The EU’s changing role in Kosovo: what next?

On 24 October 2005, following the completion of a comprehensive review of the situation in Kosovo, the UN Security Council decided to launch a political process aimed at determining Kosovo’s future status and Ambassador Martti Ahtisaari was appointed as the UN Status Envoy. The EU’s future responsibilities will depend largely on the outcome of the status talks. Whatever the outcome of the status process, however, a continued international presence in the region will be required for some time, and the EU has a crucial role to play. This article describes the EU’s ongoing preparation for a possible EU crisis management operation. In the context of the future status process, this will probably be in the area of ‘rule of law’, but could be extended beyond this. The EUPT will also support UNMIK (United Nations Mission in Kosovo) to plan its downsizing and the transfer of competences to local institutions. This will occur in parallel with final status talks and it is expected that the EU’s planning work will indirectly feed into the negotiation process. The way in which this is done will give an early indication about how the EU plans to shape its future role in Kosovo.

The stakes are high and ESDP decision-makers are under pressure to succeed. The EU is no longer a new player in the Balkans and cannot be judged according to “learning by doing” principles. Hence, as a matter of principle, there is a strong motivation from Member States and candidate countries to participate in the EUPT. Those who are to staff the EUPT, therefore, have been chosen according to nationality as well as to appropriate expertise. They will comprise approximately one representative from each Member State and candidate country (25-28 individuals, not including technical staff), and be headed by a civil servant from the Council General Secretariat (as planning falls within the scope of its competences). The mission will be composed of a justice team, a planning team and an administration team, with an office in Pristina and a coordinating office in Brussels. Deployed gradually, the EUPT will be fully in place before September this year.

The Challenge ahead

There is now a general consensus in EU political circles that the critical weakness of the justice and law enforcement sector in Kosovo will probably necessitate the international community undertaking some executive and capacity-building functions for some time to come. This is likely to include the international investigation, prosecution and adjudication of certain cases – in the framework of the fight against organised crime, the protection of minorities and the prosecution of war criminals, and also correctional services. It may also be necessary for the EU to address wider issues relating to amnesties and pardons, public order and intelligence gathering, but this will depend on the breadth of the EU mandate and whether there is a consensus among Member States to implement it.
Presently, there is a vacuum in Kosovo vis-à-vis legislation and its implementation. The selective and arbitrary application of the law is widespread, and appears to be due mainly to the prominent role played by tight-knit local communities. Strong EU action would be required to restore an effective legislative process: to support the reorganisation and reinforcing of the existing judicial structures - such as the courts and the prosecutor offices, and oversight mechanisms - such as the ombudsperson and the Assembly. Efforts also have to be made to educate the next generation of civil servants and judicial employees.

The EUPT will also have to take into account the existence of parallel structures - with judges, prosecutors, administrative staff and police paid by Belgrade – prevalent in all Serb enclaves. It remains to be seen how the Serb minority will be properly represented and its rights guaranteed under a future judicial system. One of the possibilities currently being considered is to allow a decentralised administration in the north (with its own court and prosecutorial structure) and to link it to the rest of Kosovo via a common appeal process to a Kosovo Supreme Court.

Taking over from UNMIK

It is still unclear how the EU will take over from UNMIK, how it will divide its tasks between the Council and the Commission, and how it will handle the gradual separation between its transitional executive powers on the one hand and its accession powers on the other.

For the foreseeable future the bulk of hard security tasks, including public order and territorial control, will remain the responsibility of KFOR (which will retain its current strength on the ground). The EU may assume NATO’s border management tasks, but this depends on the availability of necessary EU resources, the final status talks and the civil/military nature of its mandate.

Another challenge will be to ensure proper coordination between the future EU presence and NATO KFOR. Here one has to remember that the Nice Treaty and Berlin Plus arrangements encompass only coordination at military level, and that EU civilian crisis management activities are not formally part of the EU-NATO dialogue. This legalistic interpretation of EU-NATO (and ultimately EU-US) relations may create communication problems between the Council and NATO’s Brussels headquarters.

The EU Council envisages a strong EU police mission in Kosovo, possibly staffed by the European Gendarmerie and headed by the French, to supplement the Kosovo Police Service. A significant share of EU nationals - around 1,000 of the 2,100 currently serving in the UNMIK Police contingent - will probably remain in Kosovo, but under an EU flag. The UN and EU are currently examining ways of finding the appropriate financial and administrative procedures that will enable EU nationals to be retained and non-EU staff to leave.

Ensuring EU coherence

Regular coordination meetings are currently taking place between the Commission and the Council Secretariat in Brussels, and between the EC Delegation and EUPT in Pristina. The Commission’s future participation in the actual EUPT mission is still being considered, but it has already been agreed that the Commission should be able to comment on every report that the EUPT provides to the Council’s Political and Security Committee.

In general, the justice sector will be the main area of the Commission’s concern. In the short term, the Rapid Reaction Mechanism (RRM) (in force until January 2007) will be used. Initially, it will support a project - already being implemented under UNMIK – in which judges and prosecutors are vetted and re-appointed. This programme is necessary to improve the technical capacity of the local judiciary (composed of 308 judges and 89 prosecutors) and improve its performance. The Commission’s financial contribution will also help to establish an appointments system more in line with EU standards e.g. objective anonymous examinations, no role played by the legislature, etc.

Following a Joint Council-Commission Fact Finding Mission regarding possible ESDP and Community engagement in the field of the rule of law, which took place in February 2006, a series of priorities have been identified for the Commission’s possible involvement, including a TAIEX expert assessment mission to develop a future Community ‘Rule of Law’ intervention strategy. It might then be decided to use the TAIEX programme (within the Commission) to identify those EU nationals who could be deployed in the judicial sector in Kosovo, which currently requires the secondment of about 100 judges.

The Commission will play only a limited and indirect role in relation to the police sector, mainly via the provision of technical assistance to the Ministries of Interior and Justice, to border police and integrated border management over the next two years. It would be the ESDP mission that would conduct the lion’s share of police work. Some EU Member States would like the head of the police mission, under the authority of the EU Special Representative, to assume the overall co-ordinating role for ESDP instruments (including Rule of Law and Civil Administration).
From transition to accession

Over the next two years, the EU wants to ensure a smooth transition from UNMIK to the Kosovars. This will require dramatic reforms in Kosovo's political and administrative system. Before Kosovo can even think of accession to the EU it will need to dismantle its criminal and clan networks and empower its administrative structures. This ‘stabilisation’ phase will probably require the leadership of a strong, ‘double-hatted’ EU Special Representative – responsible for both ESDP and Community actions.

Meanwhile, DG Enlargement will continue the constructive dialogue initiated with the Kosovan authorities under the Stabilisation and Association Tracking Mechanism (STM) process. This process is aimed at drawing Kosovo closer to the prospect of European integration, and in supporting its authorities in introducing the necessary reforms vis-à-vis democracy, human rights and a market economy. However, the preparation of a Multi-Annual Indicative Planning Document (2007-2013) for the future Instrument for Pre-Accession (IPA) has been seriously delayed.

Once security concerns have been diminished, the accession process itself will become more prominent in EU-Kosovo relations. It may then be necessary to transform the EUSR mandate, to ensure that the EU’s implementing and executive roles in Kosovo (a mix of ESDP and Community instruments) are not merged and its negotiating role (played by the Commission) in the accession process does not become blurred. 7

Conclusions

The EU has clearly affirmed that the future international civilian presence after UNMIK shall be neither an ‘UNMIK II’ nor ‘EUMIK’, but, pending the outcome of the final status negotiations, it remains to be seen what its tasks will be. Some Members States are opposed to an EU ESDP mission with excessive powers that could undermine the establishment of a self-sustainable Kosovo built upon local ownership. Others believe that strong executive powers, in close co-ordination with KFOR, are crucial to create the secure and depoliticised atmosphere necessary to build a confident civil administration.

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5. Saferworld interview with UN officials, Pristina (Kosovo), 30 May 2006.
6. TAIEX (Technical Assistance and Information Exchange Instrument) is aimed to provide to the new Member States, Candidate Countries and the administration of the Western Balkans with short-term technical assistance in relation to the application and enforcement of EU legislation. More information available at: http://taiex.cec.eu.int.

A New EU Mission to Kosovo: Political Context

The EU is preparing itself for one of its greatest ESDP challenges so far embarked upon. The EU has established a Planning Team to plan for a possible crisis management operation in Kosovo - probably to provide assistance in the ‘rule of law’ area. It will be launched once the status of Kosovo has been resolved. For such a mission to be successful will require the EU to take into account a number of factors – such as the prospects for further democratisation in Kosovo. It will also need to adopt a multi-sectoral approach: action on security sector reform and the fight against organised crime will need to be underpinned by economic reform, democratisation and other institutional reforms.

Introduction

In February 2006 - with the UN mediating - negotiations between delegations from Belgrade and Pristina on Kosovo’s future status began. They are due to end before 2007 but - to date at least - both sides are adopting a hard-line approach. Belgrade’s stance is ‘anything but independence’, while Pristina wants ‘nothing but independence’. So far these positions have proved irreconcilable.

The Contact Group – a group of countries that regularly consults on the situation in Kosovo and comprises US, UK, France, Germany, Italy, Russia
and the EU - set out three basic principles on which a solution for Kosovo will be based:

- No return to the pre-1999 situation i.e. Kosovo will have more autonomy from Belgrade than under Milosevic’s rule.
- No partition i.e. Kosovo cannot be divided into separate independent entities.
- No union with any or any part of another country.¹

UNMIK’s (the UN Interim Administration Mission in Kosovo) days are numbered. Few of its staff will remain into 2007. The role of the OSCE - a secondary, yet still important, player in the international governance of Kosovo - is also now open to question. With an enlightened self-interest, the EU has already said it will fill the gap left by this UN/OSCE retrenchment.

On 10 April 2006, the European Council adopted a Joint Action establishing a EU Planning Team (EUPt).² Its purpose is to plan for a possible EU crisis management operation in Kosovo³ - probably to provide assistance in the ‘rule of law’ area - once the status issue has been resolved (this Joint Action expires on 31 December 2006, to coincide with the intended end of negotiations).

In order to launch a successful ‘rule of law’ mission in Kosovo, the EU will have to take into account a number of factors arising from the outcome of the status talks. For instance, the prospects for further democratisation in Kosovo, the state of ethnic divisions, and the position of minorities. It will also do well to acknowledge the experience of previous ESDP missions (especially the mission in Bosnia),⁴ as well as take into account the overall regional perspective.

Party Political Issues

For many years, the late Dr. Ibrahim Rugova’s Democratic League of Kosovo (LDK) dominated the political scene in Kosovo. His party had arisen from the local (Kosovar) Communist Party, and during the 1990s became a gathering point for ethnic Albanians’ resistance to Milosevic’s authority. When the guerrilla organization - the Kosovo Liberation Army (KLA) - appeared in the mid-1990s, Rugova’s previously unchallenged authority was undermined. The KLA created new heroes, and consequently, new political leaders.

Two new political parties also arose: the Alliance for the Future of Kosovo (AFK) led by Ramush Haradinaj;⁵ and the Democratic Party of Kosovo (PDK), under the leadership of Hashim Tachi. Along with the Reformist Party ORA (created in 2004 by Veton Surroi, a well-respected Kosovar publicist), these parties constitute the main political parties representing ethnic Albanians in Kosovo.

Recent Developments

In response to calls from Serbian political parties, the vast majority of Serbs in Kosovo boycotted the 2004 Kosovar elections.⁶ However, under the provisional Kosovar Constitution, 10 seats in the parliament are reserved for Serb representatives. Consequently, these are now occupied by Members of Parliament from the Serbian List for Kosovo and Metohija (SLKM) and Citizens Initiative for Serbia (GIS) parties.

Because there was no politician of similar strength and stature to Ibrahim Rugova, his death in January 2006 just before the status talks began, seriously disturbed the political balance in Kosovo and created something of a vacuum.⁷ The Prime Minister of Kosovo, Bajram Kosumi, resigned soon afterwards and in March 2006 Agim Cheku, up to then the commander of the Kosovo Protection Corps (KPC), was elected by the parliament to replace him. Although Cheku is very much respected among Kosovar Albanians, Belgrade protested strongly against his nomination, accusing him of war crimes against Serbs in Kosovo and Croatia. The head of UNMIK, however, refused to interfere and, so far, Cheku is proving to be a strong leader.

Democracy in Kosovo is still very fragile: the institutions are weak and often inefficient, and Serbs and other minorities are not properly represented within them. According to a high-ranking OSCE official in Kosovo, although Kosovar Albanian political parties are united in their wish for an independent Kosovo, they are not offering concrete ideas as to how to tackle the huge socio-economic problems faced by Kosovo every day. Serbian parties in Kosovo, on the other hand, are too dependent on the authorities in Belgrade.

Security in Kosovo

Those responsible for providing security in Kosovo are KFOR (the multinational force combining NATO and non-NATO forces), CIVPOL (the UNMIK police force), the Kosovo Police Service (KPS – created by CIVPOL and gradually taking over all policing duties), and the KPC (civilian emergency service agency with military structure and ranks, comprising mostly former KLA fighters).⁸

There are also 22 registered private security companies operating in Kosovo. Although they are regulated by UNMIK,⁹ some of them are believed to be connected to various criminal groups. Indeed, widespread organized crime and corruption continue to cause
major problems. Huge unemployment, especially among young people, makes them easy targets for criminal gangs and extremist groups.

Ironically, unlike other groups, criminals have no problems with cross-border and inter-ethnic cooperation. Kosovo is one of the main transit routes for drugs, weapons and people from east to west, and corruption is so common that even some employees of international organizations and high-ranking politicians in Kosovo are suspected of bribery and malversation.

Because Kosovo still cannot be regarded as a safe place for its citizens, UNMIK launched an Internal Security Sector Review (ISSR) aimed at producing a comprehensive plan for the development of Kosovo’s security sector.\textsuperscript{10}

**Importance of Intelligence**

The specific situation in Kosovo also demands the best possible intelligence support. For example, the riots in March 2004 caught everyone by surprise. According to a former middle ranking KFOR officer (from an EU country), who was on duty at the time, these riots were not spontaneous. Yet the KFOR troops had no prior intelligence on what was being prepared.

If the EU is going to take more responsibility, it needs to know exactly what is going on in the field and who to address in a crisis situation. Part of the problem might lay in the fact that EU national intelligence services most often exchange information on a *quid pro quo* basis. But to be effective in Kosovo this practice will have to change, especially when it comes to combating organised crime and corruption.

Although officially Kosovo does not have any intelligence services of its own, there are at least two local intelligence structures: Institute for Strategic Research of Public Opinion (IHSOP) affiliated with the LDK Party, and the Kosovo Information Service (SHIK), affiliated closely with the PDK Party. IHSOP was created as part of the Kosovar government in exile, while SHIK emerged from the KLA, having as its head a member of the cabinet of the Provisional Government established by Hashim Thaçi in 1999.\textsuperscript{11}

**Future Prospects**

Ethnic divisions in Kosovo, especially those between Serbs and Albanians (following years of oppression by Milosevic’s regime), are so deep that it is hard to imagine a “melting pot” society working there. Indeed, it is little wonder that the future status negotiations have found it difficult to establish common ground between the two ethnic communities.\textsuperscript{12}

The riots in March 2004, sparked by ethnic Albanians burning the properties of thousands of Serbs and non-Albanians, made the cleavage even deeper. Years of ethnically-motivated crimes on both sides have left a lot of people bitter, making reconciliation, and (in some cases) even coexistence, very hard, if not impossible. Even with the heavy presence of international forces in Kosovo, ethnically motivated attacks are a regular occurrence.\textsuperscript{13}

The conditions that led to all of the problems encountered by the ESDP mission in Bosnia\textsuperscript{14} are either already present in Kosovo as well or could easily become so. Hence, such potential problems need to be prepared for. According to a number of Kosovar MPs,\textsuperscript{15} a lack of coordination, overlapping and undefined mandates, and under-qualified personnel are already causing trouble vis-à-vis UNMIK administration and are undermining its authority with the local population.

Any new mission must be coherent and well coordinated, both at local and Brussels level, and any trainers and personnel sent to Kosovo must have the necessary experience and expertise. Unlike in Bosnia, a poorly implemented mission in Kosovo may cause more instability and thereby necessitate even greater engagement (and higher costs) in the long run.

It would also be useful to ensure that any EU action in Kosovo is well presented to local people in order to build greater public support, and thereby improve the prospects of achieving sustainable change. This would overcome a problem experienced in Bosnia, whereby the Bosnian public had “a low awareness of the ESDP and of the link that existed between security and social and economic development”.\textsuperscript{16}

**Regional implications**

A stable and secure Kosovo is crucial for the wider stability and security of the entire West Balkans region. It should not be forgotten that a series of unwelcome ‘spillovers’ occurred as a result of NATO’s Kosovo intervention.\textsuperscript{17} If Kosovo’s status is not resolved properly it may trigger future conflicts involving Serbian and Albanian nationals elsewhere in the region. Although it is very unlikely that some of these potential conflicts will escalate to armed conflict, some form of political instability is almost inevitable.

All societies in the region have more or less the same political and social background, and they are all making serious efforts to meet democratic and other standards required for EU membership. Their experience and knowledge could boost the democratic transition in Kosovo. Although cooperation between Belgrade and Pristina may look very unlikely at present, it was only a few years ago that cooperation
between Belgrade and Zagreb looked similarly unlikely, yet both capitals are now working closely in trying to achieve their common EU goals.

Kosovar civil society should be encouraged and supported in the same way it was in neighbouring Serbia, Albania, and Macedonia, when these states were democratised. In addition, international NGOs already working in Kosovo could provide expertise, assistance and insights that would be highly beneficial for conducting a reform process in Kosovo - especially in relation to human rights, refugees, and perhaps even security sector reform.

Regional cooperation is also vital in the fight against organised crime. Without coordinated regional efforts, no single national police force will be able to cope adequately with this problem. As the European Commissioner for enlargement, Oli Rehn, regularly points out, in order to subdue the extreme nationalists in all ethnic groups, it is crucial to establish a very clear EU perspective for Kosovo and for the whole West Balkans region. The influence of extreme groups and ideas of pan-Albanism or pan-Serbianism may not be present in the intensity they once were, but they still exist. Moreover, the prospect of EU membership should make it easier to persuade Kosovars to accept some of the uncomfortable reforms needed to establish a functional democratic society and a prosperous market economy.

Conclusion

The EU is preparing itself for one of its greatest ESDP challenges so far embarked upon. When addressing the political or security situation in Kosovo, it is extremely important to have a multi-sectoral approach. Security sector reform and the fight against organised crime have to be underpinned by economic reform, and vice versa. Democratisation and institutional reforms are also crucial prerequisites.

Kosovo is going to test the EU’s preparedness to solve problems in its own backyard. The status quo is not good for Kosovo and the region, nor is a “quick fix”. If the solution is one sided, it will result in one or other of the ethnic groups in Kosovo - and elsewhere in Balkans - becoming frustrated and uncooperative with the EU. Hopefully, the current negotiating deadlock will be broken and a deal that is acceptable to all sides can be reached. If not, a solution may need to be imposed on both sides, in which case any ESDP mission will become all the more problematic.

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1. See http://www.state.gov/p/eur/rsl/orl/62459.htm
2. See Damien Helly and Nicoletta Pirozzi, ‘The EU’s changing role in Kosovo: what next?’ in this edition of ESR.
4. For example, see Dominic Orsini, “Future of ESDP: Lessons from Bosnia”, in this edition of ESR.
5. Haradinaj was indicted for war crimes at the international war crimes tribunal in The Hague (ICTY) in 2005. Currently, he is in Kosovo, awaiting the beginning of his trial.
6. All parties except the Democratic Party of Serbian President Boris Tadic called on Kosovar Serbs not to participate in 2004 Kosovar elections in order not to legitimize creation of authority they saw as unfair towards Serbian population in Kosovo
7. For more details, see http://www.birn.eu.com/insight_23_2_eng.php
9. Ibid., page 15
10. See http://www.unmikonline.org/pub/focuskos/focusk05/focusk05.htm
11. More details on Kosovar intelligence services available in Jeta Xharra’s article for BIRN network, available at www.birn.eu.com/insight_15_5_eng.php
12. Marti Ahtisaari’s spokesperson, Hua Jiang, recently said that Kosovo status talks are a “terrifying task that needs to be finished by the end of the year”, B92 news website, http://www.b92.net/info/vesti/index.php?yyyy=2006&num =05&dl=14&nov_category=11&nov_id=197633 accessed May 14, 2006, translated by the author
13. Franklin Devrieze, an OSCE official in Pristina office, is quoted as saying “there is a difference between security and the perception of security” (speaking on 16 of May in Brussels), thus insinuating that minorities in Kosovo are feeling more insecure than they really are. But, surely feeling secure is an important part of achieving overall security.
14. As described by Dominique Orsini, op. cit.
15. Information acquired from interviews conducted by the author in May 2006.
Community safety in Kosovo: Lessons learned

While the EU is planning its future role in Kosovo it should not neglect the need for developing community safety projects aimed at establishing local and democratic self-governance in the security sphere. The following presents key findings from Saferworld’s community safety work in Kosovo in order to contribute to this end during the transition phase.

Introduction

Without a well-developed civil society to sustain its democratic development there is still a risk that Kosovo might become a ‘failed’ state, weakened by organised crime, ethnicised politics and local fiefdoms.

In the near future KFOR will remain the main military actor in Kosovo. But the EU, as a major donor and leading transitional authority, will also be able to make its own significant contribution to security-related efforts. For instance, it has many tools at its disposal to assist in security sector reform. Unfortunately, however, - so far at least - community safety has been hardly mentioned as a priority for the transfer of competencies. This article makes the case why it should be.

Community safety: a missing link in the transition process?

UNMIK’s (the UN Interim Administration Mission in Kosovo) days are numbered. The role of the OSCE - a secondary, yet still important, player in the international governance of Kosovo - is also now open to question. With enlightened self-interest, the EU has already said it will fill the gap left by this UN/OSCE retrenchment and, together with other donors, is committing significant resources towards building up the capacity of Kosovo’s new justice and security institutions. An Internal Security Sector Review (ISSR) is also underway, bringing together Kosovan institutions, the UN, the EU, major donors and international think tanks.

These parallel processes are all converging towards a major handover of responsibilities to the EU, the mandate of which is still being discussed. The challenge will then be to find a sound balance between the enhancement of local ownership and a smooth transition to peace. One EU Member State diplomat has described attempts to define the EU’s role as a “planning nightmare”. Yet, unless the EU does provide (temporary) assistance with the reform process, political sensitivities within Kosovo may prevent it happening at all.

Value of community safety after conflict

The conduct of security policy in post-conflict situations like that in Kosovo is invariably state-centric, overly technical, and uses pre-conceived templates and ideas about the country. This means that the real needs of communities affected by conflict are unlikely to be met. It also compounds ordinary peoples’ mistrust of the relevant institutions. When policing is ineffective, communities may acquire their own weapons or turn to armed militia for protection. The prevalence of arms proliferation and latent mistrust mean there is always the capacity to return to armed violence as and when tensions rise.

Nevertheless, everyday ‘security’ in rural areas is just as likely to be related to road safety and random environmental problems, as to anything more violent. Community safety projects seek to directly address public safety concerns through a collaborative planning process between communities, local authorities and security providers – thereby ensuring local ownership.
Saferworld has conducted such a community safety project in a Kosovan village (Germova). This demonstrated the need for an integrated prevention and peacebuilding approach: one pursued at local level that deals with several issues simultaneously - such as governance and accountability, public safety, community-based policing. This approach took the form of ‘community safety plans’, collectively and democratically discussed and agreed at municipal level, and based on genuine commitments from all stakeholders.

After almost a year of day-to-day work on local safety challenges in Germova, such as road and environmental safety, the community is now willing to co-operate on hard security issues with local NGOs such as FIQ (Forum for Civic Initiative - Saferworld’s partner in Kosovo), the police (KPS) and possibly the international military. This demonstrates a growing local trust in the security sector. Moreover, the information gathered through this project is much richer than anything that could be gleaned from one-off municipal consultations for the ISSR, and the project is sufficiently flexible to adjust to developments as they occur.

Deepening trust between communities and the local police is probably one of the most promising avenues through which to promote conflict-sensitive security sector reform, as well as democratic governance, in Kosovo. Without building such trust, international assistance efforts will struggle to be effective.

The EU should seriously consider developing similar projects across Kosovo, in both multi-ethnic and mono-ethnic locations. Such community-based activities would provide a useful ‘feed’ into security policy – helping to direct policing at the micro-level, to aid policy development higher up and to inform oversight. It would be the best way to gather reliable information to back-up conflict-sensitive policing, and would also facilitate the modalities through which to organise burden sharing between local and international security providers. EU assistance, provided through competent civil society organizations, would need to be de-politicised, ‘status-blind’ and rooted at local level.

Whatever Kosovo’s future status, these projects will open a democratic space in which key safety and governance issues can be addressed.

The governance dimension of community safety

Because it is based upon popular consent and readiness for change, ‘bottom-up’ security governance has more chance of succeeding. There are already many successful collaborative and self-governed projects between Serbs and Albanians at civil society level. More are now needed, including those that bring local communities and security providers together.

Donors need to “invest in politics” by supporting political parties’ development and training programmes, as well as enhancing parliament’s capacity to carry out proper oversight of the security and justice sector. Those civil society organisations with a key role to play in mediating between local communities, the political elite and the international community, also require sustained funding. A major challenge is to entrust and empower a new civil society elite with the means of engaging fully in Kosovo’s future political and social life – untarnished by the existing political ‘establishment’.

To a large extent, the EU’s role will be both to support knowledge transfer and to promote activities that cultivate local ownership – whether in security sector reform, participatory democracy, or legislative work. In this respect, one simple move would be to implement a smoother visa policy, thereby opening access to EU countries and enabling civil society in Kosovo to better familiarise itself with life in the EU.

To date, the OSCE and UN have been responsible for developing community-based policing in Kosovo, and uncertainty about who will take over this task needs to be clarified as soon as possible. The EU and the OSCE should agree on a long-term framework arrangement - focusing on community safety and community-based policing and aimed at achieving a full and democratic transfer of executive powers to Kosovars.

The need for long-term responses

While community safety projects may appear to be a convincing model to apply more widely across Kosovo it is important to stress once again that they need to be conducted in a conflict-sensitive manner.

Perceptions of insecurity inside Kosovo vary from one community to another and thus require targeted responses. Recent data have repeatedly shown that minorities (Serbs, Roma) are more likely to feel physically insecure in Kosovo. For the majority of the Kosovar population, however, community issues such as unemployment, poor electricity supply, inadequate roads and environmental problems are probably of greater concern.

In regions close to Kosovo’s territorial boundaries, perceptions of insecurity are higher because of major worries about cross-border crime, combined with a lack of trust in border patrols. Those international actors responsible for providing security also enjoy
varying degrees of public confidence. For instance, whereas KFOR is treated with suspicion by Kosovar Serbs it commands a high level of trust amongst the wider population. These differences illustrate the need for targeted policies aimed at addressing specific security needs at a local level.

Crime prevention and arms prevention campaigns need to avoid a one-size-fits-all approach as this may produce counter-productive effects. Future community safety projects need to be implemented on the basis of preliminary impact assessment studies, with clear benchmarks to be achieved and proper monitoring of progress made. Since the final status talks are unlikely to address this issue responsibility falls to the EU to start devising a strategic approach to community safety in Kosovo.

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**Future of ESDP: Lessons from Bosnia**

Much has been achieved since the launch of ESDP in 1999. The EU has embarked upon and concluded ESDP operations in Bosnia, Macedonia, Georgia and Congo. It is still running operations in far-flung places like Aceh and Iraq. While this is laudable and a significant achievement, there is now a need to take stock. The EU’s experience in Bosnia, where its largest military operation was deployed alongside its first ESDP mission, is full of lessons yet to be learnt (some of which are suggested in this paper).

**Introduction**

Much has been achieved in the field of the European Security and Defence Policy (ESDP) since its inception in 1999. Following rapid institutional development, the EU began launching crisis management operations in 2003, including in Bosnia and Herzegovina. And it is in Bosnia that, for the first time, all ESDP crisis management instruments have been developed: in addition to the appointment of an EU Special Representative (EUSR), the European Union Police Mission (EUPM) was launched in 2003, followed by Operation Althea (known as EUFOR), the EU’s largest military operation to date. With the expiry of EUPM’s three-year mandate at the end of 2005, and EUFOR having completed its first year of operations, now is a good time to draw lessons from what has been a groundbreaking exercise.

**Lesson 1: We are not the UN!**

“We are not the UN!” was a mantra adopted by the EUPM planning team prior to the Mission’s launch, and illustrates the EU’s intention to find its own niche in the international policing ‘market’. While the UN focused on the importance of establishing basic democratic standards of policing, EUPM planners assessed that in general, Bosnia had already achieved those standards. Nevertheless, it still required international assistance to enhance the capacity and management of its police services. Essentially, EUPM was intended to be an ‘upmarket’ version of the UN product; seeking to take Bosnia’s police services closer to what is expected from a European police service.

In order to deliver on its promise to “establish sustainable policing arrangements... in accordance with best European and international practice”, EUPM needed police officers with specialised skills and management experience. The reality is that most officers sent to EUPM lacked the skills and competence to “effectively mentor, monitor and inspect” Bosnia’s police management. Moreover, the EU also failed to learn from the UN’s experience by, for instance, requiring officers to take an English language test upon arrival.

More importantly, the EU has so far failed to define what it means by European standards of policing.
While this partly reflects the lack of common standards of policing in Europe, it also indicates a lack of serious thinking about defining what kind of policing ‘product’ the EU should offer. An attempt was made to resolve the issue by assigning specific EUPM programmes to individual member states.

While this ad hoc solution helped establish certain standards for the programmes - albeit national ones, it still begged the question of what the EU as a whole can offer. Not only did it create the impression that EUPM was not much more than an umbrella for bilateral policing cooperation, it also generated some mistrust and competition between the different national contingents involved. Most importantly, one wonders whether turning EUPM programmes over to individual member states – thereby creating a patchwork of different national policing standards - is sufficiently coherent to deliver effective reform.

As the EU launches new police and rule-of-law missions in future, EU Member States need to resolve this question of what kind of policing product they want the EU to offer and whether they are willing to second police officers and civilians with the necessary expertise to deliver what mission statements promise.

**Lesson 2: Coherence, Coherence, Coherence**

The EU has deployed all of its Common Foreign and Security Policy (CFSP) assets in Bosnia: EUSR, the EU Monitoring Mission (EUMM), EUPM and EUFOR. This is a significant achievement, but not an end in itself. Coherence among the different EU instruments in Bosnia is in dire need of improvement. With regard to policing and the fight against organised crime, the situation at the end of 2005 was confusing at best: EUPM, deployed in 2003, had a mandate to strengthen Bosnia’s police forces through monitoring, mentoring and inspecting. Particular emphasis was put on local ownership of the reform process and on the local police taking responsibility for fighting organised crime.

Then, at the end of 2004, EUFOR was deployed to replace the NATO-led Stabilization Force (SFOR). Its mandate, like SFOR’s, is to maintain a safe and secure environment in Bosnia, including through supporting the fight against organised crime. In this context, EUFOR maintained the constabulary-like force SFOR had at its disposal, renaming it the Integrated Police Unit (IPU). Unlike EUPM, the IPU is mandated and able to participate in, or directly conduct, police operations. Based on this mandated task, EUFOR (and its IPU) conducted several high-profile anti-organised-crime operations, initially without even informing the local police.

Meanwhile EUPM continued to concentrate on local ownership and on strengthening the local police’s capacity to tackle organised crime. This glaring contradiction in the way the two operations assessed and worked with the local police is a painful example of the lack of coherence between the mandates and the modus operandi of the two ESDP missions. Not only did EUFOR’s more robust approach to the fight against organised crime fail to cohere with EUPM’s work, it actually undermined its efforts to promote local ownership.

At the end of 2005, efforts were made to close the gap. These included EUPM and EUFOR agreeing on principles, and instituting regular EU meetings, for coordinating their efforts in supporting the fight against organised crime. Laudable as these efforts are, in order to avoid EU operational commanders working with mutually inconsistent mandates, more needs to be done at the strategic level in Brussels.

In this regard, the current structure of the Council Secretariat is unhelpful. The various operations deployed in Bosnia respond to different Directorates-General (DG) in the Secretariat in Brussels. Whereas EUPM fell under the auspices of DG IX - concentrating on civilian crisis management, DG VIII deals with the politico-military aspects of EUFOR, and DG VI has responsibility for the EUMM and the EUSR.

The problem is that each DG has its own dynamics, interests and objectives, which are reflected in how the mandates are formulated, negotiated with other DGs, and implemented. What the Secretariat is in dire need of is an Operations Department, where joint planning between military and civilian stakeholders on geographic desks is possible. The recently created Civil/Military Cell might turn out to be the embryo of this much-needed structure, but a more comprehensive restructuring of the Secretariat will be needed as well.

**Lesson 3: The EUSR: Political Figure or Manager?**

Even though the DGs in Brussels operate in a largely compartmentalised environment, it is possible for the EUSR in Bosnia to provide greater coherence among EU actors. The EUSR’s (Lord Ashdown’s) role, as defined in the July 2004 Council Joint Action, was nonetheless limited to providing “overall EU political coordination” (without prejudice to Community competence), and to contributing to the “reinforcement of EU coordination and coherence”.

While Lord Ashdown was in the chain of command of EUPM, it was often unclear to what extent communication with DG IX in Brussels had to be channelled through him. Nor did the EUSR have authority over the Head of the European Delegation.
This makes it very difficult for the EU to speak with one voice and, in intricate post-war situations like Bosnia, is an invitation for local politicians to play the different EU stakeholders against each other. In 2005, for example, during discussions over police reform, the Bosnian Serbs attempted to negotiate directly with the European Commission rather than Lord Ashdown because they felt they could get more out of the Commission than they could out of him.

Coherence of EU action on the ground can and should be improved. Enhancing synergy between the powerful instruments the EU has at its disposal would increase its credibility as a serious actor in crisis management. In this context, the ‘double hatting’ of the head of the European Delegation as EUSR in Skopje in October 2005 is a step in the right direction. More should be done to turn EUSRs into real managers of CFSP/ESDP assets in theatre. Particular attention should be paid to the EUSR’s role as a conduit between the Secretariat and the various EU missions on the ground. Moreover, as ‘real-time’ guidance is sometimes needed in response to rapid changes in political and security conditions on the ground, EUSRs can play a vital role by directing EU assets.

This more ‘hands-on’ function would require reassessing the way EUSRs operate and whether they should be based in country (currently there are only three resident EUSRs - in Bosnia, Macedonia and Afghanistan). Their relationship with the EU Presidency (represented by the appropriate ambassador in country) also needs to be better defined to avoid creating confusion and loopholes in EU policy on the ground.

**Lesson 4: Crisis Management in Brussels**

Missions cannot be run by committees. While the launch of an EU mission is made on highly democratic principles - whereby every Member State is given an equal voice in the various decision-making committees involved - the process is painfully slow and cumbersome. In addition to the Council, which gives the final nod, no fewer than four Council Working Groups are involved in the launch of a civilian crisis management operation: the Committee for Civilian Aspects of Crisis Management (CIVCOM), the Political and Security Committee (PSC), the Working Party of Foreign Relations Counsellors (RELEX), and the Permanent Representatives Committee (COREPER).

CIVCOM does the groundwork by assessing all of the key operational documents necessary to launch an operation, presented to it by the Secretariat. While this is a transparent and democratic process, CIVCOM members generally do not have the requisite expertise to make decisions on what are essentially matters that could better be left to the Secretariat and operational commanders to decide.

At the same time, RELEX councillors examine the draft Joint Action (essentially a legal document adopted by the Council) needed to launch the mission. Their work overlaps with CIVCOM’s, as sections of the texts presented to them are also discussed in that committee as well. Agreements reached in CIVCOM and RELEX are then forwarded to the PSC, COREPER and eventually the Council for adoption. While agreements reached in CIVCOM and RELEX are very rarely reopened elsewhere, getting documents approved by PSC, COREPER and the Council is a time-consuming and unnecessarily bureaucratic process.

The Secretariat also needs to streamline its work. While all documents approved by the many Council Working Groups need to be reviewed by Secretariat lawyers and translated into the EU’s official languages, documents related to crisis management operations should be prioritised. This is because of the extremely tight deadlines generally attached to the launch of such operations. As this is not always evident to the Secretariat’s lawyers and linguists, ‘fast-track’ procedures for crisis management operations should be devised to avoid unnecessary delays.

If the EU is serious about crisis management there is a need to streamline the planning process. Member states should continue to make political decisions vis-à-vis operations, but it should only require one, at the most two, (mandated) committees to approve the launch of EU operations. Documents should be processed under fast-track procedures, and operational planning and execution should be left to the Secretariat and heads of missions. In this regard, the recent launch of the Rafah border mission in less than three weeks demonstrates that rules and procedures can be made to accommodate tight deadlines.

**Conclusion: Bosnia Was Easy**

Much has been achieved since the launch of ESDP in 1999. The EU has embarked upon and concluded ESDP operations in Bosnia, Macedonia, Georgia and Congo. It is still running operations in far-flung places like Aceh and Iraq. While this is laudable and a significant achievement, there is now a need to take stock. The EU’s experience in Bosnia, where its largest military operation was deployed alongside its first ESDP mission, is full of lessons yet to be learnt (some of which have been suggested in this paper).

The EU should also remember that at the time it took over from the UN and NATO, Bosnia had been stabilised and was generally peaceful. As the EU proposes to deploy its assets further afield, it should
bear in mind that not all theatres will be as relatively forgiving as Bosnia. In this sense, speaking of crisis management in Bosnia (and in the Balkans generally) is something of a contradiction in terms.

While Bosnia was a good training ground for ESDP instruments, neither EUFOR nor EUPM were tested according to the purpose for which they were created: crisis management. EUFOR was deployed in a country largely stabilised and preparing for negotiations on a stabilisation and association agreement with the EU. Now that Bosnians have agreed to integrate their military forces into a single army, EUFOR’s usefulness is further reduced. EUPM, in turn, ran a series of programmes and projects (see lesson 1) more akin to work commonly undertaken by the Commission rather than crisis management.

Unless the EU streamlines its crisis management procedures and structures in Brussels, defines what it has to offer more clearly, and improves its coherence on the ground, ESDP will not fulfil its true potential.

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2. Ibid.
3. Constabulary-like forces are police forces under military command, such as the French Gendarmerie and the Italian Carabinieri. The latter form the backbone of the MSU and the IPU in Bosnia.
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