcaf.ch/Learn/Resource-Library/Country-Profiles/Bosnia-and-Herzegovina-SSR-Background-Note>.



corruption, and other security concerns, have been implemented.¹⁴¹ In 2011, a special position was created for **the EU Special Representative**, de-coupling the role of fostering Bosnian EU accession from the OHR. This was part of a scaling down of international efforts in BiH, and a shift of focus from internationally-promoted reform to encouraging local politicians to enact autonomous decisions and motivating citizens to expect a certain responsibility from elected leaders for their actions. Nevertheless, challenges remain, however, as the domestic political environment has not been conducive to state-building reforms.¹⁴²

According to 'European Commission Bosnia and Herzegovina 2015 report', corruption, organized crime, functioning of the judiciary, as well as, challenges regarding human rights and the protection of minorities, has remained some of the main challenges for the socio-economic progress of the country. Despite the efforts to support the country's on-going public administration reform and efforts by OSCE to support the good governance and Rule of Law, as well as the EU's past Police Mission (EUPM) to implement national police reform, the progress in Bosnian Security Sector Reform has been rather modest.¹⁴³ Since Dayton, strengthening central level institutions has been a slow process marred by political compromises. Therefore, the EU's experience in Bosnia shows that **the local elites' will to cooperate is a central element to the international security sector reform and state-building efforts**. At the same time, the local ownership and nationally owned reform strategy become equally important.

EUFOR Althea and role in Security Sector Reform

Since 2010, the EUFOR Althea's has been involved in Security Sector Reform (SSR) with a non-executive mandate to support **capacity-building of the BiH's Armed Forces (AfBiH)**. Although the EUFOR's role in relation to SSR is nowadays merely limited to Defence Sector Reform, it also supported the reform process in a form Police Reform, when the operation was mandated to provide support to EUPM in the **fight against organised crime**.

In late 2004, the EU operation Althea (EUFOR) replaced SFOR in Bosnia. Because the EU Police Mission (EUPM) was unable to effectively fill the law enforcement void, EUFOR became heavily involved in the fight against organised crime. When EUFOR Althea was deployed in 2004, it was mandated to assist the local police service, through monitoring and advising, in preparing and implementing a police reform, strengthening the accountability of the police forces and fighting

¹⁴¹ Interview no. 10.

¹⁴² Interview no. 30.

¹⁴³ For example interview no. 1.



organised crime. **Military involvement in counter-crime operations was seen as necessary by EUFOR due to the weakness of domestic institutions**, despite EUPM accusing EUFOR of overstepping their boundaries. Albeit successfully avoiding the exacerbation of crime, especially human trafficking, EUFOR's involvement in crime fighting ran counter to internationally accepted SSR norms and underlined the continued weakness of Bosnian law enforcement. Furthermore, due to the scope of the problems and modest civilian resources EUFOR Althea was ordered to perform tasks that belonged to or were more suitable to other authorities. Consequently, by late 2005 EUFOR scaled down its contribution to the fight against crime, allowing EUPM to become the primary international law enforcement agency in Bosnia. Additionally, in 2006 Council adopted 'Common Operational Guidelines for EUPM-EUFOR support to the fight against organised crime,' which confined Althea's tasks to supportive functions.¹⁴⁴ Consequently, in 2007 Althea's mandate was amended, and only the key-military tasks, in particular the task of contributing to the SASE and supporting the OHR, as well as key-supporting tasks remained.

A remarkable milestone in terms of Althea's involvement in SSR was the EU Council decision on 25 January 2010 to start providing **non-executive capacity building and training support for the AFBiH**. The Council underlined in this context that SSR was an important part of the overall reform process in BiH, where EU military engagement through non-executive capacity building and training tasks would contribute to strengthening local ownership and capacity. Since then EUFOR developed a specialised training and capacity building unit to improve the Bosnian forces' skills in medical evacuation, information systems, leadership and weapons training.

Currently, NATO still owns the strategic dimension of the reform process, working closely together with BiH's Ministry of Defence.¹⁴⁵ However, EUFOR has an important role in the implementation of the reform on technical and tactical aspects, and the organisations try to complement one another as much as possible. At the moment, **NATO and EUFOR seek to coordinate their efforts to foster the defence reform**. NATO's objective is to support developing the capacity of the defence sector towards NATO standards, thereby preparing BiH for possible future NATO membership. The EU, on the other hand, aims to strengthen the country's security sector to ensure its consistent stability as part of the EU integration process. As the EU and NATO requirements are in line with

¹⁴⁴ Council of the European Union, "Common Operational Guidelines for EUPM-EUFOR support to the fight against organised crime," ST 10769/06, Brussels 21 June 2006. See also Jannik Knauer, "EUFOR Althea: Appraisal and Future Perspectives of the EU's Former Flagship Operation in Bosnia and Herzegovina," *EU Diplomacy Paper 7* (2011), 10.

¹⁴⁵ "What is Nato HQ Sarajevo?", Nato HQ Sarajevo, accessed 9 July 2016, <https://www.jfcnaples.nato.int/hqsarajevo/about-sarajevo/what-is-nato-hq-sarajevo>



one another, the joint reform efforts can help both organisations achieve their long-term goals over the country.¹⁴⁶

Currently, a major barrier to consistent reform process has been connected to **the lack of a nationally owned strategy over the security sector**. In terms of Defence Reform, it was discussed during the expert panel that the political framework in BiH makes the reform process challenging; a collective presidency directs the BiH Ministry of Defence and the Armed Forces, but the country's three ethnicities have differing views and vision of the development of the defence sector. As a consequence, until today, the government has been unable to provide a defence strategy, which has also hampered the effectiveness of the EUFOR's capacity building activities.¹⁴⁷

The challenges at the tactical level, however, are related to inadequate equipment and lack of coordination between the partner countries willing to donate equipment to the BiH's Armed Forces. **The lack of common equipment** considerably reduces Althea's ability to cross-train and equip the AFBiH. All the contributing nations come with their own equipment and trainings. As a result **there is lack of consistency in the training of AFBiH depending greatly on the capabilities provided by the various contributing nations**, thereby making the training efforts often useless. Furthermore, **the uncoordinated donating of equipment** performed by several nations has undermined the efficiency of the CSDP operation since it has bound human and financial resources of EUFOR Althea and NATO in training the AFBiH on every acquired element. **The lack of coherent strategy has enabled third parties such as Romania and Turkey to provide capabilities to forces that are not applicable for the AFBiH.**¹⁴⁸ Thus, creating a roadmap, for the capability development is perceived as paramount for sustainable and effective defence reform. However, **currently, developing long-term policy is rather challenging as the circumstances change rapidly**. It was stated by one of the experts that for the Defence Reform it is essential to lay down long-term objectives which can then be developed in a coordinated manner.¹⁴⁹ To be successful, the BiH's authorities must be closely involved in the development process, and committed to their implementation. Currently, the local government seems to have very limited knowledge about the current strength of their forces. This is also reflected in the very limited defence budget, €250,000,000.¹⁵⁰

¹⁴⁶ Interview no. 33.

¹⁴⁷ "IECEU Roundtable discussion of experts," May 24, 2016, Jable Castle, Slovenia.

¹⁴⁸ Interviews no. 12, and no. 18.

¹⁴⁹ "IECEU Roundtable discussion of experts," May 24, 2016, Jable Castle, Slovenia.

¹⁵⁰ Interview no. 39.



To establish some sort of common baseline for the capacity building and equipping process, the EUFOR and NATO are jointly conducting an assessment with the aim of identifying the armed forces' current capabilities. They see this joint effort as potentially enabling them to focus their efforts on building appropriate defence capabilities and helping them co-ordinate and regulate third-country support. In addition, it should help to ensure that EUFOR Althea concentrates its capacity-building efforts on the right elements, thereby enhancing the efficiency of its activities.¹⁵¹

3 CURRENT STATE OF THE CSDP-ASSISTED SECURITY INSTITUTIONS IN THE BALKANS

This chapter presents an overview of the institutions that were primary targets of the two CSDP missions/operations in the Balkans, namely: 1. Kosovo Police, 2. Kosovo Customs, 3. Armed Forces of BiH. The first two received support from EULEX, while the last one benefited from EUFOR Althea. This overview is meant to put the research findings into a wider perspective, by showing how the three institutions evolved throughout the period when EULEX and EUFOR Althea concentrated their efforts on improving the overall performance of the researched security institutions in Kosovo and BiH. As the question of legitimacy – whether the institution enjoys support of the local population - is one of the key questions faced by CSDP, this part will also be analysed. The gender-balance and the representation of major ethnic groups in the security institutions are two further variables revealing the level equal opportunities in post-conflict countries; hence, this aspect will also be analysed. Last, but not least, this chapter will generally try to answer whether the assistance from EULEX/EUFOR Althea to the local security institutions is still needed.

3.1 KOSOVO POLICE

Kosovo Police was established in September 1999, as law enforcement institution.¹⁵² The main challenge back in 1999 was the fact that it had to be built from the scratch, as the majority of

¹⁵¹ Ibid.

¹⁵² Its mission is to provide law enforcement in Kosovo in a professional, effective and efficient manner, while its current strategic objectives are to protect life and property, to maintain public order and tranquility, to prevent and detect crime, to protect the rights and freedoms and to treat equally to all citizens regardless of race, color, religion, gender and age. Under the current organizational structure, the Kosovo Police is organized on two levels, central and local. General Police Directorate is centrally responsible for all of the Republic of Kosovo, while the local level includes Regional Police



policemen operating in Kosovo until 1999 were the Serbs, who often had an antagonizing view towards the Kosovo Albanians. With the withdrawal of the Serbian-dominated institutions in June 1999, following the NATO military operation towards Federal Republic of Yugoslavia, also the manpower of institutions left. However, it has to be noted that quite a few of Kosovo Albanians had knowledge and experience in policing, as they were working in the institutions of the former state; however, the majority of them boycotted working 'for Belgrade' when the repression towards Kosovo Albanians escalated.

One of the main challenges Kosovo Police faced in this regard was general vacuum. Before 1999 the Serb officers, taking directions from Belgrade, vastly outnumbered the Albanian officers, while after 1999, due to the fear of retaliation and also to the refusal of working with Kosovo authorities, many of them fled.¹⁵³ Kosovo was thus left without trained police and without police infrastructure. To fill the void, the UN assumed executive authority over the territory, and together with other international organizations worked in order to establish and maintain law and order, while organizing and training the Kosovo Police Service to assume gradual control. By 2008, the Kosovo police had become a professional force, securing law and order and developing one of the best reputations in the region.¹⁵⁴

During the establishment of Kosovo Police, UNMIK and other international organizations faced various troubles, apart from the overlapping activities. Firstly, they had to enlist a sufficient number of UN police officers to establish and maintain law and order, as thousands of refugee Kosovo Albanians were returning back to Kosovo. The recruitment, selection and training of Kosovo Police Service posed additional challenges, as UNMIK tried to include ethnic minorities in the recruitment process, but the applications they were receiving proved to be fairly limited. Kosovo also lacked qualified police trainers, training facilities, materials and adequate equipment.¹⁵⁵ Another major challenge was the building of public trust in police as an institution, since the memories of police abuses under the Yugoslav system and the post conflict ethnic violence were still alive, and Kosovars did not see police as an adequate institution for solving their problems. This resulted in many unreported crimes, especially in the dwellings in Kosovo predominantly populated by Serbs.

Directorates, responsible for regions comprising specified municipalities, police stations that are responsible for local policing within each municipality, and police substations - responsible for local policing within specific areas of a municipality. See: NATO, "Women in Kosovo security institutions," accessed July 1, 2016, http://www.nato.int/nato_static_fl2014/assets/pdf/pdf_2014_12/20150126_1412-women-kosovo-security-institutions.pdf

¹⁵³ Green, Morgan, Jonathan Friedman and Richard Bennet, "Building the Police Service in a security vacuum: International Efforts in Kosovo, 1999-2012," *Princeton University*, accessed July 22, 2016, http://successfulsocieties.princeton.edu/sites/successfulsocieties/files/Policy_Note_ID121.pdf

¹⁵⁴ Ibid.

¹⁵⁵ Ibid.



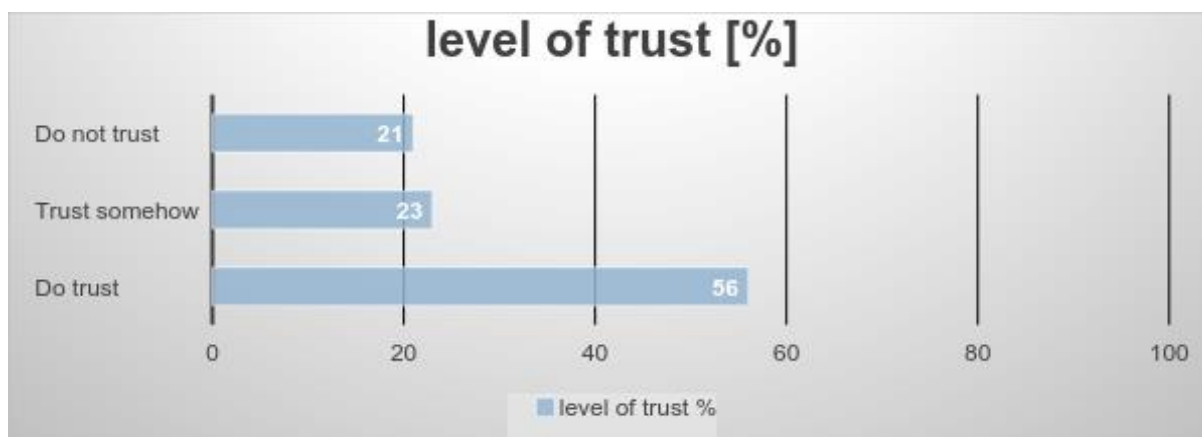
Additionally, Belgrade tried to maintain its influence in the country by paying shadow (parallel) wages to ethnic Serbs in order to retain their loyalty, while also trying to actively subvert Albanian control in Northern Mitrovica.¹⁵⁶

Citizens' perception

According to KCSS, 2015 was one of the most challenging periods for Kosovo Police for many reasons, but mostly due to the frequent violent protests it had to deal with, and the fragile security situation during the political impasse.¹⁵⁷ It has to be noted that these protests were not of an interethnic character but rather a social and political upheaval against the ruling elite. Even with its frequent appearance in the streets and sometimes excessive use of force, the trust into this institution managed to increase, when compared to previous years. 56% of respondents have answered they trust Kosovo Police, while 23% expressed some trust and only 21% have said they do not trust Kosovo Police.¹⁵⁸

When comparing the almost 80% of people in Kosovo showing trust in Kosovo Police, to the situation after the independence, we can conclude that international community and Kosovo Police have done a very good job in developing this institution.

Figure 2: Citizens level of trust towards Kosovo Police¹⁵⁹



¹⁵⁶ Ibid.

¹⁵⁷ Kosovo Center for Security Studies (KCSS), "Kosovo Security Barometer – Citizens' perceptions on Police Integrity in Kosovo, 2016," accessed July 1, 2016, http://www.qkss.org/repository/docs/Citizens_perception_192049.pdf.

¹⁵⁸ Ibid.

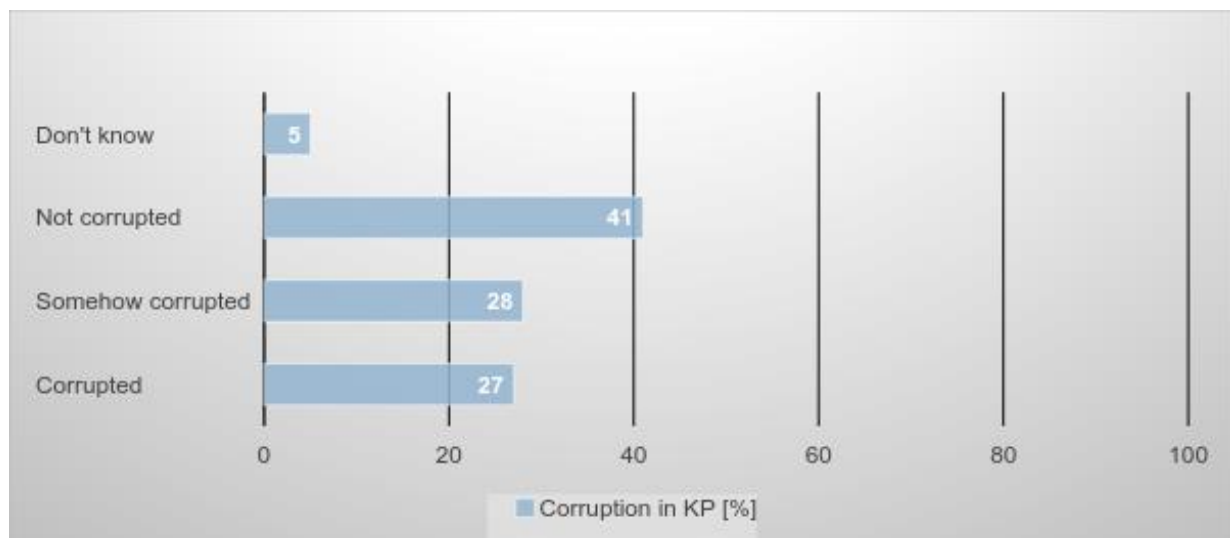
¹⁵⁹ Figure is authors' work, while the data was acquired from "KCSS – citizens' perceptions on police integrity in Kosovo, 2016".



KCSS lists several reasons for such a high trust in Kosovo Police. Firstly, the police had a solid role in maintaining public order during the protests, which was achieved by employing minimal excessive use of force. Secondly, the high level of trust among the Kosovo population can also be attributed to the general perception that Kosovo Police is functional and the first to address all the societal and safety related issues. On the other hand, KCSS argues, citizens do not consider Kosovo Police to be successful in fight against organized crime and corruption.¹⁶⁰

Trust in Kosovo Police differs on the basis of ethnicity. While all other minorities (Bosnian, Gorani, Roma/Ashkali/Egyptian, Turkish) share a similar percentage of trust into Kosovo Police, Serb minority has a drastically lower percentage of trust. Only 29% of Serb population has expressed trust in Kosovo Police, while 32% do not trust that institution and 39% trust it somehow.¹⁶¹ That distribution of perceived trust into institution is visible also when analysing trust on the basis of region. The highest percentage is achieved in (South) Mitrovica, where 74% of population trust Kosovo Police, and lowest in Northern Kosovo where only 22% of population have expressed trust in Kosovo Police.¹⁶² At this point one should be aware of the fact that also a substantial number of Kosovo Serbs – especially those operating in the northern Kosovo – work for Kosovo police and receive salaries from Kosovo state budget.

Figure 3: Citizens perception of corruption in Kosovo Police¹⁶³



¹⁶⁰ Kosovo Center for Security Studies (KCSS), "Kosovo Security Barometer – Citizens' perceptions on Police Integrity in Kosovo," accessed July 1, .2016, http://www.qkss.org/repository/docs/Citizens_perception_192049.pdf.

¹⁶¹ Ibid.

¹⁶² Ibid.

¹⁶³ Figure is authors' work, while the data was acquired from "KCSS – citizens' perceptions on police integrity in Kosovo, 2016".



Based on citizens' opinion, Kosovo Police is second least corrupt institution in the country, but with 27% of citizens stating Kosovo Police is corrupt and 28% perceiving it as somehow corrupt, the percentage remains high, especially considering the fact that Kosovo Police is perceived as one of the major successes of EULEX. The perception of corruption highly differs within different regions, where 43% of citizens in Gjakova, 34% in Prizren and 32% in Peja consider police to be corrupt, while only 12% of citizens in (South) Mitrovica consider Kosovo Police to be corrupt.¹⁶⁴

Kosovo Police is also the most frequently contacted institution, with 59,85% of the respondents having a direct contact with that institution.¹⁶⁵ Being the most contacted institution puts the success of Kosovo Police into a new perspective, since it is clear the citizens' perception was formed and is based on personal experience with the institution, rather than through media or through second hand information.

Gender equality

Under UNMIK the Assembly of Kosovo in 2004 accepted the Law on gender equality in Kosovo¹⁶⁶. In its Section 3, Article 3.2 states that: "*Equal gender participation of both females and males, according to Section 3.1, is achieved in cases where the participation of the particular gender in the institutions, bodies or at the level of authority is 40%*".

According to an interview done with a Kosovo Police employee, the gender balance in Kosovo Police is as follows:

Table 4: Employees in Kosovo Police based on gender¹⁶⁷

	2008	2012	2016
Male	85.11%	85.13%	86.13%
Female	14.89%	14.87%	13.87%

Similar percentage has been found out by the UN Women research, where they state that in 2015 Kosovo Police was employing 919 women out of 7331 employers, which puts the percentage of women at 12,53%. This represents a rather low percentage, especially compared to the national

¹⁶⁴ Kosovo Center for Security Studies (KCSS), "Kosovo Security Barometer – Citizens' perceptions on Police Integrity in Kosovo," accessed July 1, .2016, http://www.qkss.org/repository/docs/Citizens_perception_192049.pdf.

¹⁶⁵ Ibid.

¹⁶⁶ Law No.2004/2. "The Law on Gender equality in Kosovo", accepted by The Assembly of Kosovo on February 19, 2004. Accessed July 1, 2016, http://www.kuvendikosoves.org/common/docs/ligjet/2004_2_en.pdf (1. 7. 2016).

¹⁶⁷ Interview no. 22.



law putting the consensus at 40%. Further on, the research shows a decreasing trend of women in Kosovo Police, which proves the opportunities provided for policewomen are not satisfactory. Despite the fact that the difference between 2008 and 2016 is only 1%, the overall number of the policewomen that have left work is 33,26%, while the number for men is 14%. The UN Women research has clarified various reasons for the leave, ranging from night shifts, short maternity leave, low salaries, lack of life insurance, lack of advancement possibilities, long commutes, transport, to lack of a labour law, sexual harassment, societal mentality and other.¹⁶⁸

Low salaries have been presented as one of the most common issues for resignation from Kosovo Police, especially for the female employees. This was the reason for 38% of all resignations, since working mothers had to employ caretakers, which was not possible on the earned income. Further on, 20% of resignations have been attributed to the working conditions mentioned before. 10% of the resignations have been attributed to the change of status (for example marriage), while 9% of resignations to the lack of advancement opportunities. 4% of respondents have stated the environment and relations within the institution as the main factor, and 12% were miscellaneous factors.¹⁶⁹

Ethnicity

Kosovo Police has a clear legal framework when it comes to the inclusion of ethnic minorities. Article 128 of the Constitution of Kosovo states that: “the Police shall be professional and reflect the ethnic diversity of the population of the Republic of Kosovo”. Additionally, the Law on Police ratified on the 2nd of March 2012 (Law no. 04/L-076) envisages specific provisions that guarantee participation and equal representation of ethnic minorities in the structures of the Kosovo Police.¹⁷⁰ Article 35 of this Law states that “the ethnic composition of the Police Officers assigned within a municipality shall, to the extent possible; reflect the ethnic composition of the population within the municipality”. Moreover, there are additional guarantees, as a result of the Brussels Agreement reached between Kosovo and Serbia on the 19th of April 2013, tackling also the composition of Kosovo Police in the northern part of Kosovo. The agreement explicitly points out that members of the parallel structures in the northern part of Kosovo should be integrated in the Kosovo security

¹⁶⁸ UN Women, “Report on the position of Women in Kosovo police,” 2015, accessed July 1, 2016, <http://eca.unwomen.org/en/digital-library/publications/2015/10/kosovo-report-on-the-position-of-women-in-the-kosovo-police>.

¹⁶⁹ Ibid.

¹⁷⁰ KCSS, “Inclusion or exclusion? Minorities in the security sector in post-independent Kosovo,” 2014, accessed July 18, 2016, http://www.qkss.org/repository/docs/Inclusion_or_Exclusion_Minorities_In_The_Security_Sector_In_PostIndependent_Kosovo_223772.pdf.



structures, including the Kosovo Police, and the latter should be the only police force operating in Kosovo. Kosovo Police is constantly working on accomplishing the legally indicated ethnic composition. Despite some challenges of integrating ethnic minorities within the institution, the Kosovo Police is considered to be the “frontrunner” in this regard, compared to other security institutions in Kosovo. Since its establishment, the Kosovo Police has achieved a satisfactory level of ethnic minorities’ participation.

According to an interview conducted with a Kosovo Police employee, all major ethnicities of Kosovo are represented in the Kosovo Police in the following manner:

Table 5: Kosovo Police employees based on their ethnicity¹⁷¹

Nationality	2008	2012	2016	<i>Ethnic group as a % of population</i>
Albanians	85.70%	82.72%	83.76%	85-90%
Serbs	9.40%	8.40%	12.14%	6-10%
Bosnians	2.70%	2.19%	2.26%	3-4%
Turks	1.00%	0.84%	0.73%	1-2%
Others	1.20%	0.99%	1.11%	2-3%

Although “there are no reliable figures for anything in Kosovo”,¹⁷² the most difficult numbers to acquire are the ethnical division numbers. It is estimated that of approximately 2 million population, 85% to 90% are Albanians, between 6% and 10% are Serbs, 3-4% are Bosnian, 1-2% Turks, Roma, Ashkali and Egyptian together comprise 2-3% of the population, and Gorani represent between 0.5% to 1% of the population.¹⁷³ Taking into account the statistical data, we can see the number of Serbian representatives in Kosovo Police has decreased after the declaration of

¹⁷¹ Interview no. 22.

¹⁷² The economist, “The minorities within the minority,” November 2, 2006, accessed July 11, 2016, <http://www.economist.com/node/8116643>.

¹⁷³ CIA World Factbook – Kosovo, accessed July 1, 2016, <https://www.cia.gov/library/publications/the-world-factbook/geos/kv.html>; Encyclopedia Britannica – Kosovo, accessed July 1, 2016, <https://www.britannica.com/place/Kosovo>; Be in Kosovo.com, *Kosovo population*, accessed July 1, 2016, <http://beinkosovo.com/en/kosovo-population>.



independence, but the current numbers show the Serb minority is fairly represented in this institution. Scarcely represented are the members of “the others” group, where our interviewee included Roma/Ashkali/Egyptian minority and Gorani, which together comprise between 3% and 4% of the population, while their representation in Kosovo Police is around 1%.

3.2 KOSOVO CUSTOMS AND BORDER CONTROL

After the end of the war in Kosovo in 1999, and after the withdrawal of the institutions of the Federal Republic of Yugoslavia, one of the first institutions created in the security and political vacuum in Kosovo, was the Customs, which officially began operating on 3 September 1999. It was established as a Customs Service of UNMIK Pillar of the EU, with the purpose to ensure fair and consistent application of customs rules and other provisions. It was transformed into Kosovo Customs after the transition process on 12th of December 2008. A new Customs Code was adopted on 11th November 2008.¹⁷⁴

According to the interview conducted with a Kosovo Customs employee, one of the main obstacles faced by the new institution was restoring the control at the border crossings in the north of Kosovo, more precisely at Border Crossing Point (BCP) Brnjak/Bernjak¹⁷⁵ and BCP Jarinje.¹⁷⁶ The agreement on Integrated Border Management (IBM), between Kosovo and Serbia, was reached in December 2011, and the technical protocol was initiated in 2012. It was immediately signed by Kosovo, while the Serbian side stalled the signing for 7 months (European External Action Service 2014, 21).¹⁷⁷ The process was afterwards followed with an agreement on the Action Plan, which together with the Technical Protocol, laid down two phases of integrating the border management. The first phase included the establishment of temporary buildings, and the second phase the establishment of permanent buildings in line with the EU standards.¹⁷⁸ The parties have agreed to establish six BCPs, three of them located in the territory of Kosovo and three of them in Serbia. The implementation process, however, did not run smoothly, as it was followed by different incidents, resulting from counter reaction, including the burning and damaging of facilities at BCP

¹⁷⁴ United Nations, “United Nations Interim Administration Mission in Kosovo – background,” 2016, accessed July 11, 2016, <http://www.un.org/en/peacekeeping/missions/unmik/background.shtml>.

¹⁷⁵ Brnjak is a Serbian name of the BCP, while the Albanians use Bernjak. As this BCP is in a territory predominantly populated by the Kosovo Serbs, we will use the Serbian name.

¹⁷⁶ Interview no. 21.

¹⁷⁷ European External Action Service, “State of play in implementation of the Brussels Agreement – Report submitted to the European Union by the Government of the Republic of Kosovo,” 2014, accessed July 11, 2016, http://www.kryeministri-ks.net/repository/docs/Kosovo_Report_on_implementation_state_of_play_of_the_Brussels_Agreements_160114-signed.pdf.

¹⁷⁸ Ibid.



Brnjak and Jarinje, while shots were fired against local and KFOR personnel at both BCPs.¹⁷⁹ Six months later attacks also happened in Zvečan/Zveçan, where German troops were injured.¹⁸⁰ According to the interview, full presence and functionality at the BCP Brnjak and BCP Jarinje were reestablished in 2013 with the Operational Plan. The Plan was drafted by Kosovo Customs and it took into account all the agreements made during meetings in Brussels, as well as the Kosovo legislation and conclusions from technical negotiations for IBM. The clearance of all goods and collection of customs duties, excise duties and VAT commenced in BCPs Jarinje and Brnjak on 14th of December 2013, as a result of in Brussels negotiated conclusions.¹⁸¹

According to the European Commission's' Kosovo 2015 Report, Kosovo is moderately prepared in the area of customs, and while its customs legislation is largely compliant with EUs' customs code, Kosovo was advised to implement customs legislation in line with EU practices (European Commission 2015, 40).¹⁸² Kosovo Customs, according to the report, operate throughout Kosovo, although to a limited extent in the North. Despite all the improvements noted by the EU, inconsistencies between the customs, the excise code, and the criminal code are slowing the fight against customs crime, while informal economy and smuggling across the border lines continue to harm the economy.¹⁸³

Citizens' perception

In 2014 the Kosovo Centre for Security studies (KCSS) assessed the Kosovo citizens' perception towards their Security institutions.¹⁸⁴ Their research was based upon three indicators, namely, the level of trust of citizens towards each institution; the frequency of contact between the citizens and the institution, and the level of corruption perceived for each institution. Kosovo customs made it to top three regarding the most frequently contacted institution, with 52.2% of respondents answering they have already had a direct contact with the Customs employees. On the other side, in that year EULEX was perceived as the least contacted institution, with 87.4% respondents stating they have not had a direct contact with that institution. Kosovo Customs also made it into top three least

¹⁷⁹ Ibid.

¹⁸⁰ Ibid.

¹⁸¹ Interview no. 21.

¹⁸² European Commission, "Kosovo 2015 Report – Commission Staff working document," accessed July 11, 2016, http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_kosovo.pdf.

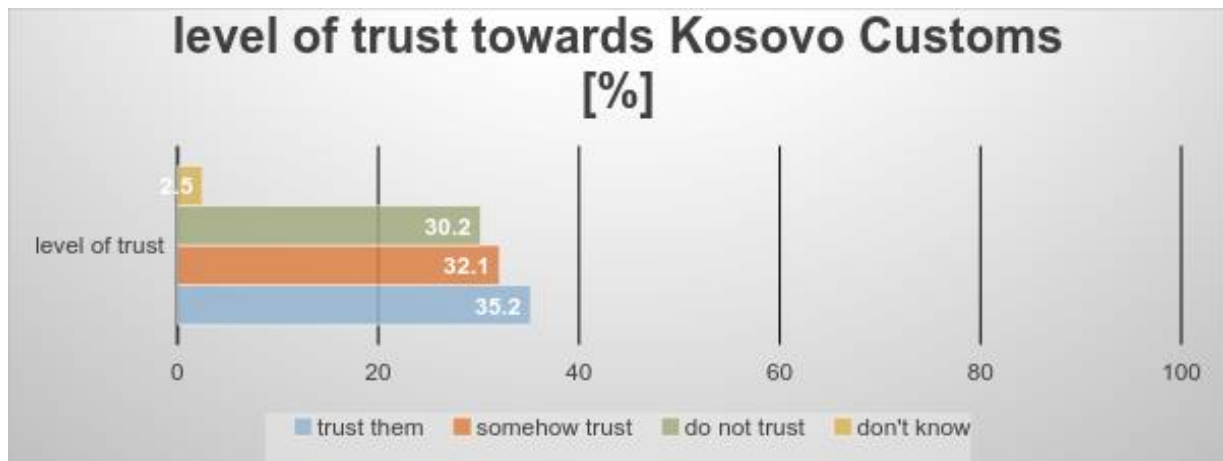
¹⁸³ Ibid.

¹⁸⁴ The research was done with face-to-face interviews, in 7 different regions. It included 1,101 households, while the ethnic representation was ensured: 87,93% were Kosovo Albanian, 9,08% Kosovo Serbian and 3% others (Bosnian, Turks, RAE).



trusted institutions, with 30.2% respondents answering that they do not trust them, 32.1% answering they somehow trust them, and 35.2% expressing their trust in the Kosovo Customs.¹⁸⁵

Figure 4: Citizens trust towards Kosovo Customs¹⁸⁶



According to UNDP Public pulse research, corruption remains one of three the biggest challenges for most of the Kosovo institutions. Kosovo customs are the fourth most corrupt institution according to the research, with 40% of the respondents believing Customs were a corrupt institution in 2015, while this year the percentage decreased to 32,3% (UNDP 2015, 9 and UNDP 2016, 12).¹⁸⁷ According to the same report the Kosovo citizens still perceive corruption as one of the main problems the country is facing, ranking it as the third biggest problem, while 4,5% of citizens have listed corruption as the biggest problem in Kosovo.¹⁸⁸ From the Figure 2 below, it is clear the perception of corruption has a tendency of changing very rapidly and in a very short period of time. The highest measured citizens' perception of corruption was in May 2013, when it reached 60%, while only a year later it was down to its lowest point of 22,5%.

On the other side, different results are presented in the Kosovo Customs Report from 2015, where it is stated they have registered 7,5% perception of corruption, which they claim to be a major success, compared to the results measured in previous years. In 2015 there were only 263 citizens

¹⁸⁵ Kosovo Center for Security Studies (KCSS), "Kosovo Security Barometer – Fourth edition, 2014," accessed July 1, 2016, http://www.qkss.org/repository/docs/Kosovo_Security_Barometer_-_Fourth_Edition_383440.pdf.

¹⁸⁶ Figure is author's work, while the data was acquired from "Kosovo Center for Security Studies, Kosovo Security Barometer – Fourth edition".

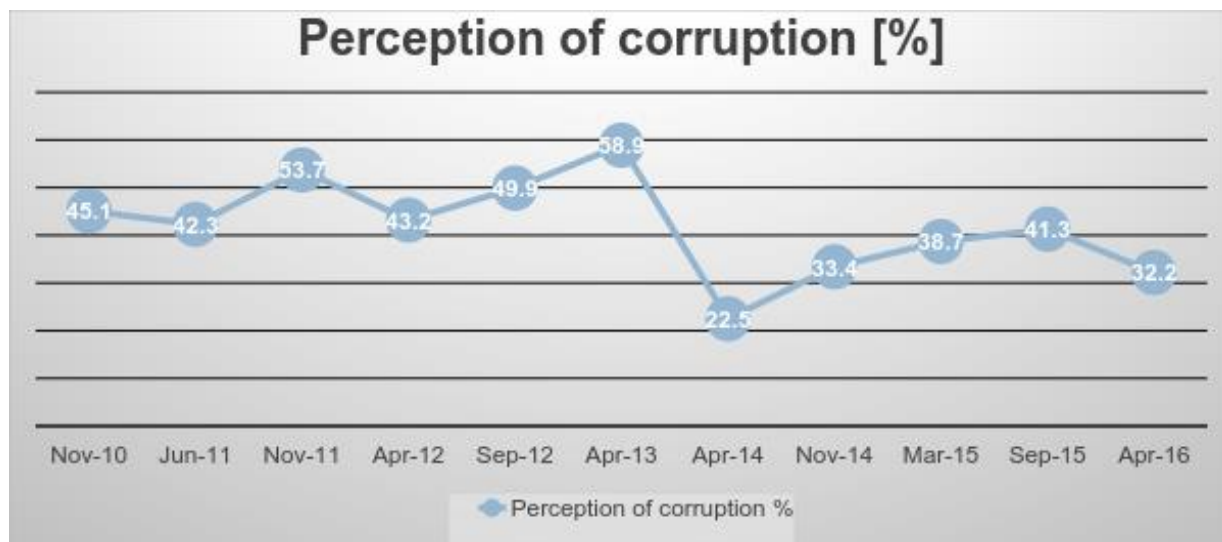
¹⁸⁷ UNDP, "Public Pulse 10," 2015, accessed July 1, 2016, http://www.ks.undp.org/content/kosovo/en/home/library/democratic_governance/public-pulse-10.html and UNDP, "Public Pulse 11," 2016, accessed July 21, 2016, http://www.ks.undp.org/content/kosovo/en/home/library/democratic_governance/public-pulse-11.html.

¹⁸⁸ Ibid.



calling to report smuggling or corruption.¹⁸⁹ They attribute the drop in the percentage of the perceived corruption to the reforms implemented within the Customs, as well as extra efforts invested in the fight against corruption.¹⁹⁰

Figure 5: Citizens perception of corruption in Kosovo Customs¹⁹¹



As we can see from the statistics presented above, the Kosovo Customs do not enjoy a good reputation within the Kosovo population, despite the fact this institution has been assessed in their own reports and by the EU as constantly developing, with legislation compliant with the EU laws. The main problem of the institution remains corruption, with citizens perceiving the Kosovo Customs as the fourth most corrupt institution in the country. 40% of the population perceived it as a corrupt institution in 2015 and 32,2% in 2016. Since the Kosovo Customs are one of the three most contacted institutions in Kosovo, with half of the citizens having had a direct contact with it, the public perception of corruption and their level of trust has been generated by personal experience and not influenced by media or other external factors. Since Kosovo GDP relies greatly on the revenues collected by the Kosovo Customs, and since economic situation remains number one on the list of Kosovo problems, Customs should continue to work on their transparency and internal fight against corruption.

¹⁸⁹ Kosovo Customs, "Annual Report 2015," accessed July 1, 2016, https://dogana.rks-gov.net/repository/docs/Raporti_Vjetor_2015_-_EN_73677.pdf.

¹⁹⁰ Ibid.

¹⁹¹ Figure is authors' work, while the data was acquired from "UNDP, Public Pulse 11, 2016".



Gender equality

As previous chapter has noted, Assembly of Kosovo has in 2004 accepted Law on gender equality in Kosovo, which sets the quota for gender equality at 40% of women in an institution.¹⁹² The total number of women working at Kosovo Customs in 2014 was 132 according to a NATO research, accounting for 33,45% of all employees.¹⁹³ 53 women or 9,09% could be found in leadership positions in that year.¹⁹⁴

A drastically smaller number of women in Kosovo Customs has been given to us by a Kosovo Customs official, by whom the current level of women employees is only 23%.¹⁹⁵

Table 6: Kosovo Customs employees based on gender¹⁹⁶

	2009	2012	2016
Male	76,07%	76,72%	77.00%
Female	23,93%	23,29%	23.00%

Since the data acquired are contradictory, we can base our research on the calculated average, which accounts for 28.2% of women in the Kosovo Customs. If we take this percentage into account, the Kosovo Customs are only approximately half-way to reaching the consensus set by the national law, namely 40% of women employed in an institution. Further efforts will obviously be needed. Problems like patriarchal society, night shifts, perception of public towards Customs in general, and other problems have been described as unappealing to women, and prevent them from joining the Customs ranks. This is also one of the reasons why the number of women employed within Kosovo Customs has been decreasing.

¹⁹² Law No.2004/2. "The Law on Gender equality in Kosovo," accepted by The Assembly of Kosovo on 19th of February 2004. Accessed July 2, 2016, http://www.kuvendikosoves.org/common/docs/ligjet/2004_2_en.pdf (1. 7. 2016).

¹⁹³ NATO, "Women in Kosovo security institutions," 2014, accessed July 1, 2016 http://www.nato.int/nato_static_fl2014/assets/pdf/pdf_2014_12/20150126_1412-women-kosovo-security-institutions.pdf.

¹⁹⁴ Ulf Färnsveden, Ariana Qosaj - Mustafa and Nicole Farnsworth, "Country gender profile – an analysis of gender differences at all levels in Kosovo," accessed July 1, 2016, http://www.swedenabroad.com/ImageVaultFiles/id_20757/cf_347/Orgut_Kosovo_Gender_Profile_FINAL_2014-05-08.PDF.

¹⁹⁵ Interview no. 21.

¹⁹⁶ Figure is authors' work, while the data was acquired from an interview with Kosovo Customs official.



Ethnic equality

In 2015 there were 86,54% Albanians, 6,12% Serbs, 2,62% Turks, 2,80% Bosnians, 1,40% Roma/Ashkali/Egyptians and 0,52% Gorani employed within the ranks of Kosovo Customs, which means all major ethnicities were represented.¹⁹⁷ According to an interview with a Kosovo Customs employee, where similar numbers to those from the Kosovo Customs Report were given, all the major ethnicities are represented in Kosovo Customs.

Table 7: Kosovo Customs employees based on their ethnicity¹⁹⁸

Nationality	2008	2012	2016	<i>Ethnic group as % of population</i>
Albanians	87.99%	88,36%	83.59%	85-90%
Serbs	5.73%	4,79%	9.31%	6-10%
Bosnians	2.59%	2,40%	2.71%	3-4%
Turks	2.59%	2,57%	2.54%	1-2%
Roma/Ashkali/Egyptian	0.55%	1,37%	1.35%	2-3%
Gorani	0,55%	0,51%	0,51%	0,5-1%

Looking at the same statistical data as presented in previous chapter, the ethnical division numbers are estimated at 85% to 90% of population being Albanian, between 6% and 10% Serbs, 3-4% Bosnian, 1-2% Turks, Roma, Ashkali and Egyptian together comprising 2-3% of the population, and Gorani representing between 0.5% to 1% of the population.¹⁹⁹ When taking into account the median we can conclude that ethnical composition of Kosovo Customs fairly represents the ethnical composition of the population, especially when it comes to Albanian and Serbian representatives. Numbers are slightly underrepresented in case of Roma/Ashkali/Egyptian minorities and Bosnian minority, while Turks are slightly overrepresented. It is also clear from the

¹⁹⁷ Kosovo Customs, "Annual Report 2015," accessed July 1, .2015, https://dogana.rks-gov.net/repository/docs/Raporti_Vjetor_2015_-_EN_73677.pdf.

¹⁹⁸ Interview no. 21.

¹⁹⁹ CIA, "World Factbook – Kosovo," accessed July 1, 2016, <https://www.cia.gov/library/publications/the-world-factbook/geos/kv.html>; Encyclopedia Britannica – Kosovo, accessed July 1, 2016, <https://www.britannica.com/place/Kosovo>; Be in Kosovo.com, *Kosovo population*, accessed July 1, 2016, <http://beinkosovo.com/en/kosovo-population>.



graphs presented above that the numbers of police employees greatly changed in last 8 year, especially in regard to Serb minority, where their number almost doubled since 2012.

3.3 ARMED FORCES OF BIH

Currently, the EUFOR Althea's main efforts are focus on Capacity- Building & Training (CBT) of the AFBiH in close co-ordination with NATO. However, the comprehensive nature of BiH's defence reform suggests that EUFOR's role is minor when compared to other actors. The aim is to support BiH's efforts to develop into a 'security provider' rather than being a 'security consumer' – i.e., to enhance local ownership by the BiH authorities and their autonomy.²⁰⁰ The co-operation is related primarily to military training, including nominations and the determination and execution of the military training required to develop the operational capabilities of the AFBiH. Any given training is executed in three phases: (1) training, (2) mentoring, and (3) monitoring. Depending on the phase in training, EUFOR's role varies from training provider and adviser to training monitor.

However, it could be argued that the situation has stalled because **the political circumstances in BiH are not favourable and the political design of BiH is not conducive to completing all tasks.**²⁰¹ EUFOR Althea currently has implemented a highly integrated and jointly coordinated training plan with the AFBiH, together with NATO and several bilateral partners. Within this joint framework, delivering effective CBT necessitates careful co-ordination of all the efforts by international actors. This is critical as sometimes, nations have been willing to provide training or donate equipment outside an agreed training plan. In consequence, capacity and resources of EUFOR Althea and NATO HQ Sarajevo (HQ Sa) have remained tied up for a long time for training the AFBiH in use of this particular equipment. Furthermore, the donations sometimes are politically linked to national interests. All this is reflected as a lack of sustainability of the capacity building efforts.²⁰² Consequently, it was requested by the international actors in Bosnia that the BiH's Defence sector would prepare a strategy or plan, and thereby provide some guidance to the donators, NATO and EU, on the direction to where the BiH's Armed Forces should be developed.²⁰³ Nevertheless, the

²⁰⁰ Interviews no. 24 and no. 34.

²⁰¹ Based on interviews in the shift from initial implementation of compliance with the Dayton Agreement and from contributing to a SASE to providing CBT stems from the fact that the original mandate did not match the situation anymore. Furthermore, the international interviewees indirectly stated that EUFOR Althea's current focus, on CBT, is derived from the member states' inability to decide 'where to go' and, at the same time, unwillingness to contribute troops and resources to the operation (D2.3/78).

²⁰² Interviews no. 5, no. 6, no. 33, and no. 21.

²⁰³ Interview no. 39.



BiH MOD and AFBiH were not able to respond to international actors' requests to state their concrete needs in terms of capabilities, and hence **NATO carried out an assessment in co-operation with local stakeholders and EUFOR Althea**. In consequence, in 2015, the AFBiH, NATO, and EUFOR agreed to concentrate on eight designated units (e.g., military police, signal platoons, and demining) and their capabilities. Subsequently, the EU, through EUFOR Althea, launched an Equip and Train pilot project intended to enhance the operational capabilities of the AFBiH.²⁰⁴

Cooperation and coordination

According to a local strategic-level interviewee, the mechanisms of co-ordination are well developed and include joint planning, regular co-ordination meetings, and written correspondence. The EUFOR Althea operation provides the AFBiH with force elements – advisory teams from tactical to strategic level – which are embedded in the brigades. Since 2015, EUFOR Althea has also embedded a force element in the Peace Support Operations Training Centre (PSOTC), which means in practice that EUFOR Althea provides officers as instructors and evaluators for the PSOTC courses. Representatives of the AFBiH at both the politico-strategic and field-operational level expressed their satisfaction with the co-ordination, planning of the training process, and selection of training topics.²⁰⁵ All in all, based on the research material the expertise and skills, competencies, and commitment of the personnel working in CBT was assessed to be at a very good level. This has also been noted by the local actors; the co-operation and co-ordination in the field of CBT is perceived to be functioning well.

Gender and ethnical minorities in AFBiH

The locals also see the activities as having a concrete positive effect on the development of the AFBiH's capabilities. In addition, through CBT, the operation has contributed positively to **the professionalization of the AFBiH**. By integrating the ethnic groups in one organisation, the CSDP operation has potentially advanced cultural-level sustainable changes in Bosnian society. Furthermore, the good co-operation between EUFOR Althea and the AFBiH in the field of gender

²⁰⁴ Interview no. 36.

²⁰⁵ Interviews no. 35 and no. 36.



and human rights, which was brought up by local and international interviewees alike, has also very likely contributed to a change in attitudes and values; the BiH defence sector is a particularly successful example of the increase in female engagement. In tandem with NATO, EUFOR has co-operated with the international organisations (e.g., UN Women) and NGOs active in the field of gender. Government institutions now increasingly appreciate their work, and also the prominence of female political representatives is growing.²⁰⁶

AFBiH representatives were particularly verbose in discussing the co-operation in the field of gender and human rights, including promotion of the military profession for both sexes and organisation of courses in co-operation with PSOTC. The co-operation was stated to be 'at an enviable level'. Within the last few years, the MOD and AFBiH have, indeed, managed to translate the co-operation with EUFOR / the EU into concrete results; the number of women who apply for service has risen, and the percentage of women among newly admitted members of the AFBiH increased from 8.20% in 2014 to 9.65% in 2015. The AFBiH also was the first BiH institution, and the first in the Western Balkans, to appoint Gender Focal Points and implement the relevant SOPs. In addition to the AFBiH, EUFOR Althea has functional contacts and co-operation in place in BiH in the governmental sector (with the BiH Gender Equality Agency and BiH MOD) and non-governmental sector (especially with UN Women and OSCE) to deal with gender issues.²⁰⁷

The main beneficiary of EUFOR Althea, the AFBiH, were still going through a major transformation process in the turn of 2004 and 2005. Military reform had been slow in the immediate post-war years but picked up momentum when the OHR formed the first Defence Reform Commission in 2003 to oversee reforms. **One of the international community's biggest tasks was to unite the two separate military forces under one ministry and chain of command.** Finally the second Defence Reform Commission, set up in December 2004, facilitated the handing over of all functions of the entity-level defence ministries to the state level, establishing a single state budget and creating a single, unified personnel, logistics and training command.

The Modernization of Bosnian Armed Forces

As discussed in the chapter 2.3 the defence reform was and continues to be principally NATO-led. Although there was a qualitative difference between SFOR and EUFOR, the transition did not

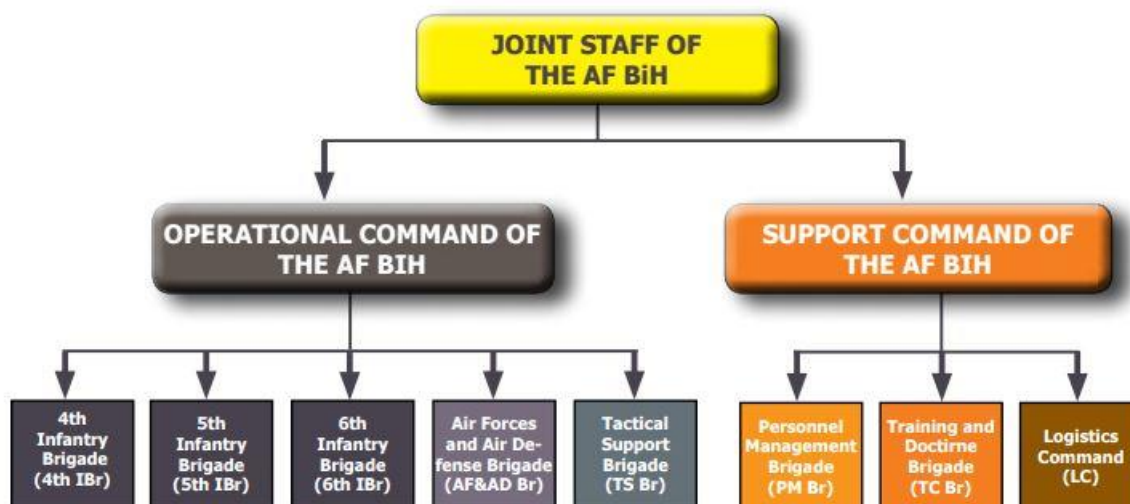
²⁰⁶ Interview no. 37.

²⁰⁷ Ibid,



present significant changes for the AFBiH. The change of force took place in the context of a relatively favourable political environment, when the state-strengthening process was about to reach its apogee.²⁰⁸

Figure 6: Command and Control and structure of the AFBiH



Currently the units of the AFBiH are commanded by the Joint Staff in Sarajevo. There are two major commands under the Joint Staff: Operational Command (Sarajevo) and Support Command (Banjaluka). The three brigades (4th in Čapljina, 5th in Tuzla and 6th in Banjaluka) are each formed by soldiers from the three ethnic groups of Bosnia and Herzegovina: Bosniaks, Croats and Serbs. Each of the brigades consists of three “ethnic” battalions.

The tasks of the AFBiH are:

- Participation in collective security operations, peace and self-defence support operations, including fight against terrorism,
- Provision of military defence to BiH and its citizens in case of attack,
- Assistance to civilian authorities in response to natural and other disasters and catastrophes,
- Mine action in BiH,
- Meeting of international commitments of BiH.

²⁰⁸ Vlado Azinović, Kurt Bassuener and Bodo Weber, *A security risk analysis: Assessing the potential for renewed ethnic violence in Bosnia and Herzegovina*, (Sarajevo: Faculty of Political Sciences and Atlantic Initiative, 2011), 81–82.



The total strength of AFBiH is 16 000 of which 10 000 active professional military, 1000 civilians and 5000 reservists. The ethnic distribution is: Bosniaks; 45.90%, Serbs: 33.60, Croats: 19.80% and other nationalities 0.70%. The number of women who apply for military service has risen, and the percentage of women among newly admitted members of the AFBiH increased from 8.20% in 2014 to 9.65% in 2015.²⁰⁹

The modernisation of the AFBiH also included preparing for overseas peacekeeping and peace support operations (PSOs) . In order to train the officer corps, the international community set up the Peace Support Operations Training Centre (PSOCT) in 2005, co-located at Camp Butmir with the AFBiH Operational Command as well as EUFOR and NATO Headquarters. PSOCT started functioning under international leadership and since its inception has offered training both for the multi-ethnic AFBiH and international participants. According to interviewees deployed in BiH during the first years of the CSDP operation, the cooperation both between the ethnic groups in AFBiH and between AFBiH and EUFOR worked well. AFBiH troops have participated in NATO- and UN-led PSOs since 2005.

From the outset AFBiH and EUFOR (as well as NATO) had close cooperation in the field of training, which quickly started to bear fruit as AFBiH troops were deployed to PSOs. Furthermore, BiH was now beyond the stage of "stabilisation," progressing in the path of integration with the European Union. Therefore, cooperation between local authorities and the EU at all levels was becoming increasingly important, and this led to a subtle adjustment in some of EUFOR's operations. Thus, judging from the historical context and the comments of interviewees describing the cooperation between the forces, the reception of EUFOR seems to have been rather neutral among the members of AFBiH.

According to the interviewees capacity-building and training (CBT) for the AFBiH, the main area of focus of EUFOR Althea, is organised, planned, and co-ordinated well among EUFOR Althea, NATO, and the AFBiH. Nevertheless, the acute issue hampering the effectiveness of the CBT is related to the local technological capabilities. Some interviewees stated that the 'hardware technology', such as tanks and weapons, within the AFBiH is satisfactory but what is really needed is, for example, bridge-building, alongside horizontal and vertical construction equipment. Also, **a lack of communication, maintenance, and logistics capabilities/technologies was mentioned.** An acute challenge at present is that the **Athena mechanism cannot be used to fund equipment or materiel for the AFBiH.** This compounds the training problem. Namely, the AFBiH

²⁰⁹ Interviews no. 35 and no. 36.



are trained with equipment and technologies that normally are not available for their use: in most cases, the equipment they have been trained on is removed after the training. Therefore, no real capability has been established; the AFBiH personnel may have gained knowledge and skills but are left without means to deliver. The local stakeholders and EUFOR Althea officers alike identified **insufficient material support to projects as a negative aspect of the actualised co-operation.**

4 IMPACT OF THE EU ENGAGEMENT

This chapter presents and analyses the impact of EU engagement on the previously presented institutions researched within IECEU WP2: 1. Kosovo Police, 2. Kosovo Customs, 3. Armed Forces of BiH. It tries to evaluate to what extent the presented evolutions and developments in these institutions resulted from the EU engagement. The analysis has been conducted both from the EU and non-EU perspective, while taking in consideration different perceptions and evaluations. The chapter will look into and evaluate the impact of various undertaken EU programs and initiatives, with a special focus on the two main institutions, namely EULEX Kosovo and EUFOR Althea.

4.1 KOSOVO POLICE

The Kosovo Police has often been pointed out as one of the most trusted and developed governmental institutions in Kosovo.²¹⁰ As argued by Skendaj, the transformation of the police force from an institution that represses ordinary people to the one that protects their human rights and dignity is among the most challenging tasks in post-war society.²¹¹ When assessing the impact of the EU, it is worth noting that in the case of Kosovo, the **public perception and evaluations of Kosovo Police have been mostly positive already before the deployment of EULEX.** This can be at least partially attributed also to the fact that in the past, Kosovo Albanians have experienced substantive police repression (from majority Serbian police), thus a “locally owned” police force meant a substantial improvement for the local (Kosovo Albanian) population, already by the sole fact of its existence.²¹² When assessing the impact of EU/EULEX on Kosovo Police, it should be noted that the absolute impact of the EU in this realm is hard to measure. Partly this is due to the

²¹⁰ Interviews with EULEX and Kosovo officials, Pristina 2016; European Commission, “Kosovo report 2015,” accessed July 7, 2016, http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_kosovo.pdf

²¹¹ Elton Skendaj, “International Insulation from Politics and the Challenge of State Building: Learning from Kosovo,” *Global Governance* 20 (2014): 459-481.

²¹² Interview with EULEX official, Pristina 8. March 2016.



fact that police reform is a complex and a long term process, influenced by several factors, but also due to the extensive international engagement and assistance focusing on KP, which makes it hard to attribute a certain positive effect (or the lack of it) to a single engaged actor. International community in general undertook a very hands-on approach in reforming Kosovo's police force even before the deployment of EULEX.²¹³ It should thus be noted that the **majority of major international actors in Kosovo** (e.g. OSCE, EULEX, UNMIK, etc.) **claim** (at least partial) **responsibility for the development of the Kosovo Police**.

The EU commission's Kosovo progress report from 2007 notes that The Kosovo Police Service (KPS) generally carries out its tasks in a professional and competent manner, particularly for minor crimes. However, the report also notes a lack of the law on the police, regulating police structures and powers. It further notes that in the cases of murders, inter-ethnic crimes, economic crimes and trafficking in human beings, the investigations are largely ineffective, which can be attributed also to the poor intelligence exchange and scarce cooperation between different bodies of police and public prosecutor, as well as to the lack of well-developed strategies.²¹⁴ The 2009 EULEX Programme Report evaluates the Kosovo Police as having a comprehensive legal structure, properly trained and sufficiently skilled staff, an adequate budget and sufficient equipment to meet its objectives. It does however note a lack of strategic leadership and direction that would provide a comprehensive strategy (especially concerning the organized crime). There was a lack of intelligence-based policing, the lack of a single central intelligence and information system (including border police), communication and information systems were not on adequate level for efficient operability, and close cooperation between prosecutors and police was not implemented in practice.²¹⁵

If we compare those two reports, with one of the latest publicly available reports by EULEX and the Joint Rule of Law Coordination Board from 2015 (*COMPACT progress report*), we can see that **cooperation between the KP and the prosecution** is still in the developing phase. However, improvements in inter-institutional cooperation and joint investigation have been noted. European Commission Kosovo report from 2015 adds that cooperation is vital also in the fight against money

²¹³ Katy A. Crossley-Frolick & Oya Dursun-Ozkanca, "Security Sector Reform and Transitional Justice in Kosovo: Comparing the Kosovo Security Force and Police Reform Processes," *Journal of Intervention and Statebuilding* 6/2 (2012): 121-143, DOI: 10.1080/17502977.2012.655595

²¹⁴ Commission of the European Communities, "Kosovo Under UNSCR 1244, 2007 Progress Report," accessed July 20, 2016, http://eeas.europa.eu/delegations/kosovo/documents/eu_kosovo/2007_commission_progress_report_kosovo_en.pdf

²¹⁵ EULEX, "EULEX Programme Report 2009," Accessed, July 7, 2016, <http://www.eulex-kosovo.eu/docs/Accountability/EULEX-PROGRAMME-REPORT-July-2009-new.pdf>



laundering and corruption.²¹⁶ The above mentioned reports note that although new information systems have been introduced, improvements are still needed in **data management**, including the collection of reliable statistics and **intelligence**, as well as KP ability to assess cases related to **inter-ethnic crime**. Intelligence-Led policing (ILP) has mostly been implemented, but KP is still facing challenges with its full implementation in the North of Kosovo.²¹⁷

Kosovo Police has benefitted from a number of EU funded actions and initiatives, including the support through twinning, different specialised trainings with EU and other donor funded projects²¹⁸ Kosovo Police, in collaboration with other law enforcement institutions, has had positive developments in terms of capacity building for prevention and fight against all forms of crime, with particular emphasis on organised crime and corruption.²¹⁹ The most extensive support was channelled to Kosovo Police through Instrument for Pre-Accession Assistance (IPA) programs. The EU supported Kosovo's efforts through IPA programs focusing on capacity-building and technology for police, customs, tax administration, and other rule of law institutions. Under the IPA II (2014-2020), the EU continues to support Kosovo Police. Some direct and indirect implications on the Kosovo Police proceedings have also been identified as a consequence of other EU led processes, such as the visa liberalization process, especially in relation to the quality and consistency of data processing and interoperability between the travel documents, IDs and law enforcement databases.²²⁰

EULEX mostly engages with Kosovo Police through its **strengthening** division. It focuses on **support** to the Kosovo Police senior management in addressing structural and organisational weaknesses and in improving the targeting on serious criminality, including terrorism, corruption and organised crime. EULEX also provides MMA to the Regional Police Directorate in Mitrovica North and its police stations (especially focusing on analysing the community priorities, risk assessments and inter-/intra-departmental cooperation and Intelligence-Led Policing) as part of its efforts to foster the Kosovo Police development also in the Northern Kosovo.²²¹ In mission's achievements booklet, EULEX lists the training of KP **quick response teams**, integration of 287

²¹⁶ European Commission, "Kosovo report 2015," Accessed July 7, 2016, http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_kosovo.pdf

²¹⁷ EULEX, "Compact progress report 2015," Accessed, July 7, 2016, http://www.eulex-kosovo.eu/eul/repository/docs/CPReport_2N.pdf

²¹⁸ European Commission, "Kosovo: Further Support to Home Affairs in Kosovo," Accessed, July 5, 2016, http://ec.europa.eu/enlargement/pdf/kosovo/ipa/2015/ipa2015_ks_04_home_affairs.pdf

²¹⁹ Ibid.

²²⁰ Ibid.

²²¹ "The Strengthening Division," EULEX, accessed, July 7, 2016, <http://www.eulex-kosovo.eu/?page=2,3>; EULEX, "Compact progress report 2015," accessed, July 7, 2016, http://www.eulex-kosovo.eu/eul/repository/docs/CPReport_2N.pdf



Kosovo Serb police officer into KP, assistance in building multi-ethnic specialized units for protection of cultural heritage, and overall transfer of **EU best practices**, as its main contributions to the development of Kosovo Police.²²² Among others, EULEX is also successfully cooperating with KP riot control units and performs its duties as a second responder.²²³ EULEX further assisted its KP counterparts by **donating different equipment, IT systems and vehicles**, which enabled them to reach the necessary levels of operational capacity equipment. Specialized trainings on their usage are also available.²²⁴ Tzifakis notes that EULEX has positively impacted on Kosovo Police's organizational restructuring and a more efficient allocation of resources. Further on, he also notes the transfer of responsibility to the Kosovo institutions for the management and control of the borders with Albania and the Former Yugoslav Republic of Macedonia as an EULEX success in the police sector.²²⁵ However, the Kosovo Police **capabilities for addressing financial crime and corruption remain limited** despite EULEX efforts and some of our interlocutors thus proposed an increased focus on the development of financial units inside the KP.²²⁶

Locals mostly perceive Kosovo Police as one of the best working institutions in Kosovo. UNDP Public Pulse Report 2015 indicates that Police is perceived as one of the least corrupt institutions in Kosovo. Only 13,6% answered that they previewed the presence of large scale corruption in Kosovo Police, in comparison to 42,3% for the Kosovo Courts, 37,9% for Healthcare system, 39,2% for Privatization Office of Kosovo etc. The Kosovo Police developed a relatively well working system of internal investigations of possible misbehaviour of its staff, which further reinforced the public confidence in this institution.²²⁷ It should be however pointed out that the perception varies significantly from region to region. Skendaj notes that Police effectiveness has experienced a certain decline after its increased politicization in 2008, with the Kosovo declaration of independence;²²⁸ it has nevertheless remained the most trusted public institution in Kosovo until today. An important point from the perspective of our research of the EU impact, is that **EULEX police** (perceived corrupt by 28,8% of correspondents) **and international organizations** in general (perceived corrupt by 16% of correspondents), were **perceived as more corrupt than the**

²²² EULEX, "EULEX achievements booklet," (Pristina: EULEX, 2016).

²²³ Interview no. 15.

²²⁴ Ibid.

²²⁵ Nikolaos Tzifakis, "The European Union in Kosovo Reflecting on the Credibility and Efficiency Deficit," *Problems of Post-Communism*, 60 no. 1 (2013): 43-54

²²⁶ Interview no. 1.

²²⁷ Interview no. 9.

²²⁸ Elton Skendaj, "International Insulation from Politics and the Challenge of State Building: Learning from Kosovo," *Global Governance* 20 (2014): 459-481.



Kosovo Police.²²⁹ Consequently, several answers by the locals indicated they no longer perceive the EULEX engagement in the field of police as necessarily needed, especially not in its executive role.²³⁰

One of the important challenges identified for the Kosovo Police is its **lack of formal connections and cooperation with international law enforcement systems and agencies**, such as Europol and Interpol.²³¹ Nevertheless, there has been a progress made in establishing international cooperation, especially in the closer region. In this context, KP has been part of several international operations for the prevention and fight against organised crime. Nevertheless, Kosovo's status still hinders its formal cooperation despite the fact that practical cooperation has already led to some successful operations.²³² In order to mitigate the challenges presented by the Kosovo status issue that limits formal cooperation, EULEX has been assisting Kosovo Police with information exchange. **EULEX maintains its communication channels with Serbia**, through its liaison office in Belgrade and direct contacts, which on one hand serves to facilitate dialogue and communication between Serbia and Kosovo, but also to bilaterally address cross border organized crime.²³³ As noted by Kursani, Kosovo Police is not always aware of the content or extent of those information exchanges between Serbian MUP and EULEX, and feels that information is being withheld from them.²³⁴ This notion has been confirmed by the interviews undertaken for the purpose of this research, raising the question of trust and information sharing obstacles in cooperation between EULEX and KP, which is then transmitted also to a broader public. It should be nevertheless understood that certain of limitations in information sharing are understandable from the perspective of EULEX's operational requirements. Kosovo applied for Interpol membership in April 2015.²³⁵ The application has however not been successful, as stated by Bailey, primarily due the lobbying against Kosovo membership. This leads to a continuation of the

²²⁹ UNDP. "Public Pulse Report 2016," accessed, July 7, 2016, http://www.ks.undp.org/content/kosovo/en/home/library/democratic_governance/public-pulse-11.html

²³⁰ Certain answers have indicated that EULEX assistance in North Kosovo is still considered necessary due to persistent challenges in this part of the country.

²³¹ Interview with EULEX official

²³² European Commission, "Kosovo: Further Support to Home Affairs in Kosovo," accessed, July 5, 2016, http://ec.europa.eu/enlargement/pdf/kosovo/ipa/2015/ipa2015_ks_04_home_affairs.pdf

²³³ Interview no. 1.

²³⁴ Shpend Kursani, "Police cooperation between Kosovo and Serbia," (Belgrade and Prishtina, 2015), accessed July 8, 2016, http://www.bezbednost.org/upload/document/police_cooperation_ks_eng_v3.pdf

²³⁵ European Commission, "Kosovo report 2015," accessed July 7, 2016, http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_kosovo.pdf



reliance of Kosovo on EULEX and UNMIK, as the “middlemen” in its communication with international police cooperation organizations.²³⁶

If we assess the engagement of EU in the field of Kosovo Police, we can primarily identify two main means of engagement, which are interconnected and reinforce each other. Firstly, EULEX activities in the field of assistance and MMA of Kosovo Police and secondly, EU assistance through IPA and other programmes, managed by the EU office in Kosovo. Both **engagements are complementary and work towards common objectives**. In addition to that, some EU member states established bilateral forms of cooperation, which among other enable Kosovo Police to train its staff at police academies and advanced training programs in EU countries.²³⁷ EULEX is involved in the planning of IPA programmes focusing on the rule of law, which indicates coordination among different EU actors to provide a comprehensive and coordinated EU assistance. Kosovo Police is often considered as one of the main success factors of EU engagement; nevertheless, it has to be noted that KP has been a fairly efficient and well established institution already at the time of EULEX deployment, which is evident also from the initial EULEX reports, as well as from the European court of auditors report from 2012,²³⁸ which critically assessed the EU impact on Kosovo Police as modest and with several open issues, especially in the field of fight against organized crime. While exact impact of the EU assistance is difficult to measure, several positive steps have been taken as a direct and indirect consequence of the EU engagements. Our correspondents have mostly mentioned introduction of **intelligence based policing**, improvement in **information technology and equipment** as such, and the **integration of Kosovo Serb police officers** from North Kosovo into Kosovo Police. Our interviewees specifically emphasized the importance of achieving and maintaining **female and minority representation in Kosovo Police**. Nevertheless, Crossley-Frolick and Dursun-Ozkanca note that the lack of trust between different ethnic communities in Kosovo presents an on-going problem for true effectiveness of SSR efforts in spite of relatively good statistical indicators.²³⁹ EULEX is nevertheless generally achieving its goal of multi-ethnic police, despite some concerns of political interference. Our research has shown that adequate gender equality is still not being achieved in Kosovo Police due to various identified factors.

²³⁶ Faith Bailey, “Kosovo Still Dogged by Status-Neutral Asterisk,” accessed July 21, 2016, <http://prishtinainsight.com/kosovo-still-dogged-status-neutral-asterisk-mag/>

²³⁷ Interview with Kosovo Police official

²³⁸ European Court of Auditors, “Kosovo report 2012,” accessed, July 15, 2016, http://www.eca.europa.eu/Lists/ECADocuments/SR12_18/SR12_18_EN.PDF

²³⁹ Katy A. Crossley-Frolick & Oya Dursun-Ozkanca, “Security Sector Reform and Transitional Justice in Kosovo: Comparing the Kosovo Security Force and Police Reform Processes,” *Journal of Intervention and Statebuilding*, 6/2 (2012): 121-143, DOI: 10.1080/17502977.2012.655595



The EU is one of the leading actors in facilitation of Kosovo police integration and has been at core of setting up the necessary structures in the North.²⁴⁰ Improvements have also been noted in areas of ethnicity related crimes proceedings and community policing.²⁴¹ Important open challenges however remain in tackling of organized crime and corruption, where impact of the EU can still be considered as rather marginal despite several projects and initiatives aimed at capacity building. While public perception is generally very good and indicates low levels of perceived corruption, EULEX task of fighting corruption, fraud and financial crime has not been efficiently channelled through its engagements with KP as this is still one of the least developed areas of this institution and our interlocutors agreed it needs further assistance and development. While experts generally agree that EULEX does not have a central role in SSR,²⁴² its assistance and MMA of Kosovo Police represent an example of direct and indirect (limited) involvement of EULEX in the SSR process. As noted by Cierco and Reis, police and justice reform is a task of continual improvement and incremental positive change.²⁴³ After eight years of EULEX engagement in Kosovo and even more years of EU and other actors contributions to the Kosovo Police, we can thus indeed observe **many positive changes, nevertheless substantial challenges** related specifically to leadership, management, inter-organizational communication and coordination as well as comprehensive presence in the North and efficiency of actions aimed towards tackling serious and financial crime require long term commitment and remain to be efficiently **addressed**.

4.2 KOSOVO CUSTOMS

Kosovo continues to rely economically to a big extent on the collection of customs revenues arising from international trade. The tariffs collected by the Kosovo Customs (KC) continue to make up more than 70% of Kosovo's annual budget.²⁴⁴ Kosovo Customs and Border police have benefited from both EULEX and developmental assistance programs such as IPA, twinning programs and other EU-led initiatives. Even before the deployment of EULEX, the EU has been engaged with Kosovo customs as part of the UNMIK pillar IV (from 1999 do 2008).²⁴⁵ The

²⁴⁰ Interview no. 7.

²⁴¹ Interviews no. 1 and no 15.

²⁴² "IECEU Roundtable discussion of experts," May 24, 2016, Jable Castle, Slovenia.

²⁴³ Teresa Cierco and Liliana Reis, "Eulex's Impact on the Rule of Law in Kosovo," *Revista De Ciencia Política*, 34/ 3 (2014): 645 – 663.

²⁴⁴ EULEX, "Compact progress report 2015," accessed, July 7, 2016, http://www.eulex-kosovo.eu/eul/repository/docs/CPReport_2N.pdf

²⁴⁵ Nikolaos Tzifakis, "The European Union in Kosovo Reflecting on the Credibility and Efficiency Deficit," *Problems of Post-Communism*, 60 no. 1 (2013): 43-54.



2007 Kosovo progress report notes good overall progress in the field of customs. It acknowledges that the adoption of the Kosovo Customs Code in March 2004 was broadly compliant with the EU legislation. It further notes that the system for direct connection and monitoring of all border points has been operational since March 2007. Efforts have also been undertaken to provide higher public confidence in Customs and enable reporting on possible cases of corruption.²⁴⁶ The 2009 EULEX Programme report notes that Kosovo Customs officials are quite well trained for conducting their basic duties, that government strategy on integrated border management has been adopted, and that operational plans were being developed. The main challenges identified at the time were the lack of adequate equipment and facilities, staff shortages, poor communication and significantly low exchange of intelligence between Customs, Kosovo Police and other law enforcement agencies. It also notes that overall custom legislation is not sufficient and there are evident needs for advanced and “tailor-made” trainings, etc.²⁴⁷ If we compare that with 2015 report (*COMPACT Progress report*), we can observe improvement in internal restructuring of the Kosovo Customs and improved recruitment; staff shortages nevertheless persist to be a challenge. New “paperless customs system” has been introduced, which in addition to facilitating trade also responded to and addressed corruption allegations. The National Centre for Border Management (NCBM), which should serve as the national contact point for real-time exchange of information between all authorities involved in IBM, fosters inter-agency cooperation and intelligence-sharing. Last, but not least, Risk and threat analysis unit was set up but was at the time still in the developing phase.²⁴⁸

Several EU actions have been dedicated to increase the capacity of Kosovo Customs and border management including twinning in the field of **Integrated Border Management** and fight against drug trafficking, as well as in the area of fight against organised crime and corruption.²⁴⁹ EULEX supported **structural changes** in Kosovo Customs which led to concrete achievements such as **5% increase in customs revenue collection** and 500% increase in the amount of undeclared money seized at Pristina airport customs.²⁵⁰ The mission supported Kosovo Customs in implementing full customs controls and collection of associated revenues and taxes in northern

²⁴⁶ “Kosovo Under UNSCR 1244, 2007 Progress Report,” accessed July 20, 2016, http://eeas.europa.eu/delegations/kosovo/documents/eu_kosovo/2007_commission_progress_report_kosovo_en.pdf

²⁴⁷ EULEX, “EULEX Programme Report 2009,” accessed, July 7, 2016, <http://www.eulex-kosovo.eu/docs/Accountability/EULEX-PROGRAMME-REPORT-July-2009-new.pdf>

²⁴⁸ EULEX, “Compact progress report 2015,” accessed July 7, 2016, http://www.eulex-kosovo.eu/eul/repository/docs/CPReport_2N.pdf

²⁴⁹ European Commission, “Kosovo: Further Support to Home Affairs in Kosovo,” accessed July 5, 2016, http://ec.europa.eu/enlargement/pdf/kosovo/ipa/2015/ipa2015_ks_04_home_affairs.pdf

²⁵⁰ EULEX, “EULEX achievements booklet,” (Pristina: EULEX, 2016).



crossing points.²⁵¹ Tzifakis further notes that EULEX helped Kosovo Customs to adopt and further develop Kosovo Customs Code in accordance with European standards, and to realize some progress in developing its cooperation and information sharing with other Kosovo law enforcement agencies.²⁵² Following the EU facilitated Dialogue between Kosovo and Serbia, **Development Fund for the Northern Kosovo municipalities** was established in 2013. The fund is made up from the revenues collected at the crossing points of Gate 1 Jarinje and Gate 31 Brnjak and distributed towards development projects in the Northern Kosovo. The Fund is managed by the Management Board composed of the EU Special Representative in Kosovo as the Chair, the Kosovo Minister of Finance on behalf of the Kosovo authorities, and a representative of the Serb community in the four municipalities.²⁵³ While several Kosovo Albanian opposition politicians remain critical towards this EU initiative due to the presumed creation of a parallel budget for Serbian municipalities, the main goal of the initiative is to foster social and economic development of people from the northern municipalities.²⁵⁴ As of 1 March 2016, the Fund has collected more than 8,3 million EUR. To that date, the Management Board has approved 13 different projects amounting to 6,4 mil EUR.²⁵⁵

One of the important developments still in progress is the construction of **permanent border crossing points between Kosovo and Serbia**. In spite of several incidents connected to this project that occurred in the North, construction will be made possible through EU IPA program. New border facilities will enable improved and integrated border management, as well as fulfil the agreements on border management reached through the Brussels agreement.²⁵⁶ In total, 6 permanent border crossing points with Serbia will be constructed.²⁵⁷ With the assistance of EULEX, Kosovo Border Police and Customs also started to conduct regular green border patrols.²⁵⁸ While certain interviews indicated that **green border remains a substantial challenge** not sufficiently addressed by Kosovo Customs and EULEX,²⁵⁹ the official reports indicate

²⁵¹ Ibid.

²⁵² Nikolaos Tzifakis, "The European Union in Kosovo Reflecting on the Credibility and Efficiency Deficit," *Problems of Post-Communism*, 60 no. 1 (2013): 43-54.

²⁵³ Edona Peci, "Fund Collects Cash For North Kosovo Serbs," *Balkan Insight*, December 19, 2013, accessed 20 June 2016, <http://www.balkaninsight.com/en/article/kosovo-north-caught-between-financial-bloom-and-division>.

²⁵⁴ Ibid.

²⁵⁵ "Development fund," European Union office in Kosovo, accessed 20. June 2016, http://eeas.europa.eu/delegations/kosovo/eu_kosovo/development_fund/index_en.htm

²⁵⁶ The office of Prime minister, "Minister Tahiri: Progress in permanent border crossing points of IBM," accessed, July 14, 2016, <http://www.kryeministri-ks.net/index.php/main?page=2,9,5796>

²⁵⁷ Interview no. 13.

²⁵⁸ "Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo," S/2016/407, accessed July 20, 2016, http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2016/407

²⁵⁹ Interviews with EULEX and KFOR officials.



improvements in progress. EULEX facilitates meetings with KFOR, as well as organizing joint trainings with the Kosovo Border Police and the Kosovo Customs with the purpose of developing an operational plan for green border patrols.²⁶⁰ The mission also has an important role in facilitation of interagency meetings between relevant Kosovo stakeholders in border management (e.g. Customs, Police, Food and Veterinary Agency, Tax Office, etc.). The meetings are held both on a national level, as well as in coordination with the Serbian counterparts.²⁶¹ With the goal to achieve higher interoperability and efficiency in border management, EULEX supported the establishment of the **National Centre for Border management (NCBM)**. The centre facilitates the collecting, analysing and disseminating of information, and supports cross-border and regional cooperation. The NCBM is also one of the most important benchmarks achieved in the Kosovo road-map for Visa liberalization.²⁶² EU assistance and conditionality based programs had a substantial impact on the process of IBM legislation as well as other legal frameworks in the sphere of border management.²⁶³

The European court of auditors' report (2012) assessed the EU assistance as largely achieving its objectives of building the capacity of Kosovo Customs leading to increased revenues collection, improved fight against money laundering, contribution to reforms in customs regulations and its implementation. Additional challenges have been identified in poor coordination between Kosovo Customs and Public Prosecutors Office and poor public perception of Kosovo Customs. Poor public evaluations of Customs as one of the most corrupt governmental services have continued in spite of a relatively low level of actual cases brought to court.²⁶⁴ the UNDP Public Pulse report 2015 presents that 32,3% of the **respondents identified Customs among the most corrupt government agencies in Kosovo.**²⁶⁵ The current figure does however imply a modest improvement due to the decrease of corruption perception in Kosovo Customs in comparison to previous years, when it was measured as high as 58,9% in 2013. It is however methodologically impossible to attribute this perceived decrease of corruption to any of the EU or EULEX actions or programs.

²⁶⁰ EULEX, "Compact progress report 2015," accessed, July 7, 2016, http://www.eulex-kosovo.eu/eul/repository/docs/CPReport_2N.pdf

²⁶¹ Interview no. 11.

²⁶² EULEX, "EULEX supports the establishment of National Centre for Border Management," accessed, July 7, 2016, <http://www.eulex-kosovo.eu/?page=2,27,360>

²⁶³ Interview no. 13.

²⁶⁴ European Court of Auditors, "Kosovo report 2012" accessed, July 15, 2016, http://www.eca.europa.eu/Lists/ECADocuments/SR12_18/SR12_18_EN.PDF

²⁶⁵ UNDP, "Public Pulse Report 2016," accessed, July 7, 2016, http://www.ks.undp.org/content/kosovo/en/home/library/democratic_governance/public-pulse-11.html



Among the recent challenges that proved to be of high relevance is also the **control of irregular migrations** across the Kosovo borders. During the increased influx of migrants toward EU in 2015 but also before, an extensive spike of irregular migrations from Kosovo to the EU countries was noted. The EU-sponsored dialogue with Serbia on irregular migration led to a closer cooperation with Belgrade in this area,²⁶⁶ and Kosovo Border Police has taken actions to address this imminent issue. As evident from the Report of the EU High Representative for Foreign Affairs and Security Policy to the UN SG on the activities of the EULEX Kosovo from 2016, the mission undertook an advisory and support role to the Kosovo Border Police on the preparedness of Kosovo in the event of a considerable influx of migrants.²⁶⁷ However, long-term and comprehensive policies to prevent further spikes in irregular migration are still to be considered and addressed.²⁶⁸

In conclusion of the assessment we may evaluate the **EU impact on Kosovo Customs as mostly positive but with certain shortcomings still to be addressed**. Certain limitations to effective customs and border management remain evident in the North. According to the mission statement, EULEX shall assist the Kosovo institutions /.../ in their progress towards sustainability and accountability and in further developing and strengthening /.../ multi-ethnic police and customs service, ensuring that these institutions are free from political interference and adhering to internationally recognised standards and European best practices.²⁶⁹ Specific mission tasks in relation to Kosovo Customs are defined as help to ensure that all Kosovo rule of law services, including the customs service, are free from political interference; contribute to the fight against corruption, fraud and financial crime; ensure that all its activities respect international standards concerning human rights and gender mainstreaming etc.²⁷⁰ According to that we can conclude that the EU has succeed in attaining the goal of transferring EU best practices to the Kosovo Customs and providing sufficient technical capabilities for their fulfilment to a certain extent. On the other hand, corruption in the customs remains a strongly perceived challenge. Also informal economy and smuggling across the border/boundary lines continue to harm the economy.²⁷¹ A particularly

²⁶⁶ European Commission, "Kosovo report 2015," Accessed July 7, 2016, http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_kosovo.pdf

²⁶⁷ "Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo," S/2016/407, accessed July 20, 2016, http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2016/407

²⁶⁸ Measures are also needed to tackle the underlying causes of emigration, in particular high unemployment, especially among young people.

²⁶⁹ Council of the European Union. "Declaration on the European Union Rule of Law Mission in Kosovo, EULEX Kosovo". Council document 2008/124/CFSP, Brussels 4 February 2008, accessed July 21, 2016. http://www.eulexkosovo.eu/eul/repository/docs/WEJointActionEULEX_EN.pdf.

²⁷⁰ Ibid.

²⁷¹ European Commission, "Kosovo report 2015," accessed July 7, 2016, http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_kosovo.pdf



important challenge that has to be addressed with concern is the worrying public perception of corruption in the Kosovo Customs. Increasing public confidence in the national institutions is necessary for efficient long term operability. **Intelligence-sharing and interagency cooperation** also need further development, which is supposed to be delivered by the newly established National Centre for Border management.

4.3 ARMED FORCES OF BIH

Upon discussion on the impact of the EUFOR Althea's engagement in Bosnia, shall it be assessed against the operation's mandate. Since, its deployment Althea was mandated to provide support to Safe and Secure Environment (SASE). Hence, **in terms of deterrence and maintaining a SASE, EUFOR Althea can be considered a success.** The operation took over from SFOR within the context of a relatively stable security situation wherein typical military problems had largely ceased to exist. There has been no recurrence of the fighting along ethnic lines in the time of EUFOR's presence in BiH. **The operation is also performing well from the standpoint of the current operational objective of CBT.** The EUFOR force elements have been successfully co-operating with the AFBiH and PSOTC, and there are some concrete indicators of the development that has been achieved. Firstly, AFBiH troops have been participating in NATO- and UN-led PSOs since 2006, and an agreement enabling participation in CSDP missions was signed in September 2015. Secondly, PSOTC has increased its number of yearly activities from five to 32 and has managed to provide training for more than 6,000 individuals, 25% of them international personnel, within the last 10 years.²⁷² However, **no clear goals or baselines have been agreed upon for CBT that would enable more precise assessment of the effectiveness of the EU efforts.** Furthermore, the CSDP operation recently failed to carry out an assessment of the CBT activities carried out that was assigned by the member states, because of the six-month rotation of the EU staff. This indicates a shortfall in operational capacity, which ultimately resulted in NATO taking over the assessment process.

At the moment, NATO and EUFOR are striving to co-ordinate their efforts to foster defence reform. Here, NATO's objective is to support development of the BiH defence sector's capacity toward NATO standards, thereby preparing BiH for possible future NATO membership. The EU, on the other hand, aims to strengthen the country's security sector so as to ensure its consistent stability

²⁷² Interview no. 55.



in connection with the EU integration process. As the EU and NATO requirements are in line with one another, the joint reform efforts can help both organisations reach their long-term goals for the country. More than 20 years after the end of the conflict, the politico-strategic goal of EU membership has not yet been reached. Whilst BiH formally applied for EU membership in February 2016, there is still a long way to go, with several political and social challenges along the way. Therefore, all in all, **the internal goal attainment clearly comes closer to partial success than success.**

Several questions can and should be asked with regard to **the politico-strategic goals and operational objectives.** First of all, as several interviewees pointed out, even though the security situation in BiH has remained relatively stable, there is something bubbling under the surface, due to the social situation. For several years now, **the factors threatening security and safety have been, first and foremost, socio-economic, starting with unemployment and health-care issues and extending to radicalisation processes contributing to terrorism.** Therefore, there is a discrepancy in terms of security: the current security concerns addressed are, to a large extent, far from citizens' day-to-day life, and the tool in question suffices only for tackling military threats. As some interviewees argued, the shift of focus to CBT was already a sign of a mismatch between the mandate and the social context. Should the operation finally be phased out and resources be allocated to something else? To take steps on the path of European integration and to reach democratisation and reconciliation, BiH needs economic and social development. Secondly, the same observations highlight a need to ask why the EU opted for a 'reversed' sequence, closing the civilian CSDP mission first. The Bosnian law-enforcement system comprises 17 agencies; it is complex and a burden on public administration. Its capabilities are assessed to be among the lowest in Europe, and it is not trusted by the local population. Therefore, policing is clearly an area in which BiH's capabilities would have needed support in terms of SSR and still need further development. Finally, to what extent has true multi-ethnicity been achieved? The empirical material indicates that, except in rare cases, such as that of the AFBiH, where the three ethnic groups routinely co-operate, root-level cultural changes have not been achieved.

Recurrence of violence along ethnic lines, stemming from the events of the 1990s, is not expected in BiH. The socio-economic problems are creating tensions, contribute to radicalisation processes, and increase the risk of violence in the country; however, since EUFOR Althea is a military tool and focused on capability development for its local counterpart instead of the BiH law-enforcement agencies, its capacity to respond to new threats or contribute to a SASE on this dimension is highly limited. Although EUFOR's role in relation to SSR has been rather limited, the operation's role in



the defence reform has gradually increased. The role of EUFOR Althea in stabilising the society and creating conditions for long-lasting, sustainable peace has been clear in the field of CBT as it has contributed to the professionalization of the AFBiH. The role of NATO in the same field has been crucial; the defence reform has been principally NATO-led, and NATO still owns the strategic dimension of the reform process, working closely with BiH's Ministry of Defence. However, EUFOR plays an important part in implementation of the reform's technical and tactical aspects, and the organisations try to complement one another's efforts as much as possible. Even though the strategic-level development of capabilities has largely been a responsibility of NATO, integrating all ethnicities in a single armed-forces organisation was a joint effort of the international community. Therefore, EUFOR Althea can be viewed as having contributed to the concrete institutional development of the AFBiH and its capabilities, as well as to the above-mentioned conditions, by helping to set a good example of the benefits to be achieved with ethnic integration.

The operation has also improved conditions for structural conflict prevention particularly in the field of gender and human rights. It may be considered that the more the vulnerable population groups are included in maintaining sustainable peace, the lower the likelihood of these groups becoming targeted by violence or their rights being ignored or violated. Nevertheless, there are almost no examples of representatives of vulnerable or underrepresented groups being included in peace negotiations in a timely and effective manner. In consequence, potential for deficiencies in the peace arrangements can be expected, and BiH is no exception with regard to these deficiencies. It seems that all relevant activities aimed at gender equality in BiH started after the Dayton Agreement, not having been acknowledged as a necessity already during the peace negotiations. In consequence, many gender-related issues have not been addressed properly or in a timely manner, and some may not be adequately addressed even today. This is evident particularly with respect to sexual violence during conflict. Increased participation of women in governmental and public institutions may not only act toward the achievement of gender equality but also foster better prevention of future conflicts. In BiH, this work is in progress and has already shown measurable results; the BiH defence sector has shown particular success in increasing female engagement. Also in other ways, EUFOR Althea has managed to put gender equality on the agenda of the post-conflict society through its gender mainstreaming efforts.

Finally, EUFOR Althea has contributed relatively successfully to further conflict-prevention initiatives through the LL output. On some occasions, lessons have truly been learnt, though on others, old problems have either re-emerged or not been sufficiently dealt with. Examples of these are the need for better co-ordination of EU instruments, including calls for trained personnel, and



for more efficient procurement procedures. Most of the progress made has been in the co-ordination and coherence among the various actors in BiH. Further lessons have been learnt on the Berlin Plus agreement, cost-sharing agreements, intelligence-sharing, and clarity in delineation of tasks whenever there are NATO and EU military operations in the same theatre.

EUFOR Althea has been present in BiH for nearly 13 years. Although there has not been recurrence of violence the operation still has an executive mandate. The purpose of Althea still being present in the country with Chapter VII mandate has raised lots of questions among the international community. It is widely agreed that the **Althea is present in BiH for political reasons**. Thus, rather than having a clear strategy or reform agenda it seems that **by maintaining its presence in the BiH the operation serves its purpose**. Nevertheless, during the interviews it became clear that the local population still perceived **Althea as an important security provider** and they are afraid that Althea exiting the country the existing tensions would escalate to a new ethnic conflict. Thus, in this regard declaring the operation complete would be a major success for the EU. The operation must leave behind a functioning state, which can be a successful member of the EU and NATO without need for further engagement in maintaining the Safe and Secure Environment. To do that the local security providers must be able to contain any disruption of the environment and inter-ethnic faction in a harmonious manner. This cannot naturally be achieved solely by efforts of a military operation, but require among other, strong political commitment, local ownership, economic development and functional state institutions.



5 IDENTIFIED WAY FORWARD AND RECOMMENDATIONS

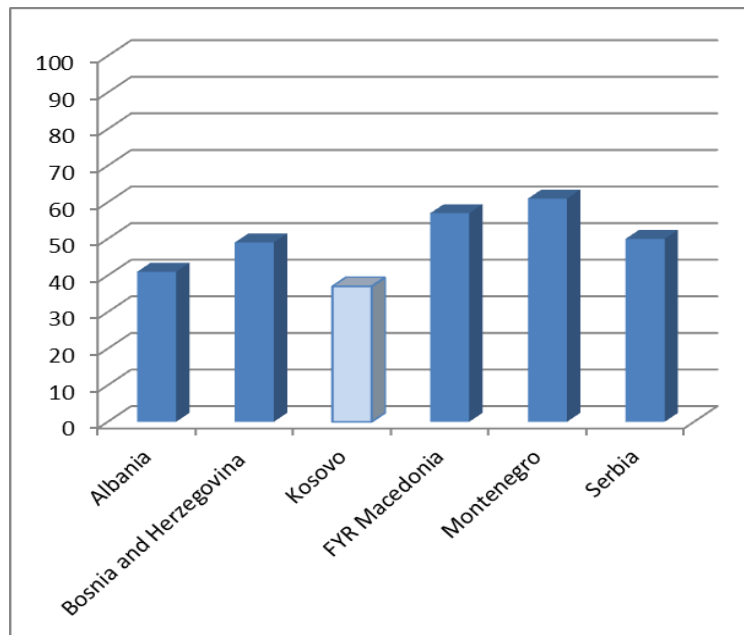
Recent developments in the Balkans and the European neighbourhood in general (big migration flows, refugee crisis, radicalization and terrorism in Europe and elsewhere, recent developments in the Crimea and eastern Ukraine etc.), require a reassessment of the CSDP and its missions and operations and a re-adaptation to the new circumstances. It should be noted that CSDP missions and operations are only one, albeit a very important instrument of the EU's external policy, which makes it almost impossible to evaluate the success of the missions and operations in isolation, without taking a broader perspective of the EU policies into consideration.

This applies also to the Balkans, which is the EU's immediate neighbourhood. The identified way(s) forward and recommendations for EULEX and EUFOR Althea presented in this chapter are based on the field research conducted in WP2 and supplemented also by the analytical insights of other scholars and experts, who have been exploring not only EULEX and EUFOR Althea, but CSDP in general. The main goal of this chapter is to merge the capabilities analysis with the success (effectiveness) analysis; in this respect the subchapters on EULEX will be mostly relevant with regard to the recommendations for the future civilian (rule-of-law) missions, while the subchapters on EUFOR Althea will predominantly refer to the implications for CSDP military operations.

5.1 EULEX (AND FUTURE RULE-OF-LAW CSDP MISSIONS)

Despite substantial EU efforts and historically one of the most ambitious and extensive engagements of broader international community, Kosovo remains one of the most underdeveloped countries in Europe. According to the World Bank worldwide governance indicators from 2014, Kosovo thus continues to be the lowest ranking country in the region of Western Balkans, regarding the rule of law. Consequently the effectiveness of the mission, aiming at the establishment of the rule-of-law in the post-conflict society, should be discussed from this perspective as well.



Figure 7: Rule of law in the region of Western Balkans²⁷³

On the percentile rank of the Rule of Law – this indicates the rank of the country among all countries in the world, with 0 corresponding to the lowest rank and 100 corresponding to the highest – Kosovo ranks 37th. The higher number, the better the rule of law rating. In comparison, Albania has the ranking 41, Bosnia and Herzegovina 49, FYR Macedonia 57, Montenegro 61 and Serbia 50.

Capussela claims that the EU efforts to strengthen the rule of Law in Kosovo have mostly failed. In spite of enormous investments, far bigger if compared to other countries (where EU is also engaged) in the region, developments in Kosovo are happening at a slower pace.²⁷⁴ The Freedom House 2016 report classifies Kosovo as partly free, semi - consolidated authoritarian regime. While it noted improvements in political rights,²⁷⁵ Kosovo is making scarce progress in strengthening its statehood.²⁷⁶

²⁷³ Figure is authors' work, while the data was acquired from World Bank, "Worldwide Governance Indicators (WGI)," accessed July 21, 2016, <http://info.worldbank.org/governance/wgi/index.aspx#reports>

²⁷⁴ Andrea Lorenzo Capussela, "The West's state-building policy in Kosovo requires a radical overhaul," accessed, July 21, 2016, <http://blogs.lse.ac.uk/europpblog/2016/05/05/the-wests-deluded-and-ineffective-policy-in-kosovo-should-change/>

²⁷⁵ Freedom House, "Freedom in the world 2016: Kosovo," accessed July 21, 2016, <https://freedomhouse.org/report/freedom-world/2016/kosovo>

²⁷⁶ Freedom House, "Nations in Transit 2016: Kosovo," accessed, July 21, 2016, <https://freedomhouse.org/report/nations-transit/2016/kosovo>



The following recommendations look more closely into the EULEX engagements towards the two analysed institutions (Police and Customs), while the conclusion brings a brief overview and main recommendations on a broader EULEX engagement in Kosovo and CSDP civilian missions in general.

Police and Customs are generally assessed more positively than Judiciary or the general state of the rule of law in Kosovo, and are regarded as EULEX's main successes. As we have seen in the previous chapters, it is questionable how important the added value of EULEX continued involvement in Kosovo Customs and Police really can be. **It should not be out-of-question to consider a potential withdrawal of EULEX from the customs sector.** Some would also propose that **similar consideration of withdrawal should apply to EULEX's involvement in the Kosovo police**, as its continuation of presence there is also questionable (the exception might be the offices dealing with serious and financial crime investigations, where the support of the best EULEX experts would be further welcome).²⁷⁷ If this is put into practice, then **the vast financial resources should be invested in judiciary sector, which might allow attracting and contracting the most competent judges, prosecutors etc. to work for EULEX.** In other words, **downsizing of the mission** seems the only way forward. Further emphasis should be put **on strengthening Kosovo judiciary, also by properly addressing some of the known cases of mismanagement or even illegal activities of the Kosovo's elites, making efforts that legal procedures are concluded in reasonable time and ensure that laws and EU best practices are fully implemented and accepted in practice.**

As noted specifically by locals, EULEX often aims for political stability in the country, even if this occasionally means compromising on its operational efficiency. While looking from the perspective of external goal attainment, in the sense of preventing conflict or destabilization, we can conclude that a relatively stable environment has been sustained. We can nevertheless conclude, based on several interviews and observations of other authors, that this stability is occasionally achieved by compromising the mission's fundamental objective of strengthening the rule of law. Hence, the following recommendation can be made: **EULEX (or any other similar civilian CSDP mission as such), which aims at establishing the rule of law in a post-conflict society, should press the member states, which have a final say in CSDP decisions, to provide it with necessary means to achieve this, even if sometimes the stability argument is being challenged** (and not

²⁷⁷ The monitoring of both institutions could be done through the mechanism of EU Progress Report.



only provide financial resources for the missions, which is the easier part of the task, and then claim the EU is committed to peace-building wholeheartedly). On the other hand, if the stability argument prevails at the expense of sharp implementation of reforms at the EU level, then it is better that the mission (or HoM in particular) explicitly states that the rule of law cannot be fully established in given circumstances (with the lack of support), and the mandate should be changed accordingly.²⁷⁸

While EULEX has contributed to the strengthening of both, police and customs, several management and leadership challenges, including a certain level of identified political interference, remain relevant. Inter-organizational communication and cooperation, especially on the relation Kosovo Police – Kosovo Prosecutorial office remain challenging, as identified by the EU reports. While most of the interviewees and other sources note that EULEX presence in the North of Kosovo has improved, several challenges remain open. **Positive steps have been undertaken by integrating Kosovo Serbs into Kosovo Police and Customs, which should be reinforced in order to achieve a balanced presence and efficiency of Kosovo law enforcement agencies** throughout Kosovo.

The Kosovo Customs have received EU support even before the deployment of EULEX as part of the UNMIK pillar IV. Several reports agree that Kosovo Customs seem to be fully operational and have a well-developed legal framework, mostly compliant with the EU standards. The challenge that remains and should remain in the focus is the control over green border. This has been perceived as still somehow insufficient by some of our interlocutors. **Hence, it is recommended that EULEX further supports the development of Integrated Border Management (IBM) and ensures that joint meetings between Serbian and Kosovo customs staff continue even after the future disengagement of EULEX.** While EULEX will continue its role of intermediary, it should be assured that the links do not rely solely on the role of international community, as this would become problematic in the sense of long term sustainability of such cooperation.

Further assistance in the training on the usage of sophisticated equipment and ensurance that Kosovo Customs is well equipped for conducting the job, remains beneficial, especially

²⁷⁸ In the words of one of the representative of a local NGO: *“How is the EU going to send a mission to fight the criminals who unintentionally but willingly transformed into EU’s best partners for stability? Even if the EU sent an army of prosecutors, judges, and police it would fail, because the EU is not ready to “risk” a bit and say perhaps that if they fight these criminals, they will not sacrifice stability after all. The EU did not and do not want to “gamble” even a bit on this. So it is a matter of geopolitics, internal parameters within the EU, it is the idea of success on paper, etc that prevent any potential success.”*



while the EU continues to provide the necessary means for the establishment of permanent border crossing points between Kosovo and Serbia. Special attention is also needed when addressing high levels of publicly perceived corruption inside the Kosovo Customs. Efforts should be made to investigate the reasons behind the continuously bad evaluations and to increase positive public perceptions of the Kosovo Customs. Last but not least, as it seems highly possible that increased irregular migrations in the region will continue, EULEX will most likely need to assist the Kosovo partners in monitoring and controlling the possible influx of migrants also in the future.

General observations of Kosovo Police and Kosovo Customs note that organizations have mostly achieved a desired multi-ethnic composition of their staff. The representation of Kosovo Serbs and other minorities mostly reflects the actual composition of society with some minor deviations. What remains to be a challenge is a relatively low number of female police and customs officers. Several structural and cultural reasons might be the reason. **EULEX should therefore continue to mainstream gender and minorities issues in its engagements with the Kosovo institutions.**

The mission itself has several internal challenges that have to be addressed in order to increase both, its internal and external efficiency. Looking at the six capabilities of the IECEU project,²⁷⁹ we may conclude there are substantial challenges evident in all of the analysed capabilities, even though we can also find some significant developments. One of the first and fundamental challenges that is nevertheless unlikely to be resolved in the near future, is the mission's relation to the status issue. As noted by the experts, EU has somehow adapted and learnt to live with the status issue. Nevertheless, most recent developments with the appointment of a senior diplomat from Greece as the new head of EULEX²⁸⁰ somehow seem to contradict the findings of this research. **As noted by a few of our interviewees, the locals (Kosovo Albanians) have a certain restraint to the ambiguous position of non-recognizing states that participate in EULEX. Appointing a representative from Greece, which does not officially recognize Kosovo, as the head of the mission, might thus politically send a wrong message despite the fact that this very person might be very competent for the job.** Irrespectively of the question who the HoM is, he or she should not hesitate to criticize the Kosovo institutions when necessary, even if this might lead to the accusations of EULEX for political intervention and motivation by the local political elites.

²⁷⁹ Planning capacity, Operational capacity, Interoperability, Competences, Comprehensiveness and Technology.

²⁸⁰ EULEX, "EULEX New Head of Mission Appointed", accessed July 22, 2016, <http://www.eulex-kosovo.eu/?page=2%2C11%2C449>



The identified problems related to the inefficiency of EULEX from the operational perspective are also due to the understaffing of the department responsible for EULEX in CPCC, which occasionally leads to a lack of clear guidance. Personnel related challenges are relevant also with regards to the mission itself. **Reconsideration of the duration of deployments, especially with a view to the judges and prosecutors, and harmonization of both, the selection and pre-deployment trainings, would therefore be beneficial to the mission's operational capability and efficiency.**

Some interviewees also indicated that **pre-deployment trainings of EULEX personnel should focus more on the culture, history and tradition of the area of the mission, as it not rare that a deployed person does not have the necessary knowledge of these topics.** It should be achieved (through different means and initiatives) that the understanding of Kosovo's challenges and CSDP in general becomes to a certain extent standardized for all the staff coming to the mission.

The need for an increased standardization relates also to the expressed opinion that EULEX still has not been entirely able either to transfer European best practices to the Kosovo institutions, or to effectively institutionalize them. It has been noted several times that the understanding of what the EU "Best practices" are, often is not very clear. It would be necessary for the mission (EULEX and CSDP civilian missions in general) to improve its effectiveness and thus seriously **consider employing more EU contracted personnel**, which would have passed a harsh selection process / competition and would have proven its education, competence and professionalism, **instead of deploying primarily the member states' (seconded) personnel that not necessarily go through a competitive selection processes, which assures the needed knowledge and skills for doing the work in a highly professional manner.**

Additional efforts are especially needed in the Northern Kosovo, where EULEX still faces some limitations, which, however, do not necessarily stem from the failures of EULEX, but rather from the political circumstances in the Northern Kosovo. It is recommended that **EULEX outreaches to the local population in the North** by presenting that a better rule of law could be partly achieved also by the efforts of EULEX on lower/non-political levels, and thus prove that EULEX is not the institution that does them injustice (the case of Oliver Ivanović). With regard to the North of Kosovo, EULEX could have **a role in monitoring the progress of the dissolution of Serbian parallel structures** (by focusing on the MUP and former "Civil Protection" - Civilna Zaštita).



As Kosovo is a rather sensitive political and security environment, in which the officials employed in state institutions remain hesitant to report the wrong-doings or even criminal activities or political interference of their superiors or other people, it would be recommended that **EULEX, or the EU Office, established ‘protected channels’, allowing for the reporting of cases of political interference, nepotism, political and criminal pressures** etc. free from the pressure of eventual job loss or even of putting one’s own life at risk for having reported in good faith.

Significant strategic and operational challenges for the mission also relate to the infamous corruption allegations of the EULEX staff. Without presuming any legal conclusion of the allegations, EULEX should **improve its public communication, in order to avoid the perception of trying to cover up or hide scandals, and address its internal and external accountability mechanisms.**

As initially noted, Kosovo is receiving one of the highest levels of international assistance and support. EULEX itself is the most extensive and expensive EU mission, while the results remain limited. **The cost-effectiveness of the mission is thus poor and needs strategic reconsideration and possible reconfiguration.** However, the extension of the mission’s mandate does not offer any substantial organizational or operational changes.

As noted, **the CSDP missions cannot be truly comprehensive and should always be integrated in and coordinated with other existing mechanisms** (in the case of EULEX: the Priština-Belgrade dialogue, the EU integration processes etc.). In general, our research has identified positive instruments of coordination and cooperation between different EU institutions and mechanisms in Kosovo. EULEX will remain a platform for broader EU initiatives, which have been identified as reinforcing the EULEX mandate. This cooperation needs to be sustained and potentially further reinforced also in relation to other non-EU actors to avoid double investment and overlappings among different actors.

With a recently renewed mandate of the mission, the EU has confirmed the need for a prolonged international engagement in the Kosovo Rule of Law. Without a real exit strategy in place, EULEX may remain in Kosovo for a number of years to come. There should be **a clear set of defined success indicators, allowing for a clear measuring of the mission’s success, available also to the public.** Development of **clear benchmarks for eventual phasing out should thus be an overarching strategic objective** that will steer the mission’s focus throughout its different



engagements and provide a clear framework for further development of efficient and effective capabilities.

5.2 ALTHEA (AND FUTURE CSDP MILITARY OPERATIONS)

Based on the findings of D2.2, D2.4 and the interviews conducted during the field trip to BiH a number of recommendations were identified.

Define end-state/exit strategy

The challenges related to strategic planning is also connected to a fact that there is no clear end-state or exit strategy for the operation. Several interviewees stated that the EUFOR Althea is not politically sustainable. Without a clear end-state or exit strategy, the nations are becoming less and less willing to maintain or make new contributions. At the same time several non- EU countries are willing to support the capacity building process of AFBiH by offering training, and donating military material and equipment to the country. Nevertheless, these efforts are often not in-line with the EUFOR's CBT efforts.

Without clear milestones, host government ownership and end-state, the factual impacts of the training of AFBiH to security still remains to be seen.²⁸¹

Funding to support the sustainability of the training (CBT) of AFBiH

Although the training is organised and planned very well and currently is also co-ordinated among EUFOR Althea, NATO, and the AFBiH, financial support is a considerable challenge. Lack of resources within the AFBiH for acquiring appropriate equipment is a significant external barrier to effectiveness. Recent decision does not allow Capacity building in support of security and development (CBSD) funding for ATHENA Mechanism to be used for military equipment, and thus there is no funding to support the sustainability of the training of AFBiH. The AFBiH may have gained the skills but still lack the means to deliver. Lack of common equipment reduces the ability to cross-train and hence demands that training be carried out by each equipment-providing nation. In addition, the lack of funding for materials makes any real-time activities such as disaster relief

²⁸¹ Some improvements are expected to take place in training aspect, as the NATO and EUFOR are currently conducting a capability assessment of AFBiH. The assessment is to provide an overall picture of the current needs of the AFBiH in terms of training and equipment, thereby enabling the EUFOR to redirect their training efforts where needed. This roadmap, however, does not address the question of what is the desired end-state of the AFBiH (D 2.3)



almost impossible. One solution might be an 'Equip and Train' programme that is based on an assessment of the AFBiH's long-term needs.²⁸²

Enhance technical interoperability

There is little technical interoperability within the EUFOR which makes up the training problem. One nation will train the AFBiH on one type of equipment but the problem is that AFBiH does not actually have the equipment they are trained on, since the equipment is collected and removed at the completion of the training. The lack of adequate equipment finally makes the training useless and leads to the waste of effort. On the other hand, the challenge with donated equipment is that there is often no maintenance package to support it, which renders it obsolete in a short time.

Better co-ordination of all the efforts by international actors/nations

Sometimes nations have been willing to provide training or donate equipment outside an agreed training plan. In consequence, capacity and resources of EUFOR Althea and NATO HQ Sarajevo (HQ Sa.) have remained tied up for a long time for training the AFBiH in use of this particular equipment. Furthermore, the donations sometimes are politically linked to national interests. All this is reflected as a lack of sustainability of the capacity building efforts. EUFOR Althea should co-ordinate with all the nations for donation of appropriate elements to the AFBiH. EUFOR Althea should co-ordinate its actions with NATO, as the NATO Contact Point Embassy does some co-ordination among the NATO member states.

Also AFBiH entities have bought or received assets for years via bilateral co-operation that are not needed. When equipment has been donated, often no maintenance package has been included to support it, so it is soon rendered obsolete. Lack of co-ordination in donating of equipment has undermined the efficiency of the CSDP operation: again, it has tied up human and financial resources of EUFOR Althea and NATO in training the AFBiH in use of every element acquired.

²⁸² The European Commission and the HR have recently emphasised their commitment to enhancing coherence and co-ordination between EU security and development actions and to improving the delivery of capacity-building in support of security and development (CBSD). These announcements notwithstanding, use of CBSD funds for military equipment has not been allowed (D 2.3). Besides the funding issue a major barrier to consistent reform process has been connected to the lack of a nationally owned strategy over the defence sector. It was discussed that the political framework in BiH makes the reform process challenging; a collective presidency directs the BiH Ministry of Defence and the Armed Forces, but the country's three ethnicities have differing views and vision of the development of the defence sector. As a consequence, until today, the government has been unable to provide a defence strategy, which has also hampered the effectiveness of the EUFOR's capacity building activities (D 2.4)



Further deepen the co-operation and cooperation with Nato

Also the co-operation with all ethnic groups requires a balancing act and is time-consuming on account of the inflexible institutional structures. In order to reach the operational objectives related to CBT, EUFOR Althea will also have to further enhance its co-operation and co-ordination with NATO, which is leading the defence reform at the strategic level.

Better commitment and pre-mission training by the troops contributing nations

EUFOR Althea is quite low on the agenda of some member states. One indicator of this is that the nations do not necessarily send their best staff to EUFOR Althea and the operation is seen as a training opportunity for individuals.

EUFOR Althea is dependent on the participating nations' willingness to contribute personnel (individuals or troops). This means that also the expertise, skills, competencies, and training level of the personnel/troops deployed to the operation are in the hands of the TCNs. The rotation cycle for individuals and troops in the operation is another matter decided on by the TCNs. In practice, COM EUFOR Althea has no real means to influence these decisions and practices.

In regards to the skills-related interoperability the lack of language skills, absence of common pre-deployment training requirements, as well as the national caveats all hampers the interoperability of the EUFOR Althea's troops, which is also reflected to the capacity building activities. Especially, having a several non-EU countries contributing on EUFOR Althea has created challenges in terms of interoperability. Also the issue of cultural differences and lack of language skills- both English and local languages - decrease the effectiveness of the operation activities during the interviews. Especially the capacity-building and liaison activities require language competency, and thus often these activities are hampered due to language barriers.

"On paper", the structure of HQ EUFOR Althea and the functions that it encompasses match the situation and current tasks in BiH well. On account of the frequent rotation of personnel and lack of trained personnel, however, full effectiveness and maximum operational output are not always achieved, and sometimes the result is nowhere close. Staff officers' short duration of tours, usually six months or even less, poses a significant challenge in terms of institutional memory, continuity, and general effectiveness of the operation.

The planned reserve concept (involving over-the-horizon' forces) suffers because the nations are unable or unwilling to designate troops and resources for these tasks. Currently, EUFOR Althea is



two battalions short. This is assessed as posing a serious or even critical challenge if the security situation in BiH should deteriorate.

Enhance Situational Awareness capability

EUFOR Althea's situational awareness suffers on account of the reduced number of troops and the current low number of LOTs in the field (17). This is assessed as compromising EUFOR Althea's ability to react and respond in a timely manner to deterioration in the SASE. The LOTs are static in nature, and their area of operation is large.

There are shortfalls in EUFOR Althea's human intelligence (HUMINT) assets. The operation lacks skilled social analysts to assess the atmosphere, and the TCNs are not willing or able to deploy HUMINT teams. Furthermore, many nations place restrictions and limitations on doing so. Therefore, EUFOR Althea lacks feasible HUMINT capabilities in the field.

Limited means of maintaining up-to-date situational awareness when combined with lack of reserves may be a mission-critical deficiency for EUFOR Althea. This has an effect also on EUFOR Althea's ability to protect and evacuate the personnel of the international community in the event that this becomes necessary.

Enhance Strategic communication capability (STRATCOM)

Based on the interviews NATO is considered to be a more credible actor than EU/EUFOR by the local population, mostly due to concrete hard power capabilities and real measures taken compared to EU's soft power. According to several interviewees the activities of many of the bilateral actors are more known to an average man than those of EU. Bilateral material support brings more visibility to the locals. Without concrete results it is difficult to demonstrate the average population what the EU has done or can do in BiH. Both the EU and EUFOR lack of appropriate communication capability. Unless, the EU has a coherent information strategy, the intentions and activities of the EU and EUFOR remain unclear to the population.



6 CONCLUSION

When CSDP military operations and civilian missions are inaugurated, the expectations of local communities, as well as the ambitions of the EU and its member states, are usually high. This does not come as a surprise, as they are often perceived as a remedy coming from the developed world to heal all the problems of conflict- and post-conflict society. Nevertheless, if the mission or the operation from its inception on does not aim at creating a functioning state, or at least providing a higher degree of safety, security and the rule-of-law, then such a mission or operation is doomed to fail. To do so, however, also the political environment in the receiving country (aspirations to improve the current state of affairs) must be positive, allowing the mission or operation to conduct the tasks within its mandate. By this we mean that the local security providers must be able to contain any disruption that might occur. However, these **ambitious goals cannot be achieved solely by the efforts of a CSDP civilian mission or military operation. They require a strong political commitment of major actors on the ground, local ownership, economic development, functional state institutions, and a coordinated will and actions of other international actors** involved in conflict prevention and peacebuilding efforts in the conflict or post-conflict society.

As explained in the introduction of this deliverable, the analysis of EULEX's performance in Kosovo focused on two 'beneficiary institutions' only – the Customs and the Police - while the Judiciary, which on one hand symbolizes EULEX in Kosovo, was not specifically addressed, as this was not envisaged in the Grant Agreement.. The reasons for this approach were explained in previous deliverables of WP2. Therefore, this conclusion and the above-mentioned recommendations should also be read accordingly.

Prior to summing up the research in this deliverable, which rounds up the efforts of WP2 'The Balkans', and giving concluding thoughts, a few issues must be explicitly mentioned again, as the reader should be aware of these background information to understand not only EULEX and EUFOR Althea, but CSDP in general. First, **CSDP missions and operations were primarily devised as a short term conflict prevention and crisis management instrument. However, as we have seen in the analysis of both CSDP "engagements" in the Balkans - EUFOR Althea and EULEX - they have rather been used as long-term post-conflict capacity for institution-building.** Hence, one of the first discussions that should be resolved in the EU is whether it would be more suitable for the missions and operations to be deployed also in the long run. If the answer is positive, then the mandates and general approach of the EU should be adapted accordingly. This is of a particular importance in the light of the new EU Global Strategy, stating that CSDP



“must become” more responsive and setting the EU approach very ambitiously. According to the Strategy, the EU will even expand its understanding of a ‘comprehensive approach’, reaffirming that *“the EU will act at all stages of the conflict cycle, acting promptly on prevention, responding responsibly and decisively to crises, investing in stabilisation, and avoiding premature disengagement when a new crisis erupts.”*²⁸³

The analysis has also shown that **the current method of planning and deploying missions and operations faces serious challenges, which hinder the general effectiveness of CSDP**. In this regard, it might be useful to explore whether the deployed missions could complement each other. Some of such cases are already emerging, and this will be further explored in WP6, which focuses on the pooling and sharing. It is also worth asking to what extent the CSDP missions and operations could complement the work of internal security institutions.

The lack of a clear end-state or exit strategy for both EULEX and EUFOR Althea does not help in preventing the CSDP engagements from being seen as ‘eternal’ and without ‘feasible goals’ by the local communities that should benefit from CSDP. Another challenge hampering the effectiveness of both EULEX and EUFOR Althea, is **the issue of adequate pre-deployment training of personnel**, as there are significant differences in the levels of preparedness, situational awareness, and professionalism among the staff symbolizing ‘the EU flag’. The challenge of providing the deployed personnel with the necessary language skills - English and local languages - has persisted ever since the inception of CSDP more than a decade ago.

In spite of these shortcomings **there are certain successes of both EULEX and EUFOR Althea**, which have been explained in detail in previous chapters. The authors of this report thus challenge the popular (or better populist) belief that CSDP does not work (or even exist) at all, by providing quite a few examples proving that the EU engagement did contribute to several positive results in the Kosovo Customs, the Kosovo Police, and the Armed Forces of BiH.

However, **this is not to say that certain aspects of CSDP engagement are not flawed**; for example the involvement of EULEX in judiciary reform, which - due to the aforementioned reasons - was not specifically analysed in this report. Based on this, one should not be surprised if critics continue to question the EU engagement in the rule of law reform in Kosovo, when its (of the

²⁸³ European Union External Action Service, “Shared Vision, Common Action: A Stronger Europe A Global Strategy for the European Union’s Foreign And Security Policy” accessed July 15, 2016, <http://www.iss.europa.eu/uploads/media/EUGS.pdf>



reform) success was limited and relating only to two institutions – the Police and the Customs -, thus leaving judiciary as the crucial institution mainly unreformed and without real power, as the most serious crime allegations have not been addressed adequately. If the EU (through EULEX and other engagements) seems not to be fully committed to the reform of the rule of law, prioritizing stability to the actual reform of the rule of law, it is logical to question the sense of this reform, as it is impossible to implement the rule of law without a functioning, professional and independent judiciary.

Among the findings we would like to put into comparative perspective, it was noted that **in both Kosovo and BiH, the factors threatening security and safety have been for several years, first and foremost socio-economic**, starting with unemployment and health-care issues and extending to the processes contributing to terrorism. Therefore, the discrepancy in terms of security is obvious. **The current fields of EULEX and EUFOR Althea's work are** - with a notable exception of EULEX's engagement in establishing the rule-of-law in Kosovo - **to a large extent far from the people's everyday life.**

The analysis of EULEX and EUFOR Althea has shown that **the EU engagement, be it civilian or military, cannot succeed without the alignment of the policies of major international actors in the area.** With regard to the Balkans, this would mean the EU-US alignment in particular, while the alignment of CFSP/CSDP with the Russian Federation, like it or not, might be more challenging to achieve due to the reasons pertaining to the domain of the 'realpolitik'. **If this strategic alignment of major actors is not reached, all the positive contribution of the EU engagement remains limited to the tactical (low) level** (e. g. improving the work of police in dealing with the traffic safety and petty crime, better performance of customs, certain administrative reforms ...), **while the main objectives of the missions or operations, which are of the strategic nature (e. g. fighting corruption and organized crime), remain to be accomplished.** Even substantial financial and human resources spent on CSDP missions and operations by the EU cannot be of great help in the absence of a genuine aspiration of the EU (including its member states) and the US, to go after those political and economic elites facing the allegations of criminal activities.²⁸⁴

²⁸⁴ The allegations and rumours that certain members of political elites are involved in criminal activities echo also in the reports of credible institutions. Let us mention, for example, a 2010 Council of Europe report, which, quoting two German intelligence analyses dating from 2005 and 2007, argues that much of the current leadership of three main political parties in Kosovo are key personalities of organized crime. Although the elites who are rumoured to be involved in criminal activities often say that if there are allegations, then it is correct that the court cases commence, this might be difficult to implement, as much of evidence has been destroyed or that the key persons who could have brought the



This would, however, as argued by many authors, require renewed negotiations between the US government and the Europeans.²⁸⁵ **If this level of misalignment between influential actors persists, then the criticisms arguing that the EU (and the West in general) should either strengthen its level of intervention to bring about a real change in the governance, or withdraw substantially and continue providing only limited support,** remains justified.

On the other hand, it comes as no surprise that the EU and its member states, or even the US, in general, do not get involved strategically and comprehensively, as the problems, at least for now, seem to be “locally contained” from the security aspect. **Political leaders of the countries in the region, with some rare exceptions, generally enjoy the support of the West and are well-aware what the EU, drowning in its own problems, wants: this is the Balkans, where problems are contained within the territory without imminent spillover potential to inflame the wider region (again). But this certainly comes at the expense of the rule-of-law, a lower level of corruption, and a general democratization and stabilization in the EU neighbouring countries, remaining more wishful thinking than reality.** This might be one of the most important conclusions of this deliverable.

evidence forward have no reason for doing so, as also they enjoy certain benefits from it, or do not dare to point fingers at misbehaviour.

²⁸⁵ See, for example: Andrea Lorenzo Capussela, “The West’s state-building policy in Kosovo requires a radical overhaul,” accessed July 8, 2016, <http://blogs.lse.ac.uk/europpblog/2016/05/05/the-wests-deluded-and-ineffective-policy-in-kosovo-should-change/>



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ROUNDTABLE DISCUSSION

“IECEU Roundtable discussion of experts,» May 24, 2016, Jable Castle, Slovenia.

