



The prospects for a future Kosovo: the role of Security Sector Reform

Number 38, May 2008

In the Balkans, the EU is deploying its largest ever European Security and Defence Policy (ESDP) mission, EULEX Kosovo complemented with the International Civilian Office (ICO), both EU-led. This is a test case for the EU in striving for a comprehensive approach to Security Sector Reform (SSR) and both the challenges and expectations for success are high. The EU is no longer a 'new' player in the region and has, through recent ESDP mission deployments and European Commission external actions, built up its capacity and experience in dealing with post-conflict scenarios. This article looks at the pivotal role the EU will play in Kosovo, and outlines the challenges facing the EU-led presence undertaking SSR implementation.

Introduction

'Kosovo's future is Europe'. This assertion - widely-spread among EU and Kosovar officials - goes beyond the simple rhetorical-diplomatic discourse. The intention to integrate Kosovo in the long run within Euro-Atlantic structures is motivated by the EU's consideration of regional and international stabilisation. Kosovo, an important geographical and historical pivot, serves as the important test-case for EU success in being a global player for stability. Kosovo is also a unique case for engagement, that the EU is endorsing through its different programmes and agencies involved in Kosovo in terms of judicial development, security aspects and development assistance.¹

The triple EU presence in Kosovo (the EULEX mission, that will be fully deployed from 15 June 2008 thus replacing the EU Planning Team (EUPT) mission, the International Civilian Office (ICO)² and the European Commission Liaison Office to Kosovo³) is delivering a holistic and comprehensive package of SSR. Further, the EU is undertaking this enlarged presence bearing in mind the lessons learnt from its previous international trusteeship experience and the UN Mission in Kosovo (UNMIK).⁴ The EU is taking up the complex challenge in supporting the 'new born state' in its transition from autonomy to full independence. Indeed, the EU, in compliance with the ownership principle – that is, civilian and local Kosovar authority engagement in the process - is mainstreaming short and long term actions based on cross-pillar (community, external relations and judicial) cooperation.

¹ For a general overview of the EU presence in Kosovo see: www.euinkosovo.eu. In addition, the EU is also present through the European Agency for Reconstruction: www.ea.r.eu.int/kosovo/kosovo.htm, and the EU pillar under UNMIK: www.euinkosovo.org/uk/about/about_pillar.php.

² Further information on EULEX: www.eupt-kosovo.eu; on the International Civilian Office: www.ico-kos.org. ICO is international EU led mission.

³ European Commission Liaison Office to Kosovo <http://www.delprn.ec.europa.eu>

⁴ UNMIK, United Nations Interim Mission in Kosovo, was established on the 10 June 1999 by UNSCR 1244, <http://daccessdds.un.org/doc/UNDOC/GEN/N99/172/89/PDF/N9917289.pdf?OpenElement>

The EULEX mission will ensure the establishment of rule of law in Kosovo in the justice, police and customs sectors and support the creation of ‘hard’ security⁵ agencies through the International Civilian Office.⁶

Despite the unquestionable EU recognition of SSR as a crucial factor to the EU’s potential in succeeding in its nascent crisis management abilities, “*much work remains to consolidate the EU’s character as an SSR actor regionally and internationally*”.⁷ The emerging conceptualisation (and disputes over such) of SSR and the EU’s embryonic operational applicability of SSR, are factors influencing any outcome of EULEX and success of SSR implementation. The Kosovo context is one of the most challenging, with its history and complex political background, as well as its ethnic divides, and will require more balanced and carefully considered efforts than the EU has previously demonstrated.

The lack of UNMIK’s capacity in SSR has thus far impeded local ownership and the sustainable development of self-governed institutions. As Scheye critiques: “*the UN has been unsuccessful in supporting the further development of the Kosovo justice and security sector as the UN system in Kosovo and in New York did not possess the skills, expertise and managerial capacity effectively and efficiently to support a locally-owned SSR process.*”⁸ The EU will have to make a clean break with the previous international administration actions to match with stated objectives of the EU led presence, for participation and engagement of both the Kosovar authorities and civil society.

The EU has increasingly evolved in crisis response policies and implementation since its first operation in the Balkans in 1991⁹ and has considerably reinforced its set of crisis management tools. The EU’s previous experience in, and extensive comprehension of, the region should give a solid background for EU ability in achieving its tasks.

1. Background context in Kosovo for conducting successful SSR policy

In addition to the specific challenges to SSR in Kosovo (rule of law and ‘hard’ security sector), the EU will have to deal carefully with Kosovo’s politico-cultural legacy and the sensitive post-independence context.

⁵ ‘Hard security’ for the purposes of this article refers to security forces and intelligence services.

⁶ For further analysis: Thomas Zehetner, ‘Waiting in the Wings – The civilian ESDP mission in Kosovo’. *European Security Review* no. 33, May 2007. http://www.isis-europe.org/pdf/2007_artrel_28_esr33kosovomission.pdf.

⁷ David Spence and Phillip Fluri, editors, *The European Union and Security Reform*, John Harper Publishers: Geneva. 2008. p 305.

⁸ Eric Scheye, ‘UNMIK and the Significance of Effective Programme Management: The Case of Kosovo’, in *Security Sector Reform and UN Integrated Missions: Experience from Burundi, the Democratic Republic of Congo, Haiti, and Kosovo*. DCAF: Geneva, 2008. p 36. <http://se2.dcaf.ch/serviceengine/FileContent?serviceID=DCAF&fileid=912F1F6D-2265-7C75-18B6-02CE7B8F29EE&lng=en>

⁹ Giji Gya, ‘ESDP and EU mission update’, *European Security Review* no. 36, December 2007, http://www.isis-europe.org/pdf/2007_artrel_77_esr36esdpmission-update.pdf

1.1 Cultural-political context in Kosovo: reinforcing state confidence

Kosovo is a three-month old state, but with a complex political and historical legacy. Under the former Yugoslavian regime, the dominant Albanian demographic was progressively granted rights and incorporated within the domestic structures, yet their participation was limited. Conversely, their exclusion from political and administrative bodies during the 10 year Milošević rule created a serious vacuum of political participation/local ownership and little confidence in trusting the state which did not respond to its obligation to protect.

After the armed conflict 1999 and in line with UNSCR 1244,¹⁰ the UN international trusteeship administration, UNMIK, was established to create self-governing institutions in Kosovo, whilst UNMIK itself administrated the territory. However, ultimately the establishment of this trusteeship did not improve local ownership. This normative inconsistency (creating autonomous institutions whilst retaining authoritative powers) coupled with the UN's lack of long-term strategy, planning and its inability to effectively and efficiently manage its activities, personnel, and resources¹¹ are main factors in explaining the resulting poor development of local capabilities in Kosovo.

The handful of lessons learnt and recommendations from the UNMIK SSR assessment developed by Eric Scheye¹² are likely to be encompassed within the strategic planning of the EULEX and ICO. One such recommendation - the principle of local ownership of reform processes (thus participation in) - is the fundamental concept for any EU SSR mission. The preparation for EULEX deployment indicates that the EU is determined to support, monitor, mentor and advise the locals and their ownership of SSR implementation, as opposed to the previous pseudo-rule and governing. These are positive signs to make a new direction towards creating institutional structures and stability from a reform process, compared with previous international presence and methods.

As Fabian Schmidt argues, “*one of the most fundamental challenges of post-status Kosovo will be to forge the relationship between citizen and state institutions anew*”.¹³ The complex political legacy (where the state is seen as a violator of human rights rather than provider of security) coupled with strong cultural Albanian traditions of “*self-sufficiency (...) in which the family plays the role as the guarantor of individual security*”¹⁴ are serious issues that hinder the development of trust between civil society and the new state entities. Incentives should be encouraged to strengthen confidence-building with the population in reform processes - a challenge which EULEX and ICO have integrated within their mandates in parallel with promotion of civil society dialogue, oversight mechanisms and local ownership.

¹⁰ UN Security Council Resolution 1244 establishing UNMIK. *op. cit.* footnote 4.

¹¹ Eric Scheye, *ibid* p 171.

¹² Eric Scheye, *ibid*.

¹³ Fabian Schmidt, *Kosovo –Post-status challenges to governability*, in ‘Is there an Albanian question?’, Chaillot Paper - n°107, February 2008. <http://www.iss.europa.eu/uploads/media/cp107.pdf> . p17- 39.

¹⁴ Fabian Schmidt, *ibid*, p 31.

1.2 Post-independence context

The EU, almost hostage of the politicised situation in Kosovo, will have to tackle the circumstantial contexts such as: enhanced coordination with international actors; the Mitrovica situation; and understanding the Kosovar perspective of Europe's role.

1.2.1 Avoiding Confusion

The political events at domestic, regional and international levels have placed constraints on the international presence in Kosovo in reviewing the original implementation plans for Kosovo's future¹⁵. The '*abrupt*' declaration of independence and differing responses to this declaration across the international community and regional players, have created even further confusion into Kosovo's transition period.

In Kosovo's post-independence phase, the UN mission will enter into a '*reconfiguration phase*',¹⁶ and is likely to remain mute on their eventual future role in Kosovo up to the end of the transition period. Some assumptions regarding the evolution of the situation in the Northern region of Kosovo, are that the UN mission may be engaged in coping with the sensitive situation in the Mitrovica region and in ensuring the security situation. UNMIK could also be involved in dialogue with the Serbian community, who are currently reluctant to engage in dialogue with the EU.¹⁷ As a consequence, "*the situation on the ground is very much politicized but also very confusing*"¹⁸ regarding the various mandates of the myriad of international actors present.

According to a recent survey carried out by Saferworld and Forum for Civic Initiatives,¹⁹ the lack of clarification over the division of labour in creating a new state may be a '*driver of conflict*' that could undermine local and international efforts in strengthening Kosovar institutions. To create a clear distinction between the new EU mandates and UNMIK's responsibilities, an outreach information campaign on the powers and role of the EU is of paramount importance. The mandates of EULEX and ICO - based on the ownership principle - should be at the heart of such a campaign. Civil society in general is encouraging the EU-led presence to conduct outreach information campaigns throughout Kosovo, including in remote rural areas. Clear message delivery from the EU should be fully supported and endorsed by the Kosovar authorities. This will in turn assist in legitimizing and giving greater credibility to the EULEX and ICO missions as already, the EU enjoys a "very good image and has an overwhelming support from the majority of Kosovars".²⁰

Developing initiatives and dialogue with civil society should be undertaken on a more regular basis. The EULEX mission, in continuing the previous efforts in addressing gender issues in

¹⁵ Thomas Zehetner, 'Waiting in the Wings – The civilian ESDP mission in Kosovo'. *European Security Review* no. 33, May 2007. http://www.isis-europe.org/pdf/2007_artrel_28_esr33kosovomission.pdf

¹⁶ Toby Vogel, 'UN chief under pressure to back co-existing missions in Kosovo', *European Voice*, 8 May 2008. http://66.102.9.104/search?q=cache:vd1j_MLAWx4J:www.europeanvoice.com/article/imported/un-chief-under-pressure-to-back-co-existing-missions-in-kosovo/60672.aspx+%E2%80%98transition+%E2%80%98reconfiguration+phase%E2%80%99,+UNMIK&hl=en&ct=clnk&cd=3&client=firefox-a

¹⁷ 'UN expects to stay on in Kosovo', BBC news, 28 April 2008. <http://news.bbc.co.uk/2/hi/europe/7370695.stm>

¹⁸ Unnamed source, interviewed 2 May 2008.

¹⁹ 'Kosovo at the crossroads: Perceptions of conflict, access to justice and opportunities for peace in Kosovo', Saferworld and Forum for Civic Initiatives, December 2007.

²⁰ Mia Marzouk, Team Leader, South-East and Eastern Europe, Saferworld. Interviewed 8 May 2008.

Kosovo and in implementing UNSCR 1325,²¹ has appointed a civilian gender advisor to oversee gender mainstreaming, particularly across the security sector in a patriarchal society where domestic violence and economic discrimination towards women are still prevailing.²² These two factors will contribute directly to consolidating ownership among Kosovars and developing oversight mechanisms beyond local political and administrative entities, both of which are essential components in conducting an effective and efficient SSR policy.

1.2.2 Mitrovica - bridging communities

Mitrovica, the Northern region of Kosovo, represents a main challenge for both Kosovars and the EU in ensuring a comprehensive SSR approach across the country. The imminent threat of a political and legal vacuum in the Northern part of Kosovo, that could lead to a *de facto* partition within the 'new born state', is a major preoccupation of both international and European actors. To avoid such a scenario, discussions are ongoing between main stakeholders including New York, Brussels and some Capitals. The ICO has a team working exclusively on status implementation in Mitrovica.

Even before 17 February 2008,²³ the Kosovar Provisional Institutions of Self-Government (PISG)²⁴ had no authority in the North. The existence of Serbian parallel service structures²⁵ was a serious impediment for UNMIK and the nascent Kosovar institutions in providing adequate delivery of state services. Serb Kosovars are reluctant to use PISG services for physical security reasons²⁶ and due to lack of confidence toward Kosovar institutions, as the PISG are associated with the Albanian demographically dominant community.

In the wake of Kosovo's independence, the challenge in bridging communities is even more important, especially in renewing the links with the Serbian community living in the North.²⁷ The current Serbian opposition to the EU-led presence - and consequent Serb Kosovar opposition, following instructions from Belgrade - requires skilful outreach, dialogue and relation building from EULEX and ICO towards the Republic of Serbia. Such outreach needs to remove tensions and create greater cooperation between the EU and international organisations on the ground. In parallel, the EU is acting at diplomatic level with the Republic of Serbia - a crucial incentive to reinforce dialogue with the Serbs/Kosovars through Belgrade. The recent

²¹ UN Security Council Resolution 1325 on Women, peace and security. 31 October 2000. This resolution outlines a framework for women's participation in security and post-conflict peacebuilding across all levels. In particular, 1325 incorporates gender aspects of SSR in paragraphs 8c "(c) Measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary;" paragraph 11 "Emphasizes the responsibility of all States to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity, and war crimes including those relating to sexual and other violence against women and girls, and in this regard stresses the need to exclude these crimes, where feasible from amnesty provisions;" and paragraph 13 "Encourages all those involved in the planning for disarmament, demobilization and reintegration to consider the different needs of female and male ex-combatants and to take into account the needs of their dependants;"

<http://www.peacewomen.org/un/sc/1325.html> and <http://www.un.org/Docs/scres/2000/sc2000.htm>

²² Unnamed source from Pristina, interviewed 6 May 2008.

²³ Kosovo independence declaration day.

²⁴ Kosovo Provisionary Institutions of Self-Government (PISG), institutions established under UNMIK trusteeship.

²⁵ *Parallel Structures in Kosovo*, OSCE Mission in Kosovo, report 2006-2007
www.osce.org/documents/mik/2007/04/23925_en.pdf

²⁶ *Parallel Structures in Kosovo*, OSCE Mission in Kosovo report, *ibid*.

²⁷ The Serb Kosovars living in the south are less reticent in cooperating with the Kosovar institutions. This could be due to the bigger geographical distance from Belgrade in comparison with Mitrovica.

signature between the EU and Serbia of the Stabilisation and Association Process²⁸ is illustrative of this.²⁹

To further bridge divides, the EU should promote the new rights and safeguards granted to the Serbian community through the Kosovo Constitution.³⁰ The conduct of information campaigns via internet, media and through other international organisations present on the ground are possibilities to engage the population in the north. This could be coupled with outreach campaigns in Serbian enclaves at the south of the Ibar River, where the Serb Kosovars are less reticent to cooperate with Kosovar institutions, thus enhancing information outreach through using links and influence across the Serbian communities.

1.2.3 Lessons from Bosnia and Herzegovina

The lack of unanimity among EU member states in recognising Kosovo as an independent state may create difficulties in the long term, as without unanimous agreement among EU member states, Kosovo will not be eligible to sign the Stabilisation and Association Process. Thus the efforts by Kosovars and the EU-led presence towards stabilising independence and undertaking SSR could be undermined by a lack of clarity regarding an EU agreement on Kosovo.

The EU-led presence in Kosovo should follow the lessons from the international trusteeship experience in Bosnia and Herzegovina (BiH). In BiH the EU was successful in promoting political, economic and administrative reforms, whilst using the benefits of European integration and accession to the EU as enticement for undertaking reforms. Whilst at the same time, the EU managed to build local capabilities in BiH, in public administration, economy and police sectors, without interfering in the domestic decision process in these sectors.³¹ Thus, although timewise it takes longer to implement necessary reforms such as those needed for SSR, slower – yet more comprehensive implementation - lays a stronger foundation for sustainable reform of state structures and services.³²

In consideration of these multifaceted contexts that Kosovo faces, the second section of this article will present the difficult challenges that Kosovo and the EU-led presence will face once the missions are fully deployed.

2. Security Sector Reform implementation

During the eight years under UNMIK trusteeship, the foundations of self-governed institutions - PISGs - were established. This was accompanied with progressive transfer of powers from the UN mission to the local authorities. However, if any progress has been made, the many shortcomings within the wide spectrum of the rule of law have been identified by both the locals and the international presence. As a consequence, the local population is calling on the EU to

²⁸ For further explanations on *Stabilization and Association Process* : <http://www.delprn.ec.europa.eu/?cid=2.133>

²⁹ The Slovenian EU Presidency statement on behalf of the EU, 8 May 2008.

http://www.eu2008.si/en/News_and_Documents/Statements_in_International_Organisations/May/0508MZZsaaOSCE.html.

³⁰ The Kosovo Constitution should enter into force on the 16 June 2008. <http://www.kosovoconstitution.info/?cid=2.302>.

³¹ Stefano Recchia, *Beyond international trusteeship: EU peacebuilding in Bosnia and Herzegovina*, Occasional Paper - n°66, February 2007, <http://www.iss.europa.eu/uploads/media/occ66.pdf>.

³² Mia Marzouk, Team Leader, South-East and Eastern Europe, Saferworld, interviewed 8 May 2008.

support their efforts in maximizing the past and present efforts in institution building, to pave the way for the establishment of a solid legal system that will serve and protect all people of Kosovo.

The main challenges regarding the implementation of the EU-led presence on SSR – EULEX SSR mission and ICO - will be mainly in ‘hard security’ sector reform (under ICO, EULEX and International Military Presence (IMP) responsibility) and on justice/police customs (under EULEX responsibility).

2.1 Hard security sector reforms under the Ahtisaari plan

SSR implementation for security forces and intelligence services shall fall under the mandate of ICO, as ICO is primarily responsible for implementation of the Ahtisaari plan.³³ One commentator feels that NATO, traditionally involved in reforming the ‘hard’ security sector in both previous and current actions in the region, should be associated with ICO implementation, providing there is no opposition from NATO members.³⁴

The Kosovo Constitution, following the path of the Ahtisaari plan, provides detailed information on security sector reform implementation. This will serve as guideline for the establishment of the four new security agencies in Kosovo: the Kosovo Security Force (KSF), Kosovo Security Council (KSC), Kosovo Intelligence Agency (KIA) and Civilian Aviation Authority (CAA).³⁵ These institutions should be in place from the 15 June 2009, one year after the end of the transition period.

The main challenges depend on the integration of the informal intelligence services within the state machinery and the dismantling of the Kosovo Protection Corps (KPC); the latter will require consensus among local actors and international organisations in conducting Disarmament, Demobilisation and Reintegration (DDR) programmes. The creation of the KSF, KPC’s successor, is a must, as it will enable inclusion of communities and individuals that do not affiliate themselves with the Kosovo Liberation Army (KLA/UÇK³⁶), a necessity if Kosovo is to create a cohesive and integrated multi-ethnic society.

The Kosovo Government is currently engaged in building up a democratically controlled Kosovo Intelligence Agency (KIA). The law on the Kosovo Intelligence Agency is to be adopted within a few weeks. The KIA will not have an executive mandate, it will monitor and analyze threats to Kosovo’s internal security, and some of its actions will have to be approved by the justice system. The draft law is currently being finalized and is waiting to go through the appropriate procedures.

³³ The Ahtisaari plan proposed a resolution for settling the status of Kosovo. Annexe VIII Security Sector Reform, p 49-51, http://www.unosek.org/docref/Comprehensive_proposal-english.pdf

³⁴ Unnamed source from Pristina, interviewed 5 May 2008.

³⁵ Kosovo Constitution, *ibid*, Chapter XI on Security Sector p 47- 50.

³⁶ KLA/ UÇK: Kosovo Liberation Army or Ushtria Çlirimtare e Kosovës, was a Kosovar Albanian paramilitary force which fought during the war against Serbian Milosevic forces for Kosovo independence.

2.2 The EULEX Mission

In deploying the EU-led presence, background to take into account include the widespread and large-scale corruption and the lack of witness protection for the population of two-million. Coupled with the poor education system and very low salaries, these elements create deep rooted causes of the “*lack of efficiency and professionalism*”³⁷ of Kosovar institutions within the justice, police and customs sector.

2.2.1 The Justice Sector

The judicial system is by far the most critical for SSR in Kosovo. Viewed as the most corrupt, the least efficient administrative entity and with inadequate personnel, the future of the justice system in Kosovo is of serious concern.

After the war, Kosovar judges were appointed by UNMIK without an adequate vetting process.³⁸ The delayed establishment of the Kosovo Judicial Council (KJC)³⁹ impeded timely training for the judicial staff in the first years of UNMIK era. Moreover, the physical separation between international, UNMIK and Kosovar judges has hampered local ownership.⁴⁰ The poor education system and the lack of opportunities for training under UNMIK, now necessitate a new legal staff selection process.

In addition, widespread corruption, political interference from various actors and the lack of protection for legal staff, witnesses and their families are explanatory factors for reticence by the Kosovars participating in the current judicial system.

These factors thus contribute to a lack of guarantee of establishment of an impartial, independent and neutral judicial system. Further, the current weak system has resulted in an increasing backlog of legal cases “*with more than 50,000 civil cases and over 36,000 criminal cases pending*”.⁴¹

As well, the multiplicity of laws across Kosovo implemented by various authorities, induces duplication, inconsistency and contradictory judgements. This problem should be urgently addressed by mapping the legal system⁴² between UNMIK laws, Yugoslavian law, post-independence laws and Serbian laws that are applying under the parallel Serbian legal system to ensure a uniform legal system.⁴³

³⁷ Unnamed source from Pristina, interviewed 5 May 2008.

³⁸ Unnamed sources from Pristina, interviewed 5 May 2008 and from Brussels interviewed on 2 May 2008.

³⁹ The Kosovo Judicial Council was established in 2006. One of its functions is to provide training for judicial personnel.

⁴⁰ Mia Marzouk, Team Leader, South-East and Eastern Europe, Saferworld, interviewed 8 May 2008.

⁴¹ *Kosovo Under UNSCR 1244*. 2007 Progress Report, p12
http://ec.europa.eu/enlargement/pdf/key_documents/2007/nov/kosovo_progress_reports_en.pdf.

⁴² Unnamed source, from Brussels interviewed on 2 May 2008.

⁴³ *Parallel Structures in Kosovo*, OSCE, *ibid.* p 15-23.

2.2.2 Kosovo Police Services

The Kosovo police sector has been assessed as being far more efficient and with a better reputation than the judiciary sector,⁴⁴ performing daily tasks in a satisfactory manner. The EULEX personnel will daily monitor, mentor and advise Kosovar civil servants on their work. However, little progress has been made regarding the conduct of investigations, particularly the most sensitive cases such as corruption, inter-ethnic crimes and organized crimes. The EULEX mission will strive to address these sensitive cases in close cooperation with the Kosovars. The reticence by the Kosovar authorities in solving corruption cases, organized crimes or even inter-ethnic crimes is inherent to the specific Kosovo geographical aspects as previously explained. Hence to implement an SSR process from the principle of local ownership, the EU must assist the Kosovars in bridging these tensions and divides.

3. The Security and Development Nexus - ensuring SSR sustainability in Kosovo

In order to ensure EU cross-pillar cooperation – that is, coordination and cooperation across Community, external relation and legal competences of the EU institutions - the European Commission will need to support Kosovars in their socio-economic and administrative reforms, in conjunction with reforms under the mandate of EULEX, thus enabling sustainability of SSR between the ‘hard’ security and legal sectors. The attention to a security and development nexus⁴⁵ in approaching SSR across EU institutional implementation⁴⁶ is reflective of attempts towards a new comprehensive EU approach – one of the stipulations of the Lisbon Treaty⁴⁷ - to ensure EU cross-pillar cooperation.

The unquestionable requirement of poverty reduction and human development, alongside a stable security environment for post-conflict rebuilding, is of utmost importance in forestalling tensions created from lack of opportunities for the new generation of Kosovars. Lack of adequate attention to these needs could fuel further conflict if left unchecked, with 50% of the Kosovar population under the age of 20 and with unemployment over 45%.⁴⁸ These many challenges, also referred to in the European Commission (EC) progress report on Kosovo,⁴⁹ will be the priority responsibilities for the new state. If no improvement is seen in the coming years, Kosovo might face “*deep internal tensions*”⁵⁰ and consequent destabilisation of the current ‘stable but fragile security situation’ could occur.

To ensure sustainability of measures undertaken by the EU-led presence to rebuild Kosovo, the EC delegation, having a long term perspective, will oversee and support the economic, political

⁴⁴ Thomas Zehetner, *ibid.*

⁴⁵ See the Council Conclusions on Security and Development 2831st EXTERNAL RELATIONS Council meeting Brussels. 19 November 2007. <http://www.eu2007.pt/NR/rdonlyres/4319C2A2-37E7-4CC3-8457-5F3B2E15D2CC/0/97157.pdf>

⁴⁶ There are two different SSR concepts from the EU institutions, one from the Council of the European Union (2nd pillar of external competencies): *EU Concept for ESDP Support to Security Sector Reform* (12566/4/05 – 13.10.05) and one from the European Commission (1st pillar or Community competencies), *Support for Security Sector Reform*, (COM (2006) 253 – 24.5.2006)

⁴⁷ See Sophie Dagand, ‘The impact of the Lisbon Treaty on CFSP and ESDP’, *European Security Review* no. 37, March 2008. http://www.isis-europe.org/pdf/2008_artrel_150_esr37tol-mar08.pdf

⁴⁸ In 2006, 44.9% of labour force is unemployed, European Commission Progress report, p 5, *ibid.*

⁴⁹ *Kosovo Under UNSCR 1244*. 2007 Progress Report. European Commission.

⁵⁰ Unnamed sources from Pristina interviewed 2 May.

and administrative reforms in Kosovo to fill the gaps not covered by the EULEX mission or ICO.

Conclusion

Establishing a sustainable rule of law and stable security sector in Kosovo that clearly differs from the UNMIK era and provides a future for Kosovo will be challenging. But it is time for change and recent incentives taken by the Kosovar Government create an optimistic outlook. The present efforts by the Kosovars and the EU should be encouraged and maintained. It will take time, but the expertise of the staff in EULEX and ICO and their determination to encompass Kosovars' ownership in the new state machinery sets a positive frame for the future.

The EU must take up its responsibilities as a global actor in crisis management in one of the most difficult theatres, where it failed a decade ago. In a new European era with recent enlargement and the Lisbon treaty ratification process, the EU hopes to show its international partners and probably primarily itself, its maturity in entering into the burden-sharing on global security issues. Mistakes may have been made in the past by Europeans, but good intentions exist and the current actions may indeed demonstrate a new ability of the EU.

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