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by Giorgos Triantafyllou

Research Associate, South East Europe Programme, ELIAMEP

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49, Vassilissis Sofias Ave., 106 76 Athens, Greece

Tel: (+30) 210 7257110-1, Fax: (+30) 210 7257114,

e-mail: eliamep@eliamep.gr,

url: www.eliamep.gr

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Author's Information:

Giorgos Triantafyllou, Political Scientist. Research Associate at the South East Europe Programme of ELIAMEP (International Relations and Security, Conflict in the Balkans, International Institutions and Peace Operations, NATO and the UN). Giorgos holds a Doctorate (Ph.D.) in International Conflict Analysis from the University of Kent, UK, with a particular focus on the provision of security during peacebuilding operations in the Balkans. Giorgos has also a Master's degree (MA) in International Conflict Analysis from Kent, and a Bachelor's (BA) in International and European Studies from Panteion University in Athens. Before joining the SEE Programme, Giorgos was a consultant for the Western Balkans Programme, and the Peacebuilding Programme, of the Rockefeller Brothers Fund, NY, working for the first annual meeting of the Balkan Forum Initiative in Thessaloniki, February 2013. In the past, Giorgos has also worked as a trainee researcher at the Institute of International Relations, Athens, and as an intern for ELIAMEP. He is a member of the International Studies Association, and has presented various papers on many major international conferences. Between 2008 and 2012, Giorgos was an Assistant Lecturer at the University of Kent, teaching International History, International Relations, and Introduction to International Governance. Giorgos speaks Greek, English, French, and some basic Serbian.

Summary:

The international deployment in Kosovo, in 1999, initiated the most ambitious peacebuilding project ever designed, as a multitude of international organizations under the auspices of the UN assumed full administrative responsibility for the post-conflict reconstruction of this war-torn former Yugoslav constituency. However, fifteen years later, and while Kosovo declared unilaterally its independence in 2008, the security situation in Northern Kosovo is highly fragile, as protracted insecurity continues to undermine any efforts for development. Nowadays, much of the current debate regarding the situation in Northern Kosovo focuses on the roles of EULEX and the Kosovo Police, as well as on the bilateral negotiations between Kosovo and Serbia. This Working Paper, though, argues that in order to understand better the persisting insecurity in Northern Kosovo, it is essential to look back in 1999, and examine the decisions that were taken by KFOR, which was the sole provider of security in Kosovo at the time. The main argument of this paper is that the *security first* approach of peacebuilding – which led to KFOR being granted full operational independence on the ground – coupled with the various national caveats inside KFOR, resulting in decisions that became the sources of protracted insecurity in Northern Kosovo. To uproot this insecurity, it requires not only a considerable amount of time, but also a clear and firm understanding of the mistakes that were made during the early years of international administration in Kosovo.

Key Words:

KFOR, Northern Kosovo, peacebuilding, security, insecurity, law and order.

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On April 16, 2014, the political leaders of the four Serbian municipalities in Northern Kosovo (North Mitrovica, Leposavic, Zvecan, and Zubin Potok) decided unanimously to halt all cooperation with EULEX. This decision came as a reaction to the arrest of a Kosovo Serb who was identified as one of the perpetrators of a violent incident that took place in July 6, 2011, in a border crossing point between Kosovo and Serbia where an Albanian officer of Kosovo Police lost his life.¹ On January 16, 2014, a Kosovo Serb politician, member of the Independent Liberal Party (SLS) that participated in the Albanian dominated coalition government of Kosovo since 2010, was shot dead outside its house in Mitrovica.² A couple of months earlier, during the elections of November 3, 2013, men in masks had stormed polling stations in Northern Kosovo, smashing ballot boxes, intimidating voters, firing tear gas, and forcing election officials and OSCE observers to flee. The next day, the OSCE reported that the voting process had been interrupted in 27 out of 33 polling stations in Northern Kosovo.³

These are but a few of the most recent examples in the long sequence of interethnic violence in Northern Kosovo since the deployment of the international peacebuilding operation in Kosovo, in June 1999. For all these years, interethnic violence coupled with mistrust between the local populations and the international missions on the ground have resulted in the creation of a highly problematic environment in Northern Kosovo, where the successful establishment of law and order is still elusive, and insecurity continues to dominate the sentiment of all civilians, crippling any efforts to promote the peaceful coexistence of Albanians and Serbs. Since the declaration of Kosovo's independence in 2008, the debate regarding the situation in Northern Kosovo evolved primarily around the efforts of Kosovo's central administration to reach an agreement with Serbia for the removal of the Serbian parallel structures north of the Ibar River, while the Kosovo Police and EULEX were trying to provide executive policing and establish their authority in the same region. In April 2013, the EU facilitated dialogue between Serbia and Kosovo resulted in a landmark agreement

¹ Radio Free Europe, <http://www.rferl.org/content/north-kosovo-serbs-halt-cooperation-with-EU-mission/25352966.html>, and Independent Balkan News Agency, <http://www.balkaneu.com/serb-police-officers-identifies-suspected-murderer-enver-zymberi/>

² Reuters, <http://uk.reuters.com/article/2014/01/16/uk-kosovo-murder-idUKBREA0F0RZ20140116>

³ The New York Times, http://www.nytimes.com/2013/11/05/world/europe/violence-mars-election-in-kosovo.html?_r=0

between the two long-estranged countries, which was unquestionably a major step towards the right direction in improving the security situation in Northern Kosovo, among other issues of their bilateral relations.

However, as the examples highlighted above imply, interethnic violence and insecurity in Northern Kosovo requires much more than a bilateral agreement in order to be successfully uprooted. Moreover, while the manifestations of interethnic violence are usually presented by all international agencies as isolated incidents (perhaps in order not to undermine publicly their own mission and efforts), over the years both ethnic communities have been continuously exchanging accusations for initiating and supporting violence and intimidation against each other on a regular basis. At the same time, both ethnic communities in Kosovo have grievances against EULEX, and in earlier years against the UNMIK Police, for not being able to protect them against the *other*, and thus being responsible for the protracted insecurity in the region. If, though, the international community stands rightfully responsible for how the security situation in Northern Kosovo has developed over the last fifteen years, then this responsibility definitely does not lie with the performance of EULEX, or even with the UNMIK police. In order to understand how the international community bears such responsibility, one has to trace the international peacebuilding involvement in Kosovo back to its beginning, in 1999, examining its principles and operational rationale, and the decisions that were taken at the time regarding the provision of security.

The *security first* approach of peacebuilding, dictates that within the context of any peacebuilding operation, security is weighted more heavily than any other component of peacebuilding as it has a dual function: it is not only a very important long term objective, but also the most fundamental precondition for the overall success of any operation, since political transition and economic reconstruction are not possible without an effective control of violence.⁴ In Kosovo, the end of NATO's war campaign against Serbia in the summer of 1999 marked the beginning of the most ambitious peacebuilding project that has ever been designed in the long history of international peace operations. Under the leadership of the UN, the international community deployed in Kosovo in very high numbers, determined to assume all responsibilities for the region's rapid and effective post-conflict reconstruction. Undeniably, the *security first* approach was adopted as the guiding principle for the design of the international community's operational plan in Kosovo. In fact, the creation of a secure and stable environment for all the inhabitants and international personnel in Kosovo was highlighted in the UNSCR 1244 not only as a top priority for all the international agencies on the ground, but also as one of the most essential preconditions for the political, social, and economic reconstruction of Kosovo in the future.⁵ Aligned with the *security first* approach was also the Military Technical Agreement of June 9, 1999, signed between NATO and

⁴ H. W. Jeong, *Peacebuilding in Postconflict Societies: Strategy & Process* (London: Lynne Rienner Publishers, 2005), 36.

⁵ UN Security Council, *Resolution 1244*, S/RES/1244, June 10, 1999. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N99/172/89/PDF/N9917289.pdf?OpenElement>

the Serbian authorities, and the Undertaking of June 20, 1999, signed between NATO and the Kosovo Liberation Army. These two documents, which together with the UNSCR 1244 were essentially the blueprints for all the necessary measures for the consolidation of peace and the demilitarization of Kosovo, placed a particular emphasis on the need of a secure operational environment as a precondition for the achievement of any other peacebuilding objective. In addition, the adoption of the *security first* approach was emphasized even more by the international community's strategic decision to exclude NATO from UNMIK's pillar-shaped framework, allowing KFOR to maintain its operational independence on the field in order not to undermine its efficiency. This strategic decision was in principle a sound one. Indeed, in June 1999, NATO's mission was by default the only credible security provider in Kosovo, and thus it was assigned enormous responsibilities for both military and civilian security; responsibilities that occasionally extended even beyond the declared will and the undisputed capabilities of NATO personnel. The necessity for the quick establishment of a secure environment in Kosovo, coupled with the lesson learnt from the failure of the UNPROFOR and the use of the *dual key* clause in Bosnia, led to KFOR being granted complete operational independence, without any interference from the civilian authorities of UNMIK.⁶ Alas, this total lack of oversight over the decisions and actions of KFOR would result, however unintentionally, in one of the biggest mistakes made by the international peacebuilders in Kosovo; a mistake that would stain irreversibly the otherwise very positive performance of NATO's mission.

Generally speaking, during the first five years of the international administration in Kosovo, NATO with the assistance of the UNMIK Police and the newly created Kosovo Police Service were relatively successful in improving the overall security situation on the ground. The terms of the Military Technical Agreement were fully met, the KLA was disarmed and demilitarized to a satisfactory extent, and the reintegration of the KLA former combatants while not fully completed it was partially addressed by the creation of the Kosovo Protection Corps. In the absence of a national army of Kosovo, NATO's KFOR was solely responsible for the provision of military security in the region, primarily through the protection of Kosovo's borders from external threats, the demilitarization of the society through the collection of illegal weapons, and the deterrence of any recurrence of generalized interethnic violence. However, regarding the provision of civilian security the situation was much more complex, and thus developments were slower and evidence of success much harder to identify. The UNMIK Police, which was in principle responsible for establishing law and order in post-conflict Kosovo, was remarkably slow during its initial deployment, and it was not until late in 2000 that the UNMIK Police officers assumed full

⁶ The *dual key* clause dictates that for any military action there needs to be explicit authorization not only from the military commander on the ground, but also from the civilian authorities of the mission. In the case of UNPROFOR, the application of the *dual key* clause has been widely criticized for undermining the military's effectiveness by slowing down considerably the decision making process. W.K. Clarke, *Waging Modern War: Bosnia, Kosovo, and the Future of Combat* (Oxford: Public Affairs Ltd, 2001), 59.

responsibility for executive policing throughout Kosovo; for more than a year since June 1999, executive policing was yet another task performed by KFOR. Even so, after 2001 there were clear signs of slow improvement regarding civilian security, mainly at the Albanian dominated parts of Kosovo, as all rates of criminal activity began to decrease steadily and incidents of civilian violence – although still occurring – became less and less frequent. This positive trend was, among other reasons, a result of the increased responsibilities assumed by the Kosovo Police Service, which very soon after its establishment became the local agency that commanded the highest public acceptance and respect among the Albanians in Kosovo.

The narrative of establishing civilian security in Northern Kosovo, though, has been completely different. Against the rather positive security developments on the wider landscape of Kosovo, the situation in Northern Kosovo meant to become a source of protracted insecurity. Without exaggeration, fifteen years after June 1999, the situation regarding the rule of law and security in Northern Kosovo remains highly fragile. Over the years, recurrent incidents of violence have highlighted the mistakes that were made by the international agencies during the early years of peacebuilding; mistakes that have, in turn, rendered the central administration of Kosovo incapable to assert its authority and enforce executive law and order in the region, since the country's independence in 2008. The decisions made by KFOR during the first months of its deployment in Northern Kosovo continue to affect the developments in the region until now. For those decisions KFOR has been widely criticized for failing to eliminate the structural source of the ongoing feeling of insecurity in Northern Kosovo, at the time when it was the undisputed decision-maker regarding the security situation in the region. This failure implies essentially a failure to serve efficiently the core long-term goal of the peacebuilding initiative in Kosovo, since uprooting structural violence from the society is the most fundamental objective of every peacebuilding operation.⁷

Even before the deployment of June 1999, it was clear to the whole of the international community that one of the most challenging objectives of the peacebuilding initiative in Kosovo was the normalization of interethnic relations and primarily the security situation in Northern Kosovo, where the majority of the remaining Serbs in Kosovo resided. When NATO moved into Kosovo in the summer of 1999, the Multinational Brigade North (MNB-N) of KFOR, spearheaded by the French NATO troops, was assigned all responsibilities for the security situation in Northern Kosovo, including the ethnically mixed and much-disputed city of Mitrovica. However, the French commanders of the MNB-N did very little, if nothing at all, to establish law and order in Mitrovica and Northern Kosovo in general, failing to carry out their mandate.⁸ Adopting a highly minimalistic interpretation

⁷ O. Ramsbotham, T. Woodhouse, and H. Miall, *Contemporary Conflict Resolution* (Cambridge: Polity, 2005), chapters 1 & 9.

⁸ International Crisis Group, *Bridging Kosovo's Mitrovica Divide* (Europe Report No 165, September 2005), Executive Summary and Recommendations, <http://www.crisisgroup.org/en/regions/europe/balkans/kosovo/165-bridging-kosovos-mitrovica-divide.aspx>

of NATO's mandate in Kosovo, the French deployed in Northern Kosovo having only two concerns: the physical safety of their own troops on the ground, and how to prevent a recurrence of generalized violence between the Albanians and the Serbs. Thus, instead of acting fast and deploy troops all over Northern Kosovo, the French perceived the geographical division of Mitrovica by the Ibar River as a very convenient way of keeping the two ethnic groups separated; indeed the river seemed as the most efficient buffer zone for this purpose. Hence, the French commanders of the MNB-N took an early strategic decision to stop their troops at the south bank of the Ibar River, erecting a checkpoint on the bridge that connects North and South Mitrovica. Securing the river's crossing point, led to the de-facto ethnic division of the city between the Serbian dominated northern part and the Albanian dominated southern part, as KFOR prohibited the Albanians and the Serbs to cross the river and reclaim their houses and properties in each of the other sides of the city respectively.

The minimalistic interpretation of their mandate by the French commanders of the MNB-N, coupled with their explicit decision to use the Ibar River as the farthest deployment point of KFOR to the north of Kosovo had three regretful and long-lasting consequences: First, it created a power vacuum north of the Ibar River, where the presence of KFOR was minimal, limited to the occasional vehicle patrols and road checkpoints. The absence of a robust KFOR contingent in Northern Kosovo allowed the Serbian authorities in Belgrade to step in and set up a thick network of parallel structures headquartered in Northern Mitrovica, Through these parallel structures that were funded directly from Belgrade and included, among others, social welfare, education, and health services, Serbia was able to gain total control over Northern Kosovo, while the Kosovo Serbs were able to resist the authority of UNMIK in the region. Second, it contributed to the creation of a highly insecure environment, where interethnic intimidation, harassment, muggings, and the occasional loss of lives were constantly present for many years following the summer of 1999. In particular, the MNB-N was responsible for not addressing early enough and with the necessary determination the existence of a Serbian paramilitary entity that emerged in Northern Mitrovica in June 1999, the Bridge Watchers. This group of radical Kosovo Serbs, supported by the parallel structures of the Serbian Ministry of Interior Affairs and the Serbian Intelligence Agency, while they proclaimed to fight for the protection of the Serbs in the city, they soon created a "safe heaven" of civilian crime, lawlessness, and intimidation, challenging directly the authority of KFOR and all the other international agencies in the region. Third, the de-facto division of Mitrovica resulted in widespread resentment and suspicion among both the Serbs and the Albanians, against KFOR and by association against all the other international agencies in the region. Both ethnic communities understood the consolidation of the city's division as a clear indication that KFOR wanted to support the *other* side; a perception that led to high tensions between the international personnel and all the local populations. Among the Albanians in particular, this feeling of resentment spread soon all over Kosovo, admittedly with good reason. Indeed, the decisions of the French contingent of KFOR, more than dividing the city of Mitrovica, it essentially sealed off all of Northern Kosovo to

the south, magnifying the frustration of the Albanians who feared a possible unification of Northern Kosovo with Serbia.⁹

Since 1999 and on many different occasions, Mitrovica has become the point of reference for protracted interethnic violence, and every time KFOR has attracted severe criticism regarding its unwillingness to step up and enforce civilian law and order, as the mission was mandated. In February 2000, a killing spree in Mitrovica resulted in at least two Serbs and five Albanians being killed. KFOR personnel sustained several injuries trying to contain this wave of violence and the French commander, Brig. Gen. Pierre de Saquii de Sannes, made his priority to ensure that no troops would be injured or killed in the future. From then on, KFOR adopted a passive approach against incidents of violence, refraining to engage with aggressors unless the safety of the international troops was endangered; much later some UNMIK officials described this behaviour as *cowardice* and *appeasement*.¹⁰ In a very indicative example, in June 2000, an American officer of UNMIK Police was surrounded and attacked less than ten metres from a French KFOR checkpoint. Despite the officer bleeding from severe head injuries, the French soldiers did nothing; an explicit application of the *force protection* doctrine adopted by the French commanders.¹¹ A few months later, in February 2001, angry mobs of Albanians attacked the French checkpoint on the south bank of the Ibar River, torching two KFOR armored vehicles and setting under siege for more than a day the buffer zone that the French had created to keep the two communities apart. When the French troops were replaced by an Italian contingent after thirty-six hours, the violence resumed outside the French headquarters in Mitrovica. This incident made clear to all that the Albanian wave of violence was targeting not only the Serbs, but also the French KFOR in reaction to their decision to allow the Serbs to dominate Northern Kosovo.¹² In March 2004, the security situation in Kosovo regressed for four days to levels of violence not seen since the summer of 1999. Despite the attempt of KFOR and UNMIK to explain this recurrence of violence as the result of isolated incidents, the reality is much different. The thousands of Albanians that participated in the violent riots of 2004 attacked not only the Serbian enclaves all around Kosovo, but also – and more importantly – the international personnel and vehicles of UNMIK and KFOR. In the eyes of the Albanians, the international agencies were the ones primarily responsible for the developments in Kosovo; no one can argue with that. The shared perception among all Albanians was that UNMIK was to blame for the lack of any progress towards the resolution of Kosovo's final status, while KFOR was responsible for the loss of administrative control and the protracted insecurity in Northern Kosovo.

⁹ W. G. O'Neill, *Kosovo: An Unfinished Peace* (London: Lynne Rienner Publishers, 2002), 45.

¹⁰ Author's interview with UNMIK officials, Pristina, July 2010.

¹¹ I. King, and W. Mason, *Peace at any Price: How the World Failed Kosovo* (London: Hurst, 2006), 62.

¹² *Ibid.* 96.

In retrospect, it is indeed clear that NATO's KFOR bears significant responsibility for the security situation in Kosovo over the last fifteen years. The decisions made by the French commanders of the MNB-N led not only to the de-facto division of Mitrovica, but also to the establishment of the Serbian parallel structures that have controlled Northern Kosovo ever since. Moreover, the unwillingness of the French troops to perform effectively their executive policing duties hindered the establishment of law and order in Northern Kosovo, and fuelled the resentment of both ethnic groups in the region. In turn, the highly fragile security environment in Northern Kosovo undermined directly the credibility of all international agencies on the ground, putting in danger the success of the overall peacebuilding initiative in Kosovo.

Nowadays, there are some concrete signs of improvement regarding the situation in Northern Kosovo. With the Brussels Agreement of 2013 between Serbia and Kosovo, Belgrade agreed to remove its financial and political support for the Serbian parallel structures north of the Ibar River. Essentially, this means that Serbia has agreed to support the removal of the most significant obstacle against the expansion of the central Kosovo administration's authority in Northern Kosovo. Regarding the security situation in the region, a point of particular importance in the Brussels Agreement is the provision for the removal of all the parallel security structures in Northern Kosovo, and the incorporation of their personnel in the multiethnic Kosovo Police; according to this provision, the Kosovo Police becomes solely responsible for executive policing and the establishment of law and order in Northern Kosovo. Clearly, the Brussels Agreement offers, among other things, a much-needed remedy for the past mistakes of KFOR, and can serve as the starting point for the removal of protracted interethnic violence in the region. However, the mistakes of KFOR will not be remedied so easily. Already, many Serbs in Northern Kosovo have rejected the idea of dismantling their parallel structures and continue to defy Pristina's authority, as shown by the violence that stigmatized the local elections of November 2013. The Brussels Agreement is definitely a major step towards the right direction, but it remains to be seen in the coming years whether the subscribed remedy will be successful, or the decisions that were taken in 1999 will continue to maintain violence and insecurity in Northern Kosovo.