

**International statebuilding in post-independence
Kosovo:
Local responses to the EU Rule of Law Mission**

**by
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Abstract

After the independence of Kosovo in 2018, the EU Rule of Law Mission in Kosovo (EULEX) took over under the Common Security and Defense Policy of the EU, as the main international mission that was tasked with helping in institution-building and maintaining peace with ethnic tensions still remaining high. Despite its vast resources and unparalleled capabilities, the mission received several complaints, with many alleging that it had mostly failed to fulfill its aims of promoting the rule of law. Local Kosovo Albanians soon began to change their attitude towards the international mission. This provoked outrage among certain local actors, in particular the Self-Determination Party (SDP) which was a key actor in exposing some of the internal issues of EULEX. In this research, I want to explore from a bottom-up approach the formation and evolution process of the local response towards EULEX in the 2008-2020 period.

Keywords: Kosovo; EULEX; International state building; Local actors; International actors; Local response

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Table of Contents

Declaration of Committee.....	ii
Abstract.....	iii
Acknowledgements.....	iv
Table of Contents.....	v
List of Acronyms	vi
Chapter 1.	
Introduction.....	1
Research Design and Methodology	
Case selection.....	5
Data collection.....	6
Data analysis method.....	7
Chapter 2.	
Brief historical background.....	8
Review of the literature	
The first internationally led state-building effort: The legacy of the UN Interim Administration Mission (UNMIK) as a predecessor of EULEX.....	15
The European Union Rule of Law Mission: its establishment, goals and actions	
The mandate.....	17
The consequences and effect of EULEX' presence.....	18
The status-neutrality clause of the Common Security and Defense Policy.....	21
The issue of Kosovo's sovereignty and the limits put by EULEX' status-neutral approach.....	22
The limit of EULEX' status-neutral approach on the post-conflict relations with Serbia.....	24
EULEX' legitimacy in confrontation with local actors.....	25
Tracking the citizens' (dis)trust on the EU Mission over the years.....	27
Chapter 3. The theoretical framework	
Conceptualizing local ownership in Kosovo.....	30
Issues and controversies on the operationalization of local ownership.....	32
Local ownership and EULEX.....	35
Local ownership and the local response.....	36
Chapter 4. Data Analysis	
Independence.....	38
Status-neutrality.....	42
Accountability.....	44
The justice system.....	46
The politicization of the local actor.....	49
Chapter 5. Key takeaways and conclusions	51
Bibliography	53
Appendix	59

List of Acronyms

UNMIK - United Nations Mission in Kosovo

EULEX - European Union Rule of Law Mission in Kosovo

KLA - Kosovo Liberation Army

LVV – Vetevendosje; Self Determination Movement or Self-Determination

Party KSC - Kosovo Specialist Court

CSDP - Common Security and Defense Policy

PDK - Democratic Party of Kosovo

AAK - Alliance for the future of Kosovo

ICJ - International Court of Justice

Chapter 1.

Introduction

After the independence of Kosovo in 2008, the European Union Rule of Law Mission in Kosovo (EULEX) took over under the Common Security and Defense Policy of the European Union, as the main international mission that was tasked with helping in institution-building and maintaining peace with ethnic tensions still remaining high.¹ The European Union saw it as essential to take the lead in implementing various mechanisms that would help in advancing the rule of law and protecting human rights in the region. The EU mission in Kosovo consisted of police, prosecutors and judges who were helping local authorities and policymakers in achieving the democratic standards set by the EU. A Joint Action plan by the EU established that EULEX Kosovo may “assume other responsibilities, independently or in support of the competent Kosovo authorities, [in order] to ensure the maintenance and promotion of the rule of law, public order and security.”² Initially it did not have a specific ending date, and the Kosovo Assembly has voted several times to extend it since the Declaration of Independence in 2008. The mission’s responsibilities of helping the local institutions and authorities in dealing with the rule of law have officially ended in 2021, but the EU still provides logistical support to the police and the army.

EULEX has operated as a successor of the UN Mission in Kosovo (UNMIK) in the post-war period leading up to independence. Local actors including civil society and political parties have generally supported and welcomed international actors and their expertise in their various capacities and these groups initially gave the impression that the objectives of the international community were aligning with those of Kosovo Albanians.³ However, as the years went by, it became more apparent that there were some tensions between the local community and EULEX that were fostered by their approach to the way the EU was handling the dialogue with Serbia and the conversation on the war crimes committed during the Kosovo War 1998-1999.⁴ Despite

¹ Jacob Phillipps, “Introduction,” *Rethinking Peace and Conflict Studies*, October 2021, pp. 1-32, https://doi.org/10.1007/978-3-030-82661-1_1, 1.

² EULEX Kosovo, Council Joint Action 2008/124/CFSP of 4 February 2008 on the European Union Rule of Law Mission in Kosovo, art. 3, lit. h, 2008 O.J. (L 42) (16 Feb. 2008)

³ Rok Zupančič and Nina Pejič, “Introduction,” *Limits to the European Union’s Normative Power in a Post-Conflict Society*, 2018, pp. 1-7, https://doi.org/10.1007/978-3-319-77824-2_1, 1.

⁴ Ewa Mahr, “Local Contestation against the European Union Rule of Law Mission in Kosovo,” *Contemporary Security Policy* 39, no. 1 (November 2017): pp. 72-94, <https://doi.org/10.1080/13523260.2017.1407060>, 73.

its vast resources and unparalleled capabilities, the mission received several complaints, with many alleging that it has mostly failed to fulfill its aims of promoting the rule of law and had become accomplice in corruption and crime.⁵

The locals soon began to change their attitude towards the international mission when the news about the corruption scandals involving various members of the mission came out.⁶ According to Lemay-Hebert, what amplified local mistrust and resentment with the ongoing foreign presence, was the exclusion of local actors from decision-making due to the top-down policy-making logic of UNMIK and subsequently EULEX.⁷ This ineffectiveness provoked outrage among certain local actors, in particular the Self-Determination Party (LVV) which was a key actor in exposing some of the internal issues of EULEX and their ineffectiveness in providing justice to Kosovo Albanians that went through ethnic cleansing. A public survey conducted in 2015 revealed that 42% of Kosovo Albanians did not trust the EU's rule of law mission in Kosovo.⁸ Additionally, 30% of the respondents believed that the EU-mediated political dialogue between Kosovo and Serbia should be discontinued immediately⁹, and 75% believed that the EU-supported agreements between Kosovo and Serbia were not effective in normalizing the hostile relations between the two.¹⁰

In this research, I want to explore what exactly led to the formation of local contestation against the policies of the EU's mission in Kosovo and its evolution between the 2008-2020 time period. The aim of this project is to adopt a bottom-up approach from the perspective of local actors in order to highlight the process that brought about local critique of the EU Mission in post-conflict Kosovo and the manner in which it evolved throughout the years. There were also secondary questions that emerged out of the main research question. For instance, the research will identify what decisions or actions of EULEX have local actors resisted, critiqued or supported and will explore the way in which the role of the local changed from that of a peace actor to that of a political actor throughout the state building process. Lastly, the research will attempt to offer an insight into the dynamic between local actors in Kosovo and EULEX

⁵ Ibid, pg.5

⁶ Rok Zupančič and Nina Pejič, "Introduction," *Limits to the European Union's Normative Power in a Post-Conflict Society*, 2018, pp. 1-7, https://doi.org/10.1007/978-3-319-77824-2_1, 2.

⁷ Lemay-Hébert, N. (2009a). State-building from the outside-in: UNMIK and its paradox. *Journal of Public and International Affairs*, 20, 66.

⁸ "Kosovo Security Barometer - Fifth Edition," QKSS, accessed November 8, 2022, <https://qkss.org/en/publikimet/barometri-kosovar-i-sigurise-edicioni-i-pesti>.

⁹ Ibid.

¹⁰ "Kosovo Security Barometer - Fourth Edition." QKSS. <https://qkss.org/en/publikimet/barometri-kosovar-i-sigurise-edicioni-i-katert>.

and what it might suggest about the outcome of international state building missions in the context of 21st century post-conflict societies. In order to answer these series of questions, I conducted a case study analysis, with attention to primary documents published by local actors in Kosovo. The paper is structured in four main chapters. The first chapter provides a brief historical background and describes the research design and methodology, including case selection, data collection and the method of data analysis. The second chapter provides the literature review on the historical and political significance of the international missions in Kosovo, starting with the UN Mission and continuing with the EU Mission of Law. This section also establishes the connection between the EU's stance of neutrality and Kosovo's sovereignty and the challenges of building legitimacy. The third chapter sets the theoretical framework by exploring the notion of local ownership and the mechanisms behind the formation of the local response. The fourth section provides the data analysis by applying the framework of legitimacy of the international actor and Kosovo's sovereignty to the reaction of local actors, most importantly the Self-Determination movement (LVV), as well as the notion of local ownership and its impact on the local response. This section strives to answer the dilemma around the contestation or acceptance towards the EU Mission throughout the years and the collective action that has been taken to show this response. It also includes a significant discussion on how the local response can be politicized due to the local actors' own interests. The analytical discussion relies on the analysis of various primary sources, such as policy documents and reports issued by local actors, newsletters, archival videos, as well as printed and online versions of Kosovo newspapers between the period of 2008-2020.

This project's significance goes beyond Kosovo as a case study and it is relatable to other post-conflict societies. This topic is important because there is generally a lack of literature that focuses on the critique of international presence in Kosovo through a local lens. "Knowledge production for conflict affected societies has been predominantly based on Western epistemologies - which are shaped by particular cultures of thought, self-perpetuated epistemological superiority and codified academic practices."¹¹ With the EULEX' mandate potentially coming to an end in the near future, it is important to examine the local-international relationship and come to a larger conclusion about the legitimacy and effectiveness of international missions in implementing changes and policies that are necessary for the process of state building. Therefore, this project will be useful in understanding general mechanisms

¹¹ Visoka Gëzim and Vjosa Musliu, *Unravelling Liberal Interventionism: Local Critiques of Statebuilding in Kosovo* (Abingdon, Oxon: Routledge, 2019), 1.

behind the response towards international actors in a post-conflict society, the relationship between local and international actors, and the foundations for the local resistance which develops overtime.

Research Design and Methodology

This research entails a study of the ignition and the evolution of the local resistance towards the EU Rule of Law Mission in Kosovo in the post-independence era until 2020. It focuses specifically on the relationship between international actors and local actors as well as the formative and evolutionary process of the local actors' responses throughout this time frame. In particular, I seek to illustrate how this case study can be valuable in understanding the dynamic of local actors' response in post-conflict societies and the role that the local actor's response has in defining their relationship with the international mission. By exploring this study, I also want to show the process of politicization that happens to the local actors throughout their interaction with EULEX and how their response might not always be dependent on EULEX' actions, but rather on their personal interests.

In order to conduct this research, I take a closer look into the ideological and conceptual framework under which EULEX was operating and evaluate the various responses of local actors, primary the Vetevendosje movement (LVV). Document analysis of Kosovar think tank reports and NGOs is used as complementary to the LVV response.¹² It is significant to point out that this research does not seek to evaluate a decade of EULEX' complex policies in detail, but will rather adopt a 'bottom-up' approach where the local actor will be the focus and only the EULEX policies that are brought up by local actors during the data analysis, will be discussed. The study is not meant as a descriptive content analysis of each document but will instead identify the themes and patterns that come up in terms of the local response and resistance. The remainder of this chapter will discuss the research design in detail, with particular focus on case selection and methods of data selection and analysis.

¹² The main reports are from the Kosovar Centre for Security Studies (2010-2020) and from the Balkan Research Policy Group (2020)

Case selection

The research will specifically focus on the main actor that has been more vocal to the international presence in Kosovo and has posed resistance to the power of EULEX, the Self Determination Party (LVV) with its leader Albin Kurti, who is also the current Prime Minister of Kosovo and a former vocal opponent of the international presence in Kosovo.¹³ The LVV was formed in 2004 and was a movement that campaigned for social and political change and detaching from international missions.¹⁴ According to Visoka, the creation of this movement came as a response to the gap in citizen activism that donor-focused civil society organizations had created.¹⁵ This movement included a nationalist self-determination ideology while emphasizing the necessity for moral and responsible politics and local sovereignty from outside interference.¹⁶ Although it did not have much influence in the beginning, it quickly began to gain more attention as the main local stakeholder that dared to criticize the EU's decision-making process in Kosovo. LVV was based on an ideology of minimal foreign intervention and they viewed certain actions by the EU as politically nuanced.¹⁷ To sustain their ideology, "Vetëvendosje has combined popular demonstrations, citizen mobilization and education with public performances, slogans and media communication campaigns for 'naming and shaming' political leaders, as well as a hidden transcript of resistance through everyday acts of disobedience."¹⁸ The purpose of focusing on this particular local actor is to better comprehend the collective action and its organizational features in Kosovo's peculiar political context. In my research I will focus on the ways in which this movement's leaders have interpreted Kosovo's political reality and conceptualized the role of the EU in providing solutions to local demands. I will do this by conducting analysis based on documented materials, interviews and parliament speeches of LVV's main members in the 2008-2020 period. This period is marked

¹³ Wallin, N. (2014). Albin Kurti, Leader of "Self Determination" Party, on the Future of Kosovo. Chicago Policy Review (Online). <https://doi.org/info:doi/>

¹⁴ Alma Vardari-Kesler, "Politics of Protest in Supervised Statehood: Co-Shared Governance and Erosion of Citizenship. the Case-Study of the Vetevendosje! Movement in Kosovo," *Southeastern Europe* 36, no. 2 (2012): pp. 149-177, <https://doi.org/10.1163/187633312x642068>.

¹⁵ Gëzim Visoka, "International Governance and Local Resistance in Kosovo: The Thin Line between Ethical, Emancipatory and Exclusionary Politics," *Irish Studies in International Affairs* 22, no. 1 (2011): pp. 99-125, <https://doi.org/10.1353/isia.2011.0010>, 110.

¹⁶ *Ibid*, 110.

¹⁷ Avdi Smajljaj, "Populism in a Never Ending and Multiple System Transformation in Kosovo: The Case of Vetevendosje," *Journal of Contemporary Central and Eastern Europe* 28, no. 2-3 (January 2020): pp. 199-223, <https://doi.org/10.1080/25739638.2020.1857935>.

¹⁸ Gëzim Visoka, "International Governance and Local Resistance in Kosovo: The Thin Line between Ethical, Emancipatory and Exclusionary Politics," *Irish Studies in International Affairs* 22, no. 1 (2011): pp. 99-125, <https://doi.org/10.1353/isia.2011.0010>, 101.

by a variety of protests led by LVV's main members who always considered themselves as anti-establishment and nationalist in nature.

Data collection

The data was obtained from two principal sources: written primary sources and archival footage. The written primary sources included press releases and newsletters from LVV, articles from local media, documents from local players, reports from Kosovar think tanks, and reports from Kosovar NGOs that monitor public life. To limit the analysis, I chose specifically fifty written documents which include reports by LVV and think tanks and fifty archival videos and local news reports published between the 2008-2020 that included LVV's reaction to international intervention, as well as other involved actors. I was able to find a variety of data but I chose fifty of each which I found more relevant in terms of the reaction by LVV complemented by reactions from other local actors, including research centers and civil society organizations. In terms of the archival videos, a large portion of them are from the official channel of Vetevendosje movement LVV and consist of various parliamentary speeches and debates where members of the movement are directly involved. The most important dates that I noticed throughout my collection of these videos seemed to have been between 2014-2015, a highly significant time period in Kosovo's politics, that includes the establishment of Kosovo's Special Court and more media attention on the political dealings of the EU.¹⁹ Another section of the videos shows the protests and demonstrations against EULEX in different time periods as well as the commentary and reactions of the movement's members. Additionally, the rest of the videos demonstrate various news reporting in time periods where the EU was very active in Kosovo. This reporting comes from both private networks as well as the government-funded channel. The most common local networks that contained this archival footage were Euronews Kosovo, Kosova Press, Gazeta Express and Zeri, who are all privately-funded networks.

With regard to the written documents such as the reports and newsletters, there were difficulties getting them due to the fact that many political parties in Kosovo, including LVV, have erased a large portion of their archives. However, I was able to find various newsletters, reports, as well as the manifesto of the LVV. Almost all of these documents pertained to the early years post-independence where LVV was more active in their resistance. Two of the collected newsletters are from a couple of months before the EU officially began their mission

¹⁹ Robert Muharremi, "The Kosovo Specialist Chambers from a Political Realism Perspective," *International Journal of Transitional Justice* 13, no. 2 (2019): pp. 290-309, <https://doi.org/10.1093/ijtj/ijz002>.

in Kosovo in December 2008, and they focus on the question of independence and territorial sovereignty. Two of the documents that were used date back to 2005, when the LVV was relatively a smaller movement who did not have enough political power or influence. Back then, they used to be more active in the media and were putting out newsletters consistently. These two newsletters were useful to me in terms of understanding at a deeper level the ideological background of this movement and how it had an effect in their response towards EULEX in the post-independence era. Overall, I picked these documents in order to show a connection between the ideology demonstrated from the Self-determination movements prior and after the mission commenced and what their motivations were. I collected almost all of the data in Albanian, therefore I had to translate the materials for this thesis.

Data analysis method

Following data collection, this thesis adopts thematic document analysis in order to showcase the various mechanisms of the evolution of the local response towards the presence of EULEX Kosovo. My main strategy in terms of the methodology is to conduct qualitative research by looking into both primary and secondary sources. This method will allow me to understand the enactment and effects of EULEX' presence, and the environment that gave rise to local voices that were expressing dissatisfaction. Document analysis that combines elements of textual analysis and thematic analysis has been used in order to uncover the multiple layers of the local response.²⁰ Textual analysis is the process of organizing information into categories related to the central questions of the research: "it entails a first-pass document review, in which meaningful and relevant passages of text or other data are identified."²¹ This process helped me identify the relevant information and discard what was not pertinent to the research question. Thematic analysis helped me take a closer look into the chosen information and identify the themes that emerged. The analysis centers on five particular themes: the question of independence, EULEX' claimed status of neutrality, accountability, justice and the politicization of the local actor.

The first data that was examined were the newsletters, press releases and reports of LVV in order to establish and categorize the themes and patterns that were prominent. When examining each document, I looked for particular references to the presence and role of international

²⁰ Glenn A. Bowen, "Document Analysis as a Qualitative Research Method," *Qualitative Research Journal* 9, no. 2 (March 2009): pp. 27-40, <https://doi.org/10.3316/qrj0902027>, 33.

²¹ *Ibid*, 33.

missions in Kosovo, specifically EULEX, as well as references to ideas surrounding Kosovo's sovereignty, the legitimacy of international presence in the eyes of the local, the political goals of international presence, and the change of local perception throughout the years. The second set of data that I looked closely into were the think tank reports by the Kosovar Center for Security Studies and the Balkan Group Report, as well as the news reports which went into more detail on the specific EULEX policies that the local actors were responsive to. The next set of data which was dissected was the archival footage from LVV or from other news channels, which showcased information pertinent to LVV. I found the themes and classified the data in accordance with them based on the overall message of each individual document in reference to these points. It is important to keep in mind that the process of classifying and coding the data is dynamic, and while certain themes are discovered early on in the analysis, others do so later on.

Chapter 2.

This chapter will provide a concise historical background of Kosovo which details events post-World War II. It will primarily focus on Kosovo's situation under the rule of Yugoslavia leading up to the uprisings and unified protests of Kosovo Albanians in the early 90s, the war with Serbia in 1998-1999 and the establishment of the international presence in the post-war period. Then it will proceed with the review of literature which encompasses the overview of the first international mission, UNMIK, who set the precedence for EULEX and also the ideological basis for foreign presence in Kosovo. The next step will be to explore the overall presence and policies of EULEX, its clause of 'status-neutral', the connection to the idea of sovereignty and the power dynamics with local actors.

Brief historical background

Timeline.

1912 - Balkan Wars: Serbia regains control of Kosovo from the Turks and it is recognized by the 1913 Treaty of London.

1918 - Kosovo becomes part of the Kingdom of Serbia.

1941 - World War II: Much of Kosovo becomes part of an Italian-controlled greater Albania for a short period of time.

1946 - Post World War II: Kosovo becomes part of the Yugoslav federation.

Early 1960s- there is an attempt to give Kosovo more autonomy.

1968 – confederalization of Yugoslavia under Tito happens and there are protests against it from Kosovo Albanians.

1974 - The Yugoslav constitution recognizes the autonomous status of Kosovo, giving the province de facto self-government.

1981 – a turning point; first major protests that begin at the University of Prishtina.

1989 – Slobodan Milosevic becomes president of Yugoslavia.

1989 - Milosevic proceeds to strip rights of autonomy laid down in the 1974 constitution.

July 1990 – Kosovo Albanian leaders declare independence from Serbia which prompts Belgrade to dissolve the Kosovo government.

September 1990 – The Yugoslav government fires more than 100,000 ethnic Albanian workers which leads to a general prompts general strike.

1991 - Slovenia, Croatia and Bosnia decide to break away from Yugoslavia and declare their independence.

1998 – Direct conflict begins between Serb police and the Kosovo Liberation Army (KLA). Serb forces launch a brutal crackdown and an ethnic cleansing campaign.

1998 – NATO calls for a ceasefire.

1999 – Internationally-led peace talks fail, and Nato launches air strikes against Yugoslavia lasting 78 days before Belgrade yields. Thousands of Kosovo Albanian refugees flee into neighbouring countries due to forced expulsions.

June 1999 - Milosevic agrees to withdraw troops from Kosovo. UN sets up a Kosovo Peace Implementation Force KFOR and NATO forces arrive in the province. The KLA agrees to disarm.

June 1999 – The United Nations Interim Administration Mission in Kosovo (UNMIK) is established as an international civilian mission.

Kosovo became part of the communist federation of Yugoslavia after the Second World War through annexation and was considered as an autonomous region of Serbia, which was the main actor in the Yugoslav union.²² Since the beginning, Kosovo's majority-Albanian populace was

²² March Andrew, Rudra Sil. *The Republic of Kosova (1989-1998) and the resolution of ethno-separatist conflict: rethinking sovereignty in the post-Cold War Era.* (University Park PA: University of Pennsylvania, 1999), 3.

not given access to all of the traditional Yugoslav rights.²³ The Serb-dominated Yugoslavia took a series of steps over the years to restrict rights to the Albanian population, including the prohibition of the use of the Albanian language and denying their overall existence as a national minority. There was also a program of colonization that was put in place with the purpose of Slavification of the historically-inhabited Albanian lands.²⁴ Kosovo Albanians, which were the majority population of Kosovo and lived in that region for thousands of years, were not content with being considered as a region of a Slavic federation since the very beginning. Decades earlier in the congress of Berlin in 1913 when the final borders of the Albanian state were drawn, the region of Kosovo was left outside these borders.²⁵ These events left deep marks among Kosovo Albanians who never felt represented by the state they were part of. Albanians were among the most discriminated minorities in Yugoslavia and the anti-Albanian sentiment grew stronger over the years, especially among the Kosovo Serb populations. According to historians, there were Albanian-led rebellions that took place soon after Kosovo was annexed by Yugoslavia and even in the decades to come, but they were met with a harsh response by the Yugoslav regime.²⁶ Tensions between the Yugoslav federation which was mainly dominated by Serbia and the local Albanian population in Kosovo grew in the late 1960s.²⁷ In 1968, the decentralization and partial confederalization of Yugoslavia had reached a turning point under the rule of Yugoslavia's president, Josip Broz Tito.²⁸ While keeping Kosovo formally within Serbia and denying it the formal right of secession, which belonged to the fully fledged republics in theory but not in practice, Tito created an intermediate form of autonomy for the region that gave it de facto republican status, including the right of veto over decisions made by the federal government.²⁹ The protests that erupted in Prishtina on November 27, 1968, were a reaction to the conclusion of the debate over Kosovo's republican status. The protest organizers thought their actions contributed to "qualitative changes in the Socialist Republic's constitution."³⁰

²³ Malcolm, Noel. *Kosovo: A Short History*. (New York: New York University Press, 1998), 267.

²⁴ *Ibid*, 269.

²⁵ Bilbil Kastrati and Samo Uhan, "The EU's Common Security and Defence Policy in the Case of the EULEX Mission in Kosovo," *Teorija in Praksa*, 2021, pp. 199-218, <https://doi.org/10.51936/tip.58.1.199-218>, 201.

²⁶ Rrecaj, Besfort. Kosovo's right to self-determination and statehood (2006). Besfort Rrecaj, Pristina, pp. 41-50

²⁷ John M. Fraser and Miranda Vickers, "Between Serb and Albanian: A History of Kosovo," *International Journal* 53, no. 4 (1998): p. 792, <https://doi.org/10.2307/40203732>.

²⁸ *Ibid*.

²⁹ Shkëlzen Maliqi, "Why the Peaceful Resistance Movement in Kosovo Failed," *After Yugoslavia*, 2012, pp. 43-76, https://doi.org/10.1057/9780230305137_4.

³⁰ *Ibid*.

By that point, Kosovo was also used as a scapegoat or a tool in the internal political games of the Yugoslav elite under Josip Broz Tito, and its fate worsened with a series of policies that led to the elimination of the constitution's status at the federal level and became "a mere function of the internal arrangements of the republic of Serbia."³¹ With a higher degree of oppression, there was a need for more mobilization as well. Albanians had poor living standards in comparison to their Serb counterparts and were facing discrimination in education and securing jobs. They also wanted more political representation and for the Albanian language to be recognized in schools but these demands were met with no response. However, there was a shift in the early 70s in order to discontinue the restlessness and discontent of the Albanian population and Kosovo as well as some other autonomous regions. The right to have their own constitution was given to these regions and Albanians were also employed in administrative or government positions in higher numbers.³² However, this was all short-lived.

After the death of Tito, in the early 1980s, the conditions of Albanians seemed to get worse. The growing restlessness among Kosovo Albanians led to local ethnic confrontation with Kosovo Serbs. What became the culminating event was the protest at the University of Prishtina in 1981, where students became fed up with the life conditions at their university and began asking for better conditions.³³ By 1981 Prishtina had the highest proportion of students of any city in Yugoslavia.³⁴ The Albanian students in the 80s continued to protest for their civil and political rights and for the plan to become a separate state within the federation of Yugoslavia.³⁵ However, during these protests there were groups that were also advocating for 'Unity with Albania' and this signaled even a bigger threat to the state of Serbia.³⁶ It was an indication that certain factions of the Kosovo Albanian population were seriously thinking of the idea of separating from Yugoslavia and even demand for an Albanian unification. Consequently, a state of emergency was declared, and the protests were harshly treated by the Serb army and the regional autonomy of Kosovo was significantly decreased, meaning that the self-determination rights of the Albanians there were also reduced. Albanians became the center of Slobodan Milosevic's discriminatory language when he became president of

³¹ Malcolm, Noel. *Kosovo: A Short History*. (New York: New York University Press, 1998), 19.

³² Florian Bieber and Židas Daskalovski, *Understanding the War in Kosovo* (London: Routledge, Taylor & Francis Group, 2003), 33.

³³ Noah Berlatsky and Frank Chalk, *Genocide and Persecution* (Detroit: Greenhaven Press, 2013), 27.

³⁴ Hugh Poulton and Milovan Djilas, *The Balkans: Minorities and States in Conflict* (London: Minority Rights Publications, 1994), 111-114.

³⁵ *Ibid*, 34.

³⁶ Malcolm, Noel. *Kosovo: A Short History*. (New York: New York University Press, 1998), 335

Yugoslavia in the late 1980s.³⁷ Beginning in 1989, the regime of Milosevic in Belgrade revoked Kosovo and Vojvodina's constitutional autonomy, dismantled Kosovo's independent political institutions, fired almost all of the region's Albanian citizens from their jobs in the public sector and state-run businesses, and supported ongoing police harassment and violence against Albanians.³⁸ Albanians were described as anti-Yugoslav revolutionaries who were seeking the destruction of Yugoslavia.

According to scholar Shkelzen Maliqi, the crisis entered a new stage of intensity in 1990–1991.³⁹ This period is significant because it marks the beginning of the fall of Yugoslavia as well, which came as a result of decades long of popular unrest and oppressive policies of a federation where idea of unity was put into question and gave rise to the birth of nationalism within each federate. For instance, in 1971 there was a suppression of what was known as the ‘Croatian Spring’, where 32,000 dissidents were persecuted for allegedly being part of a nationalist movement in Croatia.⁴⁰ The situation in Croatia aggravated because the new Serb leadership was pushing for increased repression.⁴¹ The federation's cohesiveness significantly weakened since the late 1970s also due to an expanding economic resource disparity between Yugoslavia's developed and impoverished areas.⁴² Croatia and Slovenia, the two most developed republics, rejected attempts to restrict their autonomy as outlined in the 1974 Constitution.⁴³ In 1987, the general public in Slovenia believed that leaving Yugoslavia would provide better economic opportunities than staying. When the IMF ordered the removal of different subsidies and employees wanted greater wages to account for inflation, a wave of significant strikes emerged in 1987–1988.⁴⁴ These strikes were followed by accusations that the entire system was corrupt. Finally, conflicts between wealthy republics like Slovenia and Croatia and poorer republics like Serbia were highlighted by the politics of austerity.

According to Viktor Meier, “the outbreak of unrest in the largely Albanian province of Kosovo in spring 1981 is considered the beginning of the Yugoslav existential crisis.”⁴⁵ Following the ratification of Serbian constitutional amendments that gave the Serbian

³⁷ Frank Robert Chalk, Kyle Matthews, and Carla Barqueiro, *Mobilizing the Will to Intervene: Leadership to Prevent Mass Atrocities* (Montréal, Québec: McGill-Queen's University Press, 2011), 38-39.

³⁸ Besnik Pula, “The Emergence of the Kosovo ‘Parallel State,’ 1988–19921,” *Nationalities Papers* 32, no. 4 (2004): pp. 797-826, <https://doi.org/10.1080/0090599042000296131>.

³⁹ Shkelzen Maliqi, “The Albanian Movement in Kosova,” in *Yugoslavia and after: A Study in Fragmentation, Despair and Rebirth* (Routledge, 2016), 142.

⁴⁰ Meier, Viktor. *Yugoslavia: A History of Its Demise*. London: Routledge, 2014, 17.

⁴¹ *Ibid*, 17.

⁴² Dejan Jović, *Yugoslavia: A State That Withered Away* (West Lafayette: Purdue Univ. Press, 2009), 15.

⁴³ *Ibid*, 15-16.

⁴⁴ Crampton, R.J. (1997). *A Concise History of Bulgaria*. Cambridge University Press, 387.

⁴⁵ Meier, Viktor. *Yugoslavia: A History of Its Demise*. London: Routledge, 2014, 16.

republic's government the ability to effectively reassert control over the autonomous provinces of Kosovo and Vojvodina in March 1989, the crisis in Yugoslavia worsened.⁴⁶ At the 14th Congress of the League of Communists in Yugoslavia in January 1990, Croats and Slovenes attempted to change Yugoslavia by giving its six republics even more authority, but they were repeatedly defeated in all motions and attempts to force the party to approve the new voting system. As a result, the all-Yugoslav party was effectively dissolved on January 23, 1990, when the Croatian delegation, led by Chairman Ivica Racan, and the Slovene representation left the Congress.⁴⁷ This led to the establishment of multi-party systems in all the republics. Following the rise of nationalist movements in both republics, on June 25, 1991, Slovenia and Croatia both proclaimed their independence. The Yugoslav Constitutional Court ruled that this was unlawful because every republic needed to agree to secede in order to do so under the terms of the 1974 constitution.⁴⁸ In 1991, war broke out in Slovenia and Croatia after the invasion by the Yugoslav People's Army but an armistice in 1992 ended the conflict and both their independences were recognized by the international community.

In the early 90s, the gap between Serbs and Albanians also widened, and hostility started to become the norm. March 1990 saw the disarmament of the local police and security forces, the suspension of all levels of local and municipal government, the placement of large industrial enterprises under direct administration, the occlusion of the mass media, and the closure of the Prishtina University's Albanian-language division (1991-92).⁴⁹ The anti-Albanian rhetoric produced a stronger and more unified Albanian resistance with the creation of the separatist Kosovo Liberation Army (KLA) which began attacking Serb police and army posts. The ethnic tensions led to the 1998-1999 Kosovo War where the Serb army was fighting against the KLA and aimed to silence once and for all the separatist movement in Kosovo.⁵⁰ The Kosovo Liberation Army continued to be mobilised as a result of additional atrocities of Albanians. Milosevic agreed to evacuate his soldiers in the fall of 1998 after NATO (North Atlantic Treaty Organization) authorized airstrikes on Serb military objectives. But, by the winter of 1998, the US had declared that Serbs were committing "crimes against humanity" in

⁴⁶ ["A Country Study: Yugoslavia \(Former\): Political Innovation and the 1974 Constitution \(chapter 4\)".](#) *The Library of Congress.*

⁴⁷ Glenny, Misha. *The Fall of Yugoslavia: The Third Balkan War*. New York: Penguin Books, 1996.

⁴⁸ *Ibid.*

⁴⁹ Shkelzen Maliqi, "The Albanian Movement in Kosova," in *Yugoslavia and after: A Study in Fragmentation, Despair and Rebirth* (ROUTLEDGE, 2016), 142.

⁵⁰ H. Papatotiriou, "The Kosovo War: Kosovar Insurrection, Serbian Retribution and NATO Intervention," *Journal of Strategic Studies* 25, no. 1 (2002): pp. 39-62, <https://doi.org/10.1080/714004041>, 43-44.

Kosovo.⁵¹ International organizations such as the NATO tried to solve the conflict diplomatically, but the mediation channels failed and the war became brutal, with the Serb army beginning to commit ethnic cleansing. Early in 1999 in Rambouillet, France, agreements were made to put an end to the alleged Serb crimes and avert the impending humanitarian catastrophe and it was decided that NATO was going to be responsible for this process in order to avoid peacekeeping failure like the one by the UN in Bosnia.⁵² The KLA did not agree to disarm as the agreement requested and Serbia did not accept their conditions either. When the negotiations stalled, Serbia sent 40,000 troops to the border of Kosovo, exploiting the break in diplomacy to further what appeared to be preparations for an all-out occupation of Kosovo. Fearing a blood bath, knowing the far superior military strength of the Serb army the Albanians ultimately agreed to the stipulations of the Rambouillet treaty.⁵³ At that point, NATO intervened militarily and brought an end to the conflict. After a bloody conflict in Kosovo in 1998–1999 between the KLA and Serbian armed forces, as well as an 11-week NATO airstrike campaign against Serbia, the UN Security Council officially ended the conflict by adopting Resolution 1244 (1999) in accordance with Chapter VII of the UN Charter.⁵⁴ The 1998-1999 war had left devastating consequences for Kosovo Albanians. According to a report by the US State Department, at least 90% of Kosovo's estimated Kosovar Albanian population in 1998—more than 1.5 million people—were forcibly driven from their homes and 12,000 were killed. At least 1,200 cities, towns, and villages have experienced damage to or total destruction of tens of thousands of dwellings.⁵⁵ Soon after the NATO bombing, the UN placed the region of Kosovo under its administration and at this point is when the process of post-war reconstruction and state building began. At that moment, Kosovo had a collapsed system of governance with a collapsed economy, emerging out of the communist system of Yugoslavia.

⁵¹ Noah Berlatsky, *Kosovo* (Farmington Hills, MI: Greenhaven Press, 2013), 29.

⁵² *Ibid*, pg.29-30

⁵³ Sajmir Bata. (2022). RAMBOUILLET INTERNATIONAL CONFERENCE, ITS CAUSES AND IMPORTANCE IN THE LEGAL-POLITICAL PROCESSES IN KOSOVO. <https://doi.org/10.5281/zenodo.6574599>

⁵⁴ Anne Holohan, “Peacebuilding and SSR in Kosovo: An Interactionist Perspective,” *Global Crime* 17, no. 3-4 (2016): pp. 331-351, <https://doi.org/10.1080/17440572.2016.1197508>, 331.

⁵⁵ US State Department Report, 1999.

The review of literature

The first internationally led state-building effort: The legacy of the UN Interim Administration Mission (UNMIK) as a predecessor of EULEX

Following NATO's intervention in 1999, the UN was tasked with governing Kosovo through an Interim Administration Mission (UNMIK). Between 1999 and 2008, UNMIK aimed to "fulfill its mandate as outlined in UN Security Council Resolution 1244, which included building a democratic polity that aimed at increasing the likelihood of self-sustaining peace, promoting electoral democracy that would produce democratic practices, establishing the rule of law that would promote effective governance, developing power-sharing mechanisms to promote ethnic reconciliation, establishing a neoliberal economy."⁵⁶ The ultimate goal of UNMIK was to gradually transfer its functions to the Provisional Institutions of Self-Government, while awaiting the determination of Kosovo's independence. Initially, UNMIK aimed to help Kosovo's institutions reach a certain standard before evaluating the question of Kosovo's status.

Between 1999 and 2003, UNMIK put off handing over authority to local entities and made few efforts to encourage local control over the restoration operations.⁵⁷ This was partially caused by Kosovo's unresolved political situation and concern that Kosovo Serbs would perceive the transfer of authority to local institutions as a threat.⁵⁸ A multi-party-political system that would support consensual politics, grant special treatment to minority groups, and deter extreme ideologies and their organizations was encouraged and nurtured as part of the externally led attempts to establish state institutions and a durable peace in Kosovo.⁵⁹ During this time, a complex system was in place to keep things as they were. Most government departments were run by international UN officials, but eventually several departments and

⁵⁶ "United Nations Resolution 1244," UNMIK, January 19, 2016, <https://unmik.unmissions.org/united-nations-resolution-1244>.

⁵⁷ Gëzim Visoka, "International Governance and Local Resistance in Kosovo: The Thin Line between Ethical, Emancipatory and Exclusionary Politics," *Irish Studies in International Affairs* 22, no. 1 (2011): pp. 99-125, <https://doi.org/10.1353/isia.2011.0010>, 106.

⁵⁸ *Ibid*, 107.

⁵⁹ Jens Narten, "Post-Conflict Peacebuilding and Local Ownership: Dynamics of External-Local Interaction in Kosovo under United Nations Administration," *Journal of Intervention and Statebuilding* 2, no. 3 (2008): pp. 369-390, <https://doi.org/10.1080/17502970802436361>.

their subordinate roles were taken over by local directors.⁶⁰ Over the course of the UN administration, the matter of Kosovo's status became increasingly urgent due to the unrest coming from Kosovo Albanians who needed a response from the international community. Large-scale violent conflicts between Serb and Albanian communities in March 2004 brutally illustrated UNMIK's immense challenge in fostering better interethnic relations in Kosovo.⁶¹ This signals the beginning of the loss of trust in UNMIK by the local Kosovo Albanians which started doubting UNMIK's effectiveness in the independence process, as well as their status as a foreign presence.⁶² The international community understood that the current situation could not last much longer. Kai Eide, the Special Representative of the UN Secretary General for Kosovo and the head of UNMIK, openly admitted this and urged the immediate start of talks on Kosovo's final status⁶³ This plan envisioned Kosovo's independence 'supervised initially by the international community and to implement the Comprehensive Status Settlement.'⁶⁴ UNMIK's role was severely reduced and even deemed as impractical and not useful in the post-independence Kosovo. Visoka and Bolton highlight the fact that UNMIK changed from being a significant participant to a minor "mission in denial" that struggled to find a place in Kosovo's politics after independence.⁶⁵ Anne Holohan characterizes UNMIK as a 'benevolent autocracy.'⁶⁶ This is due to the fact that it lacked a proper democratic structure and did poorly in ensuring that the local control was being preserved. The lack of accountability to the local structures was exhibited "by a prolonged consolidation of power, rule by enforced decrees, a lack of (internal) elections, and transparency; all of which were made worse by extensive immunity and essentially impunity for foreign officials."⁶⁷

⁶⁰ Gëzim Visoka, "International Governance and Local Resistance in Kosovo: The Thin Line between Ethical, Emancipatory and Exclusionary Politics," *Irish Studies in International Affairs* 22, no. 1 (2011): pp. 99-125, <https://doi.org/10.1353/isia.2011.0010>, 106.

⁶¹ DIMITRIS PAPADIMITRIOU and PETAR PETROV, "Whose Rule, Whose Law? Contested Statehood, External Leverage and the European Union's Rule of Law Mission in Kosovo*," *JCMS: Journal of Common Market Studies* 50, no. 5 (2012): pp. 746-763, <https://doi.org/10.1111/j.1468-5965.2012.02257.x>, 754.

⁶² Gezim Visoka, "The 'Kafkaesque Accountability' of International Governance in Kosovo," *Journal of Intervention and Statebuilding* 6, no. 2 (2012): pp. 189-212, <https://doi.org/10.1080/17502977.2012.655603>.

⁶³ "Letter Dated 7 October 2005 from the Secretary-General Addressed to the President of the Security Council," United Nations (United Nations), accessed November 17, 2022, <https://digitallibrary.un.org/record/559052?ln=en>.

⁶⁴ "S/2007/168," Security Council Report, accessed November 17, 2022, <https://www.securitycouncilreport.org/un-documents/document/kosovo-s2007-168.php>, 191.

⁶⁵ Gezim Visoka and Grace Bolton, "The Complex Nature and Implications of International Engagement after Kosovo's Independence," *Civil Wars* 13, no. 2 (2011): pp. 189-214, <https://doi.org/10.1080/13698249.2011.576158>.

⁶⁶ Anne Holohan, "Peacebuilding and SSR in Kosovo: An Interactionist Perspective," *Global Crime* 17, no. 3-4 (2016): pp. 331-351, <https://doi.org/10.1080/17440572.2016.1197508>, 334

⁶⁷ *Ibid*, 334.

The period of UNMIK is significant because as the international mission that precedes EULEX, it set the foundational base upon which EULEX was built and it also set the tone for the dynamic of the relationship with local actors, who became more distrustful towards international missions. A. Ernst explains that from the outset of the protectorate, the Kosovo-Albanian's goal of state-building entailed becoming an independent state but UNMIK practiced a different definition of state-building.⁶⁸ Ernst explains: "To reiterate, the locals went for status, the internationals—in the beginning—for standards. One of the first conflicts between locals and internationals was about applicable law, the legal framework for Kosovo."⁶⁹ This set one of the first differences between the locals and the international community. Ernst proceeds by stating that Kosovo is a case study that demonstrates how a political settlement incorporating all the parties in a conflict is the cornerstone for effective post conflict state-building. State-building starts with peacebuilding, therefore "instead of managing Kosovo as a contested state, the international community should work on a lasting peace-settlement."⁷⁰ The EU institutions in Kosovo that took over post-independence built on the same ideology set by the predecessor UNMIK, and consequently they faced similar local responses.

The European Union Rule of Law Mission: its establishment, goals and actions

The mandate

The European Union has played an important role in the process of peacebuilding and state building in Kosovo since after its independence in 2008. On February 4, 2008, the EU passed a Joint Action to send a civilian mission to Kosovo to help create "autonomous multi-ethnic legal system and multi-ethnic police and customs service".⁷¹ In order to support the maintenance of the rule of law, public order, and security while ensuring that all activities of Kosovo's institutions remained free from political interference and in compliance with "international standards concerning human rights and gender mainstreaming," EULEX was

⁶⁸ Ernst, Andreas. "Fuzzy Governance: State-Building in Kosovo since 1999 as Interaction between International and Local Actors." *Democracy and Security* 7, no. 2 (2011): 123–39. <https://doi.org/10.1080/17419166.2011.572781>.

⁶⁹ Ibid, 130.

⁷⁰ Ibid, 136.

⁷¹ "Lex - 32008E0124 - En - EUR-Lex," EUR, accessed November 8, 2022, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32008E0124>, 93.

given the mandate to guide Kosovo's institutions "on all areas related to the wider rule of law".⁷² In order to conduct its own activities, EULEX was given "some executive responsibilities" and the power to overturn or revoke operational decisions made by Kosovo institutions. EULEX began to deploy gradually in December 2008 and fully operationalized on 6 April 2009. The Kosovo "final status" talks reached a deadlock the year prior, changing the deployment of the mission's framework and causing a year-long delay.⁷³ EULEX was ultimately deployed as a successor of UNMIK, with the aim of adhering to the "status-neutral" framework of UN policy (United Nations Security Council 2008, 5). Due to many EU countries' involvement in the 1999 war between Serbia and Kosovo which resulted in Kosovo gaining autonomy from Serbia, the role of the EU in post-independence Kosovo was generally welcomed and seen as a positive factor in the path for Kosovo's state building process. The establishment of the European Rule of Law Mission in Kosovo in 2008 put high hopes for the future of the country with the High Representative for the Common Foreign and Security Policy at the time, Javier Solana stating:

The mission will be crucial for the consolidation of rule of law in Kosovo, and furthermore, the development of rule of law and strengthening of multi-ethnic institutions will be to the benefit of all communities in Kosovo. The mission is proof of the EU's strong commitment towards the Western Balkans and it will contribute to the enhancement of stability in the whole region. (Council of the European Union, 2008b)⁷⁴

The consequences and effect of EULEX' presence

EULEX' main role in the international state-building process of Kosovo was to ensure the establishment of proper institutions that dealt with the rule of law. Fakiolas and Tzifakis consider that overall, EULEX has contributed to the improvement of institutional functions of the rule of law sector in Kosovo.⁷⁵ They discuss how "the Kosovo Police has undergone a reorganization, has attained "ethnic balance" in its workforce, and has enhanced its patrol

⁷² Ibid, 93.

⁷³ Efstathios T. Fakiolas and Nikolaos Tzifakis, "Human Security in EU Strategy: Reflecting on the Experience of EUPM in Bosnia and Herzegovina and Eulex in Kosovo," *Journal of Contemporary European Studies* 27, no. 3 (September 2019): pp. 303-316, <https://doi.org/10.1080/14782804.2019.1614434>, 310.

⁷⁴ Javier Solana, EU High Representative for the Common Foreign and Security Policy before the Meeting of International Organisations Active on the Ground in Kosovo (EU, NATO, UN, OSCE) - Serbia," ReliefWeb, July 18, 2008, <https://reliefweb.int/report/serbia/summary-intervention-javier-solana-eu-high-representative-common-foreign-and-security>.

⁷⁵ Efstathios T. Fakiolas and Nikolaos Tzifakis, "Human Security in EU Strategy: Reflecting on the Experience of EUPM in Bosnia and Herzegovina and Eulex in Kosovo," *Journal of Contemporary European Studies* 27, no. 3 (September 2019): pp. 303-316, <https://doi.org/10.1080/14782804.2019.1614434>, 311.

management and crime-fighting capabilities.”⁷⁶ Judges and prosecutors in Kosovo have been evaluated, rated, and reappointed.⁷⁷ The Kosovo Correctional Service has improved the security of its institutions and trained its staff on best practices.⁷⁸ Additionally, according to European norms, the Kosovo Customs have been reorganized and have established a Customs Code.⁷⁹ The Kosovo Customs Office has been collecting more than 70% of the country's revenues as a result of the integrated management techniques that the country's rule of law institutions have implemented at its borders.⁸⁰

Despite the promises that were being made and the initial support for the EU's presence in Kosovo, there were signs since the beginning that the mission faced issues and was met with some degree of contestation. This was the effect of the previous administration by UNMIK which took over the country's administration in the post-war period and was seen as a precursor to the EU's mission. UNMIK was initially seen in a favorable manner by Kosovo Albanians but the perception changed over the years due to poor management of the country's internal affairs and the political aims of UNMIK officials.⁸¹ This has left a precedent in the way that the International Community has dealt with Kosovo and it is not surprising that the European Union faced the same reputation left by UNMIK. Internationally, the European Court of Auditors was the first to identify a number of issues relating to the lack of openness and efficiency among mission divisions in its 2012 report on EULEX.⁸² The incapacity of the mission to effectively handle cases of high-level corruption undermined EULEX's legitimacy locally.⁸³ Between 2013 and 2015, EULEX was embroiled in a number of scandals that damaged the organization's reputation both locally in Kosovo and internationally. The two "landmark" cases that harmed the mission's reputation were the scandal involving EULEX police smuggling alcohol in Kosovo in 2010 and the accusations made by the former EULEX prosecutor Maria Bamieh in 2014 that the EULEX Head of mission was involved in corrupt

⁷⁶ Council of the European Union. 2016b. Implementation Plan on Security and Defence, EN, 14392/16, Brussels, November 14

⁷⁷ “Programme Report 2011 - European Union Rule of Law Mission in Kosovo,” accessed November 18, 2022, 33-34.

⁷⁸ Ibid, 47-48.

⁷⁹ Ibid, 52-54.

⁸⁰ “Joint Rule of Law Coordination Board (JRCB) Meeting,” accessed November 18, 2022, https://eulex-kosovo.eu/eul/repository/docs/19.01.2017-JRCB-Joint_Conclusions_of_7December2016.pdf, 19.

⁸¹ Artan Mustafa, “Kosovo's Social Policy during Self-Management, UNMIK and Independence: Persisting High Inequality and Social Exclusion,” *International Journal of Social Welfare* 29, no. 1 (February 2019): pp. 96-108, <https://doi.org/10.1111/ijsw.12406>, 101-105.

⁸² “2012 Annual Report,” ECA, accessed December 11, 2023, https://www.eca.europa.eu/en/Pages/home_AR2012.aspx.

⁸³ Miftaraj, E., & Musliu, B. (2017). Corruption “sea” in Kosovo: Catching small “fish”, while big fish go free (Annual monitoring report of corruption cases treatment in the justice system in Kosovo—2016). Kosovo Law Centre.

dealings with the justice system in Kosovo.⁸⁴ The mission began scaling back in 2014 and eventually disbanding, handing over its duties to regional organizations but continuing to serve in a "observatory" capacity.⁸⁵

EULEX advisers and EU customs police were present in the majority of border checkpoints and offer support with integrated border management, custom valuation, and security-related issues.⁸⁶ However, EULEX encountered considerable challenges in bolstering the rule of law in North Kosovo, which is where it is most required. Due to operational limitations brought on by operating under the UN's status-neutral mandate, EULEX failed to revive courts, stop organized crime, adequately protect border crossings, and reinstate the rule of law in North Kosovo.⁸⁷ Therefore, it is not surprising that EULEX, the same as UNMIK, has been subject to various criticisms during their time in Kosovo, not only from local actors but also from officials involved with the mission. In summer of 2021, the former head judge of the EU mission in Kosovo, Malcolm Simmons requested to report at the Kosovo parliamentary session on Legislation, Mandates and Immunities about violations that took place within the Mission while dealing with high profile cases. Simmons says he would give evidence on EULEX' "interference in criminal investigations, threats made to protective witnesses, inducements given to protected witnesses, manipulation of trial panels, attempts to interfere in criminal trials, concealment of evidence, manipulation of evidence, obstructing justice and interference in criminal cases to further political objectives."⁸⁸ This is not the first time that Simmons claimed there were violations within the EULEX. However, it was later reported that he himself was subjected to investigations on possible wrongdoings while he was in office.⁸⁹ This is one instance when a former staff member came forward to express their disappointment with the mission but it also pointed out at the structural issues of the organization and the complications in terms of local approval.

⁸⁴ Andrew Rettman and Nikolaj Nielsen, "Enquiry Says Kosovo Mission Not Guilty of 'Cover-up'," EUobserver (EUobserver, April 14, 2015), <https://euobserver.com/rule-of-law/128316>.

⁸⁵ Vjosa Musliu, "Eulex Kosovo," *The Routledge Handbook of Critical European Studies*, 2020, pp. 477-486, <https://doi.org/10.4324/9780429491306-31>, 478.

⁸⁶ Gezim Visoka and Grace Bolton, "The Complex Nature and Implications of International Engagement after Kosovo's Independence," *Civil Wars* 13, no. 2 (2011): pp. 189-214, <https://doi.org/10.1080/13698249.2011.576158>, 197.

⁸⁷ *Ibid*, 197.

⁸⁸ Bronwyn Jones, "How a British Judge Caused Turmoil at the EU's Kosovo Mission," *Balkan Insight*, June 17, 2022, <https://balkaninsight.com/2022/06/06/how-a-british-judge-caused-turmoil-at-the-eus-kosovo-mission/>.

⁸⁹ *Ibid*.

The ‘*status neutrality*’ clause of the Common Security and Defense Policy

EULEX operated under The Common Security and Defense Policy (CSDP) which is supposed to ensure that the EU maintains an official stance of neutrality with regard to Kosovo’s independence and the way they collaborated with Kosovo’s institutions. Under the umbrella of the CSDP, the EU uses the ‘*status neutral*’ stance to exercise their authority in Kosovo without the necessity to hold an official position on the country’s status or independence. According to Wolfgang Zellner, this stance represents a case of impartiality in terms of international law in which “an international mediator takes a neutral position on the international status of a territorial entity.”⁹⁰ Antal Berkes states that “under the policy of status-neutrality, the conduct of international organizations cannot be interpreted as taking position about the current or future status of the disputed territorial entity.”⁹¹ In terms of how this applies to Kosovo, Vjosa Musliu explains that “its status-neutral’ position towards Kosovo’s independence has enabled EULEX – at least in a declaratory aspect – to operate without taking sides.”⁹² This approach has made it possible for the mission to exercise their functions without officially taking a military and political side. This has particularly defined the way that the post-conflict relations between Serbia and Kosovo has proceeded over the past decade. This dialogue is focused on minimizing the possibility for future ethnic clashes between Kosovo, which recognizes Serbia as a separate state and Serbia and doesn’t recognize Kosovo as its own state but rather as their southern province.⁹³ This process has seen some efforts especially with border control and freedom of movement. For instance, six interim co-located crossing points have been established and a Freedom of Movement agreement has been implemented.⁹⁴ However, not only did the dialogue face a stalemate in the last couple of years, but Serbia still poses a threat to security, specifically the town of Mitrovica in the north of Kosovo, where the Albanian and Serb communities remain divided and prone to future conflict.⁹⁵ The status neutrality has affected the way in which the EULEX operates within the rule of law in Kosovo

⁹⁰ Wolfgang Zellner et al., *European Security - Challenges at the Societal Level* (Hamburg: Centre for OSCE Research at the Institute for Peace and Security Policy (IFSH) at the University of Hamburg, 2016).

⁹¹ Antal Berkes, “‘Status-Neutrality’ of International Organizations: A Mission Impossible with Regard to Self-Proclaimed Separatist Entities?,” *SSRN Electronic Journal*, 2017, <https://doi.org/10.2139/ssrn.3045259>, 3.

⁹² Vjosa Musliu, “The International Missions in Kosovo: What Is in a Name?,” *European Foreign Affairs Review* 19, no. Issue 3 (January 2014): pp. 411-428, <https://doi.org/10.54648/eerr2014032>.

⁹³ Krenar Gashi, “Simulated Power and the Power of Simulations: The European Union in the Dialogue between Kosovo and Serbia,” *JCMS: Journal of Common Market Studies* 59, no. 2 (September 2020): pp. 206-221, <https://doi.org/10.1111/jcms.13056>.

⁹⁴ Ppio. “Support to the EU-Facilitated Dialogue between Pristina and Belgrade.” EULEX European Union Rule of Law Mission in Kosovo. Accessed March 17, 2023. <https://www.eulex-kosovo.eu/?page=2%2C46>.

⁹⁵ Osmanaj, Egzon. “The (non) consolidation of Kosovo’s statehood: The Brussels dialogue ten years after Kosovo’s independence.” *Thesis* 7, br. 1 (2018): 45-70

because the statehood status of Kosovo limits the local actors' role in security and conflict de-escalation. For instance, EULEX judges working on matters of privatization in the previous years, "simply continued to ignore the existence of Kosovo as an independent State and its legislation emanating from its Assembly".⁹⁶ This statement was supported by Kosovo's Constitutional Court due to the fact that EULEX judges working on privatization matters refused to respect Kosovo laws and institutions that were established by the 2008 Kosovo Declaration of Independence.⁹⁷ Additionally, EULEX activities in prosecuting war crimes and human rights abuses were dissatisfactory. By declaring a neutral stance, the actions that EULEX can take are limited also due to the fact that Serbia's government might retaliate if their interests are hurt, and become a cause of future conflict. The recent events that happened in Kosovo proved how fragile the relations with Serbia still are and the extent to which the EU is willing to treat both the Albanian and Serb sides as equal. In a statement from November 2022, the EU External Action emphasized the fact that Kosovo needs to establish the Association of Serb Majority Municipalities in areas where there is a Serb population, and the failure of doing such will undermine the Rule of Law in Kosovo.⁹⁸ By doing so, the EU ensures that both sides are getting some kind of benefit and that possible conflict is avoided.

The issue of Kosovo's sovereignty and the limits put by EULEX' status-neutral approach

The issue of Kosovo's sovereignty during the presence of EULEX was a key issue for Kosovo Albanians but the two parties had different conceptualizations on it. This is significant to discuss because sovereignty is an important factor in the creation of the local response. Visoka and Bolton suggest that there is a normative shift from viewing "sovereignty as authority over territory" towards "sovereignty as responsibility."⁹⁹ EULEX was the entity that was responsible for preserving Kosovo's sovereignty but the status-neutrality stance was an obstacle to a great extent. The scholar Vjosa Musliu and Jan Orbie challenge the self-proclaimed status-neutrality

⁹⁶ Kushtrim Istrefi, "Azemi v Serbia: Discontinuity of Serbia's De Jure Jurisdiction over Kosovo", EHRLR, 2014, no. 4, 439.

⁹⁷ Ibid, 440.

⁹⁸ "Kosovo/Serbia: Statement by the High Representative on the Recent Developments," Kosovo/Serbia: Statement by the High Representative on the recent developments | EEAS Website, accessed January 17, 2023, https://www.eeas.europa.eu/eeas/kosovoserbia-statement-high-representative-recent-developments_en.

⁹⁹ Gezim Visoka and Grace Bolton, "The Complex Nature and Implications of International Engagement after Kosovo's Independence," *Civil Wars* 13, no. 2 (2011): pp. 189-214, <https://doi.org/10.1080/13698249.2011.576158>, 191.

stance of the EU.¹⁰⁰ They suggest that despite the EU and EULEX's innovative efforts to develop a status-neutral approach to prevent any attributions or negations of Kosovo's sovereignty, this status-neutral stance was never implemented. Instead, what has so far happened is that EULEX has been caught up in a never-ending struggle to both acknowledge and deny Kosovo's sovereignty.¹⁰¹ The mission's technical nature and continued neutrality with regard to Kosovo's political status have been reaffirmed repeatedly by EULEX's successive heads. However, Kosovo frequently appears as a sovereign state in EULEX communications while other times the idea of an independent state would usually get lost in official documents.¹⁰² The major limitation that has been widely accepted with regard to the 'status-neutrality' clause is the fact that an organization such as the EU which is made of different states, cannot act based on the preferences of a few states when it comes to international peacebuilding operations. Therefore, it would be better to keep a more neutral attitude towards the process of peacebuilding and conflict-resolution. Visoka and Bolton emphasize this fragmentation of the international presence post-independence and they similarly conclude that those "international presences became paralyzed internally due to a lack of consensus."¹⁰³ Berkes talks about the most significant constraint of status neutrality being "the passivity and silence of an IO (international organizations) vis-à-vis allegedly unlawful unilateral acts of self-proclaimed authorities."¹⁰⁴ EULEX in Kosovo had the power to oppose and nullify any decision made by the local authorities and institutions, which is already in contradiction with the principle of status neutrality. However, as Berkes points out, there have been instances where this power could have been used by EULEX to take important action in regards to protecting Kosovo's territorial integrity, but such a thing did not happen.¹⁰⁵

The perception that the presence of EULEX might violate Kosovo's sovereignty caused a number of the most important incidents of prepared collective protest from Albanians.¹⁰⁶ These

¹⁰⁰ Vjosa Musliu and Jan Orbie, "Metakosovo: Local and International Narratives," *The British Journal of Politics and International Relations* 18, no. 1 (2015): pp. 179-195, <https://doi.org/10.1111/1467-856x.12069>, 180.

¹⁰¹ Ibid, 180-185.

¹⁰² Vjosa Musliu, "Eulex Kosovo," *The Routledge Handbook of Critical European Studies*, 2020, pp. 477-486, <https://doi.org/10.4324/9780429491306-31>, 482.

¹⁰³ Gezim Visoka and Grace Bolton, "The Complex Nature and Implications of International Engagement after Kosovo's Independence," *Civil Wars* 13, no. 2 (2011): pp. 189-214, <https://doi.org/10.1080/13698249.2011.576158>, 193.

¹⁰⁴ Antal Berkes, "'Status-Neutrality' of International Organizations: A Mission Impossible with Regard to Self-Proclaimed Separatist Entities?," *SSRN Electronic Journal*, 2017, <https://doi.org/10.2139/ssrn.3045259>, 25.

¹⁰⁵ Ibid.

¹⁰⁶ Bilge Yabanci, "The (Il)Legitimacy of EU State Building: Local Support and Contention in Kosovo," *Southeast European and Black Sea Studies* 16, no. 3 (2016): pp. 345-373, <https://doi.org/10.1080/14683857.2016.1156345>, 356-357.

protests had been particularly prepared through LVV which became opposed to the presence of EULEX even prior to its establishment. The support towards EULEX was heavily compromised due to its reluctance to acknowledge Kosovo's full sovereignty. On November 19 and December 2, 2008, the Self-Determination movement, Vetëvendosje (LVV), collectively with nearly 20 civil society organizations, introduced over 40,000 protesters to the streets.¹⁰⁷ These protests were the most important in the postwar records of the country and have been additionally publicly supported via different political events and extensively blanketed sympathetic media. It should be noted that for those protests EULEX was not the only principal goal of the anger, rather, the general presence of the international missions was being criticized. However, EULEX became a goal eventually, as it can be noticed through the speeches of the organizers and the banners executed via the means of the protesters, such as “EULEX—Made in Serbia.”¹⁰⁸

The limit of EULEX’ status-neutral approach on the post-conflict relations with Serbia

The lack of political understanding and communication between Serbia and Kosovo due to status neutrality remains critical for the escalation of tensions in the most recent years and another factor that has been crucial in the evolution of the local perception towards EULEX. The most recent event is that of the 20th of September 2021 when the Kosovo government launched a police operation in northern Kosovo to enforce a new license plate validity regime.¹⁰⁹ What this meant was that every vehicle entering Kosovo from Serbia, would have to switch the Serb license plate to local license plate under Kosovo’s regulations. This has been a rule which has also been imposed by Serbia to Kosovo vehicles and which was respected by Kosovar authorities. However, Serbia refused to follow this procedure and the situation escalated quickly and military troops were deployed at the border.¹¹⁰ This is the first time that

¹⁰⁷ Oya Dursun-Özkanca, “The European Union Rule of Law Mission in Kosovo: An Analysis from the Local Perspective,” *Ethnopolitics* 17, no. 1 (2017): pp. 71-94, <https://doi.org/10.1080/17449057.2017.1339456>, 85-88.

¹⁰⁸ Ewa Mahr, “Local Contestation against the European Union Rule of Law Mission in Kosovo,” *Contemporary Security Policy* 39, no. 1 (November 2017): pp. 72-94, <https://doi.org/10.1080/13523260.2017.1407060>, 81.

¹⁰⁹ “Flare-up over License Plates Threatens Progress between Serbia, Kosovo, Special Representative Tells Security Council amid Debate on Future of Interim Mission | UN Press,” United Nations (United Nations), accessed January 18, 2023, <https://press.un.org/en/2021/sc14663.doc.htm>.

¹¹⁰ Xhorxhina Bami Milica Stojanovic, “Kosovo-Serbia Licence Plate Dispute Proves Hard to Resolve,” *Balkan Insight*, April 21, 2022, <https://balkaninsight.com/2022/04/21/kosovo-serbia-licence-plate-dispute-proves-hard-to-resolve/>.

Serbian military planes approached the border of Kosovo since the withdrawal of the Serb troops in 1999 following the NATO bombing. The Kumanovo Agreement which was signed at the time and is still in power today, set out a 25km air safety zone and a 5km ground safety zone around Kosovo's border or fly over Kosovo without activating a NATO response.¹¹¹ Serbia's foreign minister was at the border encouraging protesters in the North to blockade traffic along the Administrative Boundary Line. Special units of the Kosovo police deployed to the northern crossing points used tear gas and percussion grenades to disperse the protesters. Serbia's Army meanwhile deployed a platoon and conducted military overflights in the same area. In such context, the 'status neutrality' stance implicated border crossing problems in and out of Serbia. Despite the fact that Serbia escalated the issue to a possible conflict, they did not suffer any repercussions. "The Kosovo government does not fully control part of its territory in the North and Belgrade has kept a foot in the door of Kosovo independence through parallel institutions."¹¹² EULEX has not been able to exert enough pressure in protecting the territorial integrity of Kosovo.

EULEX' legitimacy in confrontation with the local actors

The legitimacy of Kosovo's institutions is intrinsically linked to the legitimacy of EULEX. This is significant to point out and to explore because the legitimacy of the international actor is dependent on the relationship with and the response from the local actors. Scholars suggest that there were issues with building legitimacy in regards to the EU's presence and consequently to their actions in Kosovo. Social movements expert Bilge Yabanci explains this issue through the dependency between local support with the EU's need for legitimacy.¹¹³ The EU has generally created a hierarchical relationship with local players that went beyond democratic legitimacy by giving market access and membership that are dependent on the adoption of specific norms and institutional structures in the country's state building process.¹¹⁴ However, this strategy did not have a particular success in Kosovo, considering that despite of the local support to Kosovo's membership into the EU, local actors including the public opinion

¹¹¹ "UN Documents for Kosovo: Secretary-General's Reports," Security Council Report, accessed February 14, 2023, https://www.securitycouncilreport.org/un_documents_type/secretary-generals-reports/?ctype=Kosovo&cbtype=kosovo.

¹¹² Veton Surroi, 2011, "The Independent Kosovo and the New Constellation in the ... - Sciences Po."

¹¹³ Bilge Yabanci, "The (II)Legitimacy of EU State Building: Local Support and Contention in Kosovo," *Southeast European and Black Sea Studies* 16, no. 3 (2016): pp. 345-373, <https://doi.org/10.1080/14683857.2016.1156345>.

¹¹⁴ David Chandler, *Empire in Denial: The Politics of State-Building* (London: Pluto Press, 2006).

put into question the legitimacy of EULEX' presence.¹¹⁵ It is suggested by scholars that the EU should have relied on the legitimation process that is "located in the ordinary and everyday experience"¹¹⁶ rather than "the unspecified general legitimacy claims."¹¹⁷

EULEX' legitimacy was questioned because of its executive functions that limited the idea of sovereignty. Vjosa Musliu among other scholars, states that despite EULEX efforts to develop a "status-neutral" approach to prevent any attributions or negations of Kosovo's sovereignty, this stance was never actually implemented.¹¹⁸ EULEX found itself caught up in a never-ending struggle to acknowledge Kosovo's independence while also putting a stop to it.¹¹⁹ LVV saw them as restricting Kosovo's ability to govern itself. The two most significant subsequent protests were triggered by EULEX's signature of a protocol on police cooperation with Serbia in 2009 and its prosecution of ex-commanders of Kosovo Liberation Army (KLA) turned political leaders for war crimes.¹²⁰ The 1998–1999 war was considered by Kosovo Albanians as the "just war" wherein they had been the sufferers of the Serbian aggression. Therefore, EULEX's prosecution of the army leaders of this conflict changed some of the perceptions that Albanians had on the organization. Framed through the veteran groups, the discourse considered "EULEX as simply being there `to punish [Kosovo war] heroes`" in favor to the actual criminals at the Serbian side.¹²¹ In March 2011 veteran groups held large protests concurrently in 26 places in Kosovo, accompanied through numerous smaller protests after unique arrests and students additionally held protests in Pristina with hundreds of protesters.¹²² The main authority figures had been ex-KLA commanders who publicly denounced the prosecutions.¹²³ However, as Mahr writes, these protests need to be put into perspective

¹¹⁵ Bilge Yabanci, "The (Il)Legitimacy of EU State Building: Local Support and Contention in Kosovo," *Southeast European and Black Sea Studies* 16, no. 3 (2016): pp. 345-373, <https://doi.org/10.1080/14683857.2016.1156345>, 346.

¹¹⁶ Luckmann, Thomas. 1987. Comments on legitimation. *Current Sociology* 35, no. 2: 109–17.

¹¹⁷ Bicchi, Federica. 2006. 'Our size fits all': Normative power Europe and the Mediterranean. *Journal of European Public Policy* 13, no. 2: 286–303, 293.

¹¹⁸ Vjosa Musliu, "Eulex Kosovo," *The Routledge Handbook of Critical European Studies*, 2020, pp. 477-486, <https://doi.org/10.4324/9780429491306-31>, 482.

¹¹⁹ Ibid, 482.

¹²⁰ Ewa Mahr, "Local Contestation against the European Union Rule of Law Mission in Kosovo," *Contemporary Security Policy* 39, no. 1 (November 2017): pp. 72-94, <https://doi.org/10.1080/13523260.2017.1407060>, 82.

¹²¹ Van der Borgh, C., Le Roy, P., & Zweerink, F. (2016). EU peacebuilding capabilities in Kosovo after 2008: An analysis of EULEX and the EU-facilitated Belgrade-Pristina Dialogue (WOSCAP Report), 37.

¹²² Ewa Mahr, "Local Contestation against the European Union Rule of Law Mission in Kosovo," *Contemporary Security Policy* 39, no. 1 (November 2017): pp. 72-94, <https://doi.org/10.1080/13523260.2017.1407060>, 82.

¹²³ Gezim Visoka, "The 'Kafkaesque Accountability' of International Governance in Kosovo," *Journal of Intervention and Statebuilding* 6, no. 2 (2012): pp. 189-212, <https://doi.org/10.1080/17502977.2012.655603>.

because “even the biggest protests gathered only a minority of a population.”¹²⁴ The reason for that is because of the generally pro-European Kosovo Albanian society which in 2011, still had high hopes and expectations in terms of the role of the EU in their post-conflict reconstruction efforts. Therefore, it can be suggested that while EULEX’s legitimacy was put into question, this response was independent from the local actors’ goal to becoming part of the European Union and the EU still enjoyed support in Kosovo.

Tracking the citizens’ (dis)trust on the EU Mission over the years

This research focuses on local actors represented by a political movement and civil society or prominent Kosovar think tanks, but it is important to get the general picture of the Kosovar society’s attitude towards EULEX over the years to better understand the full picture of the local response. The Kosovo citizens have reacted differently to the presence of the EU over the years, and their reaction has seen a similar trend with those of the political actors. According to a study published by the Kosovo Center of Security Studies in August of 2020, public trust on the EU has been constantly low.¹²⁵ This study called ‘The legitimacy of international missions: the deconstruction of citizens’ perceptions towards EULEX in Kosovo’ took into consideration mainly the 2012-2018 period and was based on a survey conducted with randomly selected citizens. The first survey which was conducted in 2012, revealed a weak public opinion on the EU Mission with only 22% of the surveyed population sample expressing contentment with the organization.¹²⁶ This did not come as a surprise after the European Auditing Court published a report that year documenting many of the structural failures of the mission.¹²⁷ The Kosovar Center of Security Studies highlighted that in the survey, the citizens pointed out to the fact that the EU mission had done very little to fight corruption that was happening at the highest levels of government and to solve issues of ethnic tensions in the northern border with Serbia.¹²⁸ The EU mission eventually launched a media campaign to

¹²⁴ Ewa Mahr, “Local Contestation against the European Union Rule of Law Mission in Kosovo,” *Contemporary Security Policy* 39, no. 1 (November 2017): pp. 72-94, <https://doi.org/10.1080/13523260.2017.1407060>, 83.

¹²⁵ “Kosovo Security Barometer - Tenth Edition,” QKSS, accessed November 8, 2022, <https://qkss.org/en/publikimet/barometri-kosovar-i-sigurise-edicioni-i-pestje>, 5.

¹²⁶ “Kosovo Security Barometer - Second Edition,” QKSS, accessed November 8, 2022, <https://qkss.org/en/publikimet/barometri-kosovar-i-sigurise-edicioni-i-pestje>.

¹²⁷ “Special Report - European Court of Auditors,” accessed November 10, 2023, https://www.eca.europa.eu/Lists/ECADocuments/SR12_07/SR12_07_EN.PDF.

¹²⁸ Kosovo Security Barometer - Tenth Edition,” QKSS, accessed November 8, 2022, <https://qkss.org/en/publikimet/barometri-kosovar-i-sigurise-edicioni-i-pestje>, 9.

counteract all the claims but it did very little, considering that in the following years, the citizens still had little trust in the Mission.¹²⁹

There was a slight improvement in 2013 with 25% of the surveyed sample reporting that they were satisfied with the mission's achievements. They explained that the low level of trust came from the fact that the mission had given little contribution to support Kosovo's institutions to reduce corruption and organized crime.¹³⁰ In 2014 there was not much improvement either, with only 31% of the surveyed saying that they trusted the mission. The surveyed stated that their distrust was due to "the limited contribution of this mission towards the full support of Kosovo's institutions to stop organized crime and corruption."¹³¹ This remained a consistent critique, with the last survey conducted in 2018 showing that even after a decade of EU presence in Kosovo, citizens still saw high levels of corruption among Kosovo authorities.¹³² This concern is supported by various sources that state that a judge of the EU Mission only solves 0.17 cases of corruption and 0.07 cases of organized crime.¹³³ A series of interviews collected by Ewa Mahr in 2017 found that a large part of the Kosovo Albanians stated that one of the reasons for their discontent with the EU Mission was due to their inability to recognize full independence of the country.¹³⁴ Another reason for distrust was related to the Mission's efficiency in handling post-conflict peacekeeping efforts. There were constant disputes in the northern border with Serbia in the town of Mitrovica where there is a significant Serb population. The Kosovo Albanians felt that the EU Mission was ineffective in dealing with Serbia's insistence to take control over the city. Additionally, Albanians felt that there was little effort from the EU to be in contact with the local community and there are reports stating that even in cases where there was direct contact, the citizens' requests were dismissed or neglected.¹³⁵

This reality does not come as a surprise if we consider the literature on local responses to international missions. Local actors never seem to be in full accordance with the role of international missions. Scholars suggest that local actors usually resist change, even if they

¹²⁹ Ibid.

¹³⁰ Kosovo Security Barometer - Third Edition," QKSS, accessed November 8, 2022, <https://qkss.org/en/publikimet/barometri-kosovar-i-sigurise-edicioni-i-pestje>,

¹³¹ Kosovo Security Barometer – Fourth Edition," QKSS, accessed November 8, 2022, <https://qkss.org/en/publikimet/barometri-kosovar-i-sigurise-edicioni-i-pestje>

¹³² Ibid, 10.

¹³³ Selvije Bajrami, "The Rule of Law in Kosovo: Mission Impossible?," Balkan Insight, January 28, 2020, <https://balkaninsight.com/2011/11/17/the-rule-of-law-in-kosovo-mission-impossible/>.

¹³⁴ Ewa Mahr, "Local Contestation against the European Union Rule of Law Mission in Kosovo," *Contemporary Security Policy* 39, no. 1 (November 2017): pp. 72-94, <https://doi.org/10.1080/13523260.2017.1407060>, 80-87.

¹³⁵ Ibid, 85-90.

might see some benefits from it at first. For example, Andrea Talentino says that “even the most well-constructed international reform effort will be a failure if citizens do not perceive it as legitimate, or if they consider it as weak and ineffectual.”¹³⁶ Local efforts and collaboration are necessary in order for the new structures to work but it is common for local citizens to feel that they are being pushed to conform to notions of governance and justice that are foreign to them. Consequently, a division might happen in the society where some local actors might be more resistant to change than others and this could result in more resentment towards international actors. It also points out to the fact that “in conditions of uncertainty, groups within a single state are likely to rely on self-help and to assess their position on the basis of relative gains.”¹³⁷ This means that the divided local groups will develop their own ideology in response to the presence of the international community and will act accordingly. Contestation could be considered a natural event, “as by nature, state building, nation-building and democratization are contentious processes.”¹³⁸

However, despite the level of criticism by citizens and local actors towards the EU mission over the years, the statistics show that the EU as an entity still enjoys a large popularity in Kosovo. According to the Gallup & European Fund for the Balkans, 87% of the population in 2010 supported Kosovo’s membership into the EU.¹³⁹ This popularity has persisted during the last decade and Kosovo’s citizens remain firm in their aspirations to one day join the EU. This is puzzling, considering that they have been highly critical of the EU's actions over the years but still believe in the EU being the best option for the future of their country. The EU membership prospect receives almost unanimous support from the political leadership, non-governmental groups and the public.¹⁴⁰ The EU is the second-most trusted institution in Kosovo, behind only the government and the parliament, despite the fact that the extensive network of EU actors and policies are not supported by a considerable majority of citizens.¹⁴¹ Mutluer and Tsahouras explain that this is because of the perceived coherence by Kosovo

¹³⁶ ANDREA KATHRYN TALENTINO, “Perceptions of Peacebuilding: The Dynamic of Imposer and Imposed Upon,” *International Studies Perspectives* 8, no. 2 (2007): pp. 152-171, <https://doi.org/10.1111/j.1528-3585.2007.00278.x>, 153.

¹³⁷ *Ibid*, 154.

¹³⁸ Outi Keranen, “International Statebuilding as Contentious Politics: The Case of Post Conflict Bosnia and Herzegovina,” *Nationalities Papers* 41, no. 3 (2013): pp. 354-370, <https://doi.org/10.1080/00905992.2012.743516>, 354.

¹³⁹ Gallup, & European Fund for the Balkans. (2010). *Gallup Balkan monitor, insights and perceptions: Voices of the Balkans. 2010 summary of findings*, 13.

¹⁴⁰ EU Perspective in Kosovo. 2014. Survey of awareness of the EU and European integration in Kosovo. Prishtina: European Union Office in Kosovo. http://eeas.europa.eu/delegations/kosovo/documents/press_corner/2014/20140701_survey_of_awareness.pdf.

¹⁴¹ Riinvest Institute. 2014. Public opinion poll. Prishtina

Albanians regarding the EU presence in general.¹⁴² A large majority of 85% of citizens “believe that Kosovo benefits from the European integration process.”¹⁴³ This integration process entails the opportunity to live, study and work anywhere in the EU without any legal obstacles.

Chapter 3. The theoretical framework

This section sets out the theoretical concepts that center the analysis that follows. The concept of local ownership is essential in understanding the complex relationship between local and international actors in Kosovo and the evolution of the power imbalance that exists between these two entities. This section will discuss the origin of the idea of the local and the concept of a ‘bottom-up’ approach towards post-conflict reconstruction, how local ownership becomes politicized and the issues or controversies on the operationalization of local ownership.

Local ownership and EULEX

Conceptualizing local ownership in Kosovo

In post-conflict contexts such as Kosovo, the relation between international missions and local actors is crucial in forging the way in which the state building mission will take place. The general idea is that these local and international actors have complementary roles to one another.¹⁴⁴ International missions bring thematic expertise and state building actors that help in the process of building institutions and establishing the mechanisms of sustainable peace. This is what on surface seemed to be the role of the EU Mission in Kosovo as well. In return, this mission benefited greatly from the initial local acceptance and collaboration, influenced by the fact that Kosovo Albanians were in great need for a structured and stable country free

¹⁴² Deniz Mutluer and Dimitris Tsarouhas, “EU Foreign Policy and ‘Perceived Coherence’: The Case of Kosovo,” *Southeast European and Black Sea Studies* 18, no. 3 (March 2018): pp. 419-438, <https://doi.org/10.1080/14683857.2018.1518845>.

¹⁴³ Research Institute of Development and European Affairs. 2016. Public opinion perception on european integration. <http://www.ridea-ks.org/uploads/RAPORTI%20ANGLISHT%20PER%20PRINTIM.pdf>

¹⁴⁴ Donais T (2009) Inclusion or exclusion? Local ownership and security sector reform. *Studies in Social Justice* 3(1): 117–131.

from the danger of Serbia which was and remains adamantly against Kosovo's independence. For this reason, the EU's presence was interpreted as indispensable, and as something needed to oppose any possible aggression from Serbia in the future. However, the power dynamics between international actors and local actors is imbalanced and this can be embodied through the concept of local ownership. Qehaja & Prezelj (2017) discuss local ownership as "the 'extent' to which local constituencies and elected representatives of the target country exercise ownership over the processes of development and state-building."¹⁴⁵ Similarly, Oliver Richmond simplifies the definition as the "... relations between external and internal actors over the political, legal, social, developmental and security institution being imported or locally built and grounded."¹⁴⁶

Jens Narten explains that from a policy-making perspective, local ownership can be understood as a progressive transfer of power managed internationally from the outside to legitimate and democratically elected local representatives after the necessary local functional and institutional capacities have been built.¹⁴⁷ In this case, the local agents considered as 'owners' are assumed to be both elected political elites, who are the main interlocutors with international administrators, as well as the wider citizenry who participates in the process through 'civil society'.¹⁴⁸ On the other hand, he explains that in discursive terms, local ownership can be defined as "a highly contested discursive spatial signifier, over which the legitimacy of the peacebuilding agenda is disputed and the boundaries of international and local authority are negotiated."¹⁴⁹ From this second perspective, the real *owners* of the locality are the local political classes who promote local public opinion and navigate local social and political structures that challenge the identity of the local community, external actors' national legitimacy and their peace-consolidating agenda. If small sections of local society no longer feel represented by their elected representatives, but by alternative elites, they can protest in the streets and radically challenge the idea of "local ownership" and the division of space between national and international actors.¹⁵⁰ Narten's perspective on the local ownership is significant for this research because it establishes that the political elites and political

¹⁴⁵ Qehaja, F. and Prezelj, I., 2017. Issues of local ownership in Kosovo's security sector. *Southeast European and Black Sea studies*, 403.

¹⁴⁶ Richmond, O. P. (2010) Resistance and the Post-Liberal Peace, *Millennium: Journal of International Studies* 3(3): 665–692.

¹⁴⁷ Jens Narten, "Post-Conflict Peacebuilding and Local Ownership: Dynamics of External–Local Interaction in Kosovo under United Nations Administration," *Journal of Intervention and Statebuilding* 2, no. 3 (2008): pp. 369-390, <https://doi.org/10.1080/17502970802436361>, 375.

¹⁴⁸ *Ibid*, 375-380.

¹⁴⁹ *Ibid*, 375.

¹⁵⁰ *Ibid*, 375

movements in Kosovo are the main local actors who play the most considerable role with the international missions and have the most influence on public opinion and consequently on the local response. For instance, the local response to EULEX is represented by the LVV movement who has a significant political power, as well as a strong influence among the populations.

Existing academic contributions advocate the need for a local ‘say’ in the process of state-building by fostering not solely the authority of local government elites but communities in the broader sense.¹⁵¹ Qehaja & Prezelj take the example of the security sector in Kosovo and proceed to explain that political uncertainty and excessive international influence have been noted at all levels in this sector, frequently depriving locals of the authority to make decisions about security or defense-related issues.¹⁵² Advocates for local ownership urge the country's elected officials and local constituents to exercise their *right* to ownership during the development and state-building processes.¹⁵³ As local actors and civil society become more mature, the level of foreign influence should be gradually lowered.¹⁵⁴ This is because it is believed that the international community can no longer permanently replace local capabilities (Donais 2012).¹⁵⁵ “As a consequence, the nature of this transfer of authority raises questions about the international exit strategy.”¹⁵⁶ Internationally oriented solutions and their outcomes are frequently incompatible with the local context and demands, which presents a common challenge.¹⁵⁷

Issues and controversies on the operationalization of local ownership

International missions have traditionally used the concepts of local ownership and participation to legitimize their state-building efforts and to avoid accusations of intrusion.¹⁵⁸

¹⁵¹ (See Autesserre 2010; Hansen 2008; Hellmüller 2012; Wilén and Chapaux 2011)

¹⁵² Qehaja, F. and Prezelj, I., 2017. Issues of local ownership in Kosovo's security sector. *Southeast European and Black Sea studies*, 403.

¹⁵³ Donais, T. (2009) ‘Empowerment or Imposition? Dilemmas of Local Ownership in Post-Conflict Peacebuilding Processes’. *Peace & Change* 34(1): 3–26.

¹⁵⁴ Qehaja, F. and Prezelj, I., 2017. Issues of local ownership in Kosovo's security sector. *Southeast European and Black Sea studies*, 405

¹⁵⁵ Donais, T. (2012) *Peacebuilding and Local Ownership: Post-conflict Consensus-building*, New York: Routledge.

¹⁵⁶ Qehaja, F. and Prezelj, I., 2017. Issues of local ownership in Kosovo's security sector. *Southeast European and Black Sea studies*, 406

¹⁵⁷ *Ibid*

¹⁵⁸ Filip Ejodus, “‘Here Is Your Mission, Now Own It!’ the Rhetoric and Practice of Local Ownership in EU Interventions,” *European Security* 26, no. 4 (June 2017): pp. 461-484, <https://doi.org/10.1080/09662839.2017.1333495>, 465-466.

However, at times, international institutions and missions have not been able to stir away from these accusations and they have gone under scrutiny for their lack of promotion of local ownership in a transparent and meaningful manner and subsequently being accused as a neo-imperialist entity.¹⁵⁹ Their understanding of ownership is often tied to the existence of a local political class which assists them with executing their goals but never goes beyond that and does not support reactionary voices. Von Billerbeck discusses that in the context of international missions such as the UN, the UN staff perceive local ownership as an issue for the achievement of UN's operational objectives in peacebuilding.¹⁶⁰ The reluctance towards local ownership in practice derives from two main assumptions, the idea that local actors have weak capacities and that they are illiberal.¹⁶¹ The fear in this case would be that local actors, if acting alone, would be quick to let society fall into instability again by not being able to properly run state institutions and create a centralized form of governance. The other main concern related to the hindrance of liberalism by local actors centers around the idea that local actors are unable to act according to liberal ideals and if left alone, they will revert to "undemocratic, sectarian and inhumane practices."¹⁶² Therefore, due to this perceived risk, international actors are very careful with who they choose to work among local actors, in order to support their activities on the ground.

Von Billerbeck categorizes local ownership through elite ownership and liberal ownership, which both represent selectivity rather than inclusivity. The argument is that in the case of liberal ownership, international organizations select the actors they want to work with based on their values.¹⁶³ This means that these actors generally align with the liberal ideals of the international actors and see the future of their country's state building through these ideals. As O.Richmond explains, international actors are meant to persuade local actors that the liberal state is what they want and should own, therefore they need to make sure that they pick the right local actors to work with and complete this goal. In the case of elite ownership, local actors are chosen based on their capacity to contribute "to the efficient delivery of concrete

¹⁵⁹ Antoine Rayroux and Nina Wilén, "Resisting Ownership: The Paralysis of EU Peacebuilding in the Congo," *African Security* 7, no. 1 (February 2014): pp. 24-44, <https://doi.org/10.1080/19392206.2014.880030>, 26.

¹⁶⁰ Sarah B. von Billerbeck, "Local Ownership and UN Peacebuilding: Discourse versus Operationalization," *Global Governance: A Review of Multilateralism and International Organizations* 21, no. 2 (2015): pp. 299-315, <https://doi.org/10.1163/19426720-02102007>, 302.

¹⁶¹ *Ibid*, 302.

¹⁶² *Ibid*, 302.

¹⁶³ *Ibid*, 305.

outputs rather than their normative orientation.”¹⁶⁴ For instance, high level military or state elites are considered to have more technical political knowledge than the rest of the population and can be very important to the process of state building. Many UN officials consider these elites to be the main actors of the nation who will continue the peace-building process after the UN leaves and are therefore essential for sustainability. In the case of Kosovo, there are local actors who participate primarily in liberal ownership, particularly certain political parties such as the PDK which has been a supporter of international missions and an opponent of Vetevendosje, LVV. This also determined the positionality of LVV in Kosovo’s political life in comparison to the other local actors. O.Richmond would explain this by saying that “whoever can convince international actors that they own a specific aspect of liberal peace reform gains access to influence and resources, which in turn alters their local position.”¹⁶⁵

Due to the fact that liberal and elite ownership are both selective and exclude other local actors, they undermine the real function and benefit of the local ownership. The idea of local self-determination and decision-making and the extent to which the international missions are willing to go to impose their preferences is put into question. Von Billerbeck states that these two approaches to ownership also tend to be at odds with each other, with liberal ownership encompassing a much broader group of local actors but granting them only token ownership and ownership rights.¹⁶⁶ The elite consists of a group of local actors that are much more exclusive but give them a more substantive peace than fortune. However, as with local ownership practices, when international staff members are simultaneously engaged in different activities, they simultaneously adopt both approaches. In the case of Kosovo, the argument that is adopted in this paper is that local ownership has been impacted by the concept of elite ownership which suggests that the EU has been quite selective in the local actors they chose to cooperate with and exclusionary with actors that did not fit with their ideology, such as the Self-Determination Movement (LVV). This exclusion can also explain why LVV became the main local actor that led the contestation towards the EU.

¹⁶⁴ Richmond, O.P. (2012) ‘Beyond Local Ownership in the Architecture of International Peacebuilding’, *Ethnopolitics* 11(4): 354–375.

¹⁶⁵ *Ibid*, 363.

¹⁶⁶ Sarah B. von Billerbeck, “Local Ownership and UN Peacebuilding: Discourse versus Operationalization,” *Global Governance: A Review of Multilateralism and International Organizations* 21, no. 2 (2015): pp. 299-315, <https://doi.org/10.1163/19426720-02102007>.

Local ownership and EULEX

Scholars like Filip Ejdus state that there are three conceptual approaches to ownership, with the first one being a ‘top down’ approach “as it construes local ownership to be a mere buy-in of domestic elites into externally designed interventions.”¹⁶⁷ The second approach would be a bottom-up approach which is about a local-based change which does not require a heavy international involvement, based on the idea that the local community possesses ideas and values that are worth implementing. The third approach would be a hybrid model of the first two, since it calls for a local-international agreement and the combination of the international and local resources.¹⁶⁸ Other scholars such as Barnett and Zürcher maintain that successful peacebuilding requires a compromise between internationals and locals.¹⁶⁹ In terms of the EU and the CSDP framework which was used to operate in Kosovo, F.Ejdus states that for the EU the concept of local ownership was initially interpreted in a top-down manner as “merely local governments’ buy-in to intervention goals”.¹⁷⁰ In the more recent years, there has been an emergence of a different rhetoric on local ownership, which “increasingly construes ownership as a middle ground between top-down imposition and bottom-up self-restraint.”¹⁷¹ The latest Global Strategy explicitly endorses the middle ground approach, which will “blend top-down and bottom-up efforts fostering the building blocks of sustainable statehood rooted in local agency”¹⁷² Academic research shows that the majority of EU initiatives have been directed at local governments and the highest levels of state administration.¹⁷³ For instance, police missions have overwhelmingly adopted the top-down approach and their focus on national institutions, while totally overlooking regional and local level of policing.¹⁷⁴ However, despite the extent to which the international missions might allow for a bottom-up approach and a

¹⁶⁷ Filip Ejdus, “‘Here Is Your Mission, Now Own It!’ the Rhetoric and Practice of Local Ownership in EU Interventions,” *European Security* 26, no. 4 (June 2017): pp. 461-484, <https://doi.org/10.1080/09662839.2017.1333495>, 463.

¹⁶⁸ *Ibid*, 463.

¹⁶⁹ Barnett, M. and Zürcher C., 2009. “The peacebuilder’s contract: how external statebuilding reinforces weak statehood. In: R. Paris and T.D. Sisk, eds. *The dilemmas of statebuilding: confronting the contradictions of postwar peace operations*. London: Routledge, 23–53.

¹⁷⁰ Filip Ejdus, “‘Here Is Your Mission, Now Own It!’ the Rhetoric and Practice of Local Ownership in EU Interventions,” *European Security* 26, no. 4 (June 2017): pp. 461-484, <https://doi.org/10.1080/09662839.2017.1333495>, 465.

¹⁷¹ *Ibid*, 466.

¹⁷² EU, 2016c. *Shared vision, common action: a stronger Europe, a global strategy for the European Union’s foreign and security policy*, Brussels, June, 31.

¹⁷³ Filip Ejdus, “‘Here Is Your Mission, Now Own It!’ the Rhetoric and Practice of Local Ownership in EU Interventions,” *European Security* 26, no. 4 (June 2017): pp. 461-484, <https://doi.org/10.1080/09662839.2017.1333495>, 467.

¹⁷⁴ Moore, A., 2014. CSDP police missions: comparing bottom-up and Top-down approaches. *European foreign affairs review*, 19 (2), 283–305

larger influence of local ownership, there is a larger argument to be made on what ultimately influences local response.

Local ownership and the local response

Understanding local ownership is important in order to comprehend the dynamic between local actors and international actors, as well as which local actors are able to establish a direct relationship with the international actor. This discussion will consequentially lead to an understanding of how this relationship impacts the formation of the local response as well. In this particular case study, as it shown in the earlier sections and will be further explained throughout the data analysis, Vetevendosje (LVV) is the main local actor which has expressed discontent towards EULEX. This discontent has been amplified by EULEX' numerous attempts to exclude them out of local ownership and participation in Kosovo's political fabric, in a similar fashion to what UNMIK did previously. These attempts have been characterized by use of police force and arrests to shut down LVV protests. This exclusion from local ownership can be considered as a factor that has contributed to the foundation of their anti-international intervention ideology and subsequently, of their response towards EULEX. In their discussion about what drives local response to the international missions, Kelmendi and Radin state that "local satisfaction critically depends on an individual's perception of whether the mission is furthering the wartime political agenda of his or her social group."¹⁷⁵ It contends that a person's view of whether a mission is advancing the political agenda of his or her social group at a time of conflict has a significant impact on public contentment with those missions. The argument is predicated on the idea that postwar societies continue to support political goals from times of war. Political identities and attitudes frequently become more rigid during armed conflict, and post-conflict political conduct and preferences are significantly influenced by wartime identities and attitudes.¹⁷⁶ Despite their best efforts, international missions typically engage in ways that have ramifications for the wartime goals of the social groups that emerge from the conflict. This is especially true for missions with broad, multifaceted mandates.¹⁷⁷ This argument will show more clearly throughout the data analysis, where it is described how

¹⁷⁵ Pellumb Kelmendi and Andrew Radin, "Unsatisfied? Public Support for Postconflict International Missions," *Journal of Conflict Resolution* 62, no. 5 (2016): pp. 983-1011, <https://doi.org/10.1177/0022002716674536>.

¹⁷⁶ See (Balcells 2012; Wood 2008; Manning 2007; Canetti et al. 2015

¹⁷⁷ Salverda, Nynke. 2013. "Blue Helmets as Targets: A Quantitative Analysis of Rebel Violence against Peacekeepers, 1989-2003." *Journal of Peace Research* 50 (6):1-14.

the local response is shaped not only as a response to the EU's actions or inactions, but also as an expression of the local actor's ideology and self-interest.

Chapter 4. Data analysis

By looking at the data, there were five important themes that emerged as key elements that shaped the evolution of the local response represented mainly by Vetevendosje (LVV): the issue of independence, EULEX' 'status-neutral' approach, EULEX' accountability, the justice system and the politicization of the local actors. The issue with independence has been a persistent one with the previous international mission UNMIK and continued to be so with the EU Mission due to LVV's perceived 'neocolonial motives' of the mission. The 'status-neutral' approach of EULEX did not convince LVV and other local actors who conceptualized it as either good or bad based on their own interests. The most negative response was due to the mission's lack of accountability and the accusations of corruption which then had an effect on the public perception when they tried to establish a special Court in order to investigate war crimes. While political actors were not actually vehemently against the Court, they were against the way in which EULEX was trying to establish it. Lastly, a very interesting idea that emerges is that of the politicization of the local, which suggests that the local response might not have always been influenced by the actions of the Mission, but by personal interest. In order to easily understand the trends and themes that emerged out of the analysis, I created a timeline that explains the evolution of the local response.

Timeline of the local response.

February 2007 – UNMIK police kills two citizens; protests led by LVV erupt. There is high skepticism towards international actors.

2008 to 2010 – LVV questions the independent nature of Kosovo's statehood; EULEX is considered a 'neo-colonial' entity; the Ahtisaari Plan is criticized for its lack of solution to the administrative northern border in the city of Mitrovica.

2008-2011 – there are various opinions regarding EULEX's 'status neutrality'. LVV and other local political actors deny the neutral nature of the EU Mission, with LVV considering EULEX' actions as favorable towards Serbia.

2012-2015 – these can be considered as the most dynamic years in terms of the political events involving Kosovo. There are a number of corruption cases involving EULEX' staff and even the public opinion begins to shift. Kosovo's Parliament passes LVV's resolution to investigate EULEX in their quest for more accountability. LVV gains momentum.

2014-2015 – there is a lot of discussion in Kosovo's parliament regarding the establishment of Kosovo's Specialist Chambers. LVV regards it as disfavoured to the Albanians.

2015 – LVV signs agreement with other political parties where it was expressed that joining the EU remained one of the top objectives.

2016 – The LVV focuses more on criticizing the government and other political actors. EULEX is still a target but at a smaller scale. EULEX’ role in Kosovo diminishes as the years go by.

2019 – There is a further change of perspective from the LVV – they begin their rise to power.

2020 – The leader of LVV, Albin Kurti, becomes prime minister.

Independence

Before the EU started their mission officially in Kosovo, there were already some contesting local voices that expressed their lack of trust in the international community. The main local actor that expressed their contestation openly was the Self-Determination Party (LVV) which was still at the time a small movement and did not have that many supporters. The concepts of independence and sovereignty seemed to occupy much of the LVV discourse in the first years post-independence. LVV saw the international administration of Kosovo “as a colonial intervention that prevented local self-determination and benefited from both the conflict and the emerging ethno-political elite in terms of geostrategic and financial interests.”¹⁷⁸ The main piece of work that stated the tone for LVV’ s defiance is their Manifesto of 2010. This Manifesto is highly significant in providing a local perspective that seemed to have been overruled over the years by Kosovo’s political elite. This manifesto poses the question of what freedom and sovereignty mean in Kosovo’s case and how they have been devalued by a complex network of international and local actors that were more concerned by personal political interests. The manifesto starts with the words:

*“Freedom is not given. Freedom is an unmediated right and an imperative need. Freedom is non-negotiable. Unhindered development of personal possibilities. A nation has its possibilities: Freedom is self-development; it is the free choice of the path that leads to the construction of collective fate. Self-determination is for the people - it is freedom of the individual. The opposite is the negation of the core of the human being as a social being. Non freedom is alienation.”*¹⁷⁹ (Translated, LVV Manifesto)

The manifesto emphasizes how Kosovo’s borders were set in 1947 but a series of historical events, most importantly Kosovo’s occupation by Yugoslavia, turned those borders into trivial technicalities. Kosovo is seen as an issue of freedom and “its tragedies had negative

¹⁷⁸ (LVV 2005c: 1)

¹⁷⁹ LVV Manifesto, 2010.

implications in the region as well, because they are inevitable consequences of a nation that is deprived of freedom.”¹⁸⁰ Kosovo has consequently suffered from ‘half-freedom’ and as the manifesto states ‘half freedom is no freedom at all.’¹⁸¹ This eventuality carried on in both the UNMIK administration and the other internationally managed administrations in Kosovo. These administrations are considered as undemocratic because at their core is the negation of the people’s right for self-determination. “Its power is the antithesis of self-determination. That is why we do not yet have freedom today.” (2010:2) The concept of freedom is so important to the LVV’s ideology because without it, there is no sound foundation for the state building process. The preservation of freedom and the foundation of Kosovo’s sovereignty are conceptualized as tied to the complete detachment of Kosovo from Serbia which is, according to the LVV, what Kosovo Albanians want. The manifesto ends with a call for decolonization, not just from Serbia but from international influence in general. Based on this explanation, the tone of the manifesto seems quite radical for that time period and could be considered as giving legitimate grounds for contestation towards the international actors because the process of state building was since the beginning, shaped by Kosovo’s historical legacy as well as the international community’s actions. Oliver Richmond would agree with this stance and suggest that in this case international ownership takes over the local ownership and it “might easily be seen as neo-colonial, if so, and somewhat predatory.”¹⁸² This signifies that local ownership is compromised and cannot be seen as separate from the influence of the international mission.

LVV’s stance towards the international administrations that presided over Kosovo was a key element throughout their newsletters and reports. In the newsletter nr.133 from February 9 of 2009, LVV expresses the general distrust for EULEX because of its precedent, the UN Mission (UNMIK) which turned out to be very problematic.¹⁸³ In fact, in this newsletter they commemorate the second anniversary of the demonstration of February 10 of 2007, in which the UNMIK forces shot to death the citizens Arber Xheladini and Mon Balaj and injured 80 other protesters during a protest organized by the LVV over the execution of the Ahtisaari Plan.¹⁸⁴ As the newsletter expresses, there were never any official investigations to investigate the crimes and bring justice to the victims. This also demonstrates the strong grip that the UNMIK had over Kosovo and the lack of local agency to hold them accountable. Liburn Aliu,

¹⁸⁰ LVV Manifesto, (2010:1)

¹⁸¹ LVV Manifesto (2010:2)

¹⁸² Oliver P. Richmond, “Beyond Local Ownership in the Architecture of International Peacebuilding,” *Ethnopolitics* 11, no. 4 (2012): pp. 354-375, <https://doi.org/10.1080/17449057.2012.697650>, 355.

¹⁸³ LVV, newsletter n.133, February 9, 2009.

¹⁸⁴ Ibid.

a member of the LVV, expressed that the protests were done in the name of “freedom, with the purpose of gaining the right to decide for ourselves in our country.”¹⁸⁵ The EU Mission as a successor of the UNMIK, was doomed to be seen as problematic from its onset because it was built in the very foundations that UNMIK set years prior. In fact, the leader of the LVV, Albin Kurti, wrote a column in one of the newsletters of 2009 explaining that international missions do not seek freedom and development, but they rather seek stability and safety, and defines EULEX as a “crisis management operation” that sought to contain the crisis and not eliminate it.¹⁸⁶

One of the most important written actions taken by the LVV is the discussion over the Declaration of Independence, which brings about interesting ideas on the question of Kosovo’s independence and territorial integrity. Although not directly linked, it was under the influence of the US and Western European actors which belonged to the EU that this declaration was written and was regarded as consistent with democratic standards. However, the LVV voiced resistance to it and their stance of defiance persisted in various newsletters in the first couple of years post-independence. In the newsletter nr. 134 from February 16 of 2009, the Self-Determination Party poses the question of ‘Why did the Declaration of Independence not bring us independence?’¹⁸⁷ The newsletter explains how the declaration represents a step forward in the international recognition of Kosovo as a country, but it also represents three steps behind due to the fact that it came with conditions.¹⁸⁸ The conditions had to do with fulfilling the guidelines set by the Ahtisaari Plan. The main concern seemed to be the international surveillance on the basis of the 1244 Resolution. The function of this resolution was to authorize military and civilian presence of international organs in order to provide a transitory administration that would ensure the return of refugees and withdrawal of military forces. The newsletter criticizes the Ahtisaari plan because the LVV believes that this plan divided the country into ethnic lines. “It creates within Kosovo a Serb territorial entity through the process of decentralization, which maintains a connection with the institutions in Belgrade.”¹⁸⁹ At the same time, the LVV criticized the way in which the plan undermined the cultural fabric of Kosovo and divided the population into religious lines, through their treatment of orthodox entities in Kosovo as pertaining to Serbs specifically. The Plan also negated Kosovo the right to have its own army, while permitting Serbia to maintain theirs and not making any effort to

¹⁸⁵ Ibid.

¹⁸⁶ LVV newsletter, January 2009.

¹⁸⁷ LVV newsletter n.134, February 16, 2009.

¹⁸⁸ Ibid.

¹⁸⁹ LVV newsletter n.134, February 2009

recognize Kosovo as its own independent state. This seemed to be supported by the fact that Serbia pushed the customs' location 54 km into Kosovo's northern bordering city, which was downplayed by EULEX as an 'administrative border' and not an official one.¹⁹⁰ However, it became clear that it was not simply an administrative border for Serbia because there were frequent violent crimes towards Albanians in the northern city of Mitrovica and it was obvious that the Kosovo authorities were unable to do anything about it.¹⁹¹

The declaration of independence remains a key problem for the LVV in the first couple of years post-independence. LVV regarded Kosovo's Declaration of Independence on 17 February 2008 as a declaration of dependence, because "this declaration will not create a Kosovo with complete independence, sovereignty and democracy. It is only an affirmation of our continuous dependence: lack of sovereignty, territorial integrity and democracy"¹⁹² The 'One step forward, Three steps behind' report (2008) states that the declaration was simply encouraging a carelessness for the real situation on the ground.¹⁹³ According to this report, the focus on signing the declaration diverted the attention on other more important issues such as the power that was left to Serbia with their parallel structures which controlled ¼ of Kosovo's territory at the time.¹⁹⁴ The report explains that this fact left the doors open for Serbia's government to keep interfering in Kosovo's internal affairs. It also notes that the declaration's exclusion of the army was another factor that would aid in the further encroachment of Kosovo's territorial integrity.¹⁹⁵ Since Kosovo was denied the right to have their own army, that meant that their territory would be at risk from possible Serb aggression in the future. This slightly changed over the years with the creation of Kosovo's Security Forces but every project of creating a security force or a limited army was managed by NATO, another international actor who has been and still remains very active in Kosovo.¹⁹⁶ The LVV report also uncovers the fact that the declaration does not mention explicitly the separation from Serbia, but instead calls for "the dissolution of Yugoslavia".¹⁹⁷ (2) Instead of focusing more on undertaking a full separation from Serbia, the declaration focuses on the obligations and duties that lie ahead for Kosovo and not on their rights and freedoms. It sees Kosovo as a tool for the regional and international interests of the international actors and as an object for political purposes. That is

¹⁹⁰ Ibid.

¹⁹¹ LVV newsletter n.128, January 2008;

¹⁹² (LVV 2008c: 1)

¹⁹³ LVV, *One step forward, three steps behind report*. 2008.

¹⁹⁴ Ibid.

¹⁹⁵ Ibid.

¹⁹⁶ KCSS Report, May 2015.

¹⁹⁷ LVV Report, *One Step Forward, Three steps behind*, 2.

why the report makes the conclusion that the declaration is flawed because it does not consider the historical specificities of Kosovo and it provides Serbia with some sort of justification for their occupation and their ethnic cleansing campaign. This observation will remain the main reason of discontent for Kosovo Albanians over the years.

Status neutrality

As indicated earlier, the issue of indecisiveness in terms of Kosovo's recognition of full independence, was always justified by EULEX under the umbrella of 'status neutrality'. Through one of their pamphlets titled 'The Urgency of Unclear Powers' LVV challenged the idea that the EU mission was operating on the basis of status neutrality. They ask the question of 'Can the countries which do not recognize Kosovo send personnel to EULEX?'¹⁹⁸ This raised concerns in terms of the impartiality of the mission because third parties (non-EU countries) could also send their personnel to EULEX and they had the same rights of management just as the personnel from the EU member states. Additionally, the same way that the EU personnel were accountable to their respective countries, the third parties were also accountable only to the countries they came from. Due to the fact that there were still many countries that did not recognize Kosovo, this seems as a valid concern when it comes to the extent to which EULEX could maintain impartiality in their matters. What is interesting is that the question of neutrality has also been addressed by the president of Kosovo at the time, Fatmir Sejdiu, in a 2008 report by the media outlet Kosova Sot published on the official webpage of the Presidency of the Republic of Kosovo, who believed that: "EULEX cannot be neutral. This is a mission which in its very foundation is made of countries that have recognized Kosovo. Every country that has recognized Kosovo has also recognized its right to sovereignty and independence."¹⁹⁹ A 2013 policy paper by the Kosovar Institute for Policy Research and Development maintains that maintaining a neutral stance has been difficult since the beginning, due to EULEX' judges' involvement with Kosovo's laws.²⁰⁰ The impossibility of staying neutral is not seen as a negative factor and is justified by the fact that EULEX was responding "to the new realities on the ground."²⁰¹ Therefore, it is viewed as an inevitable consequence of the events happening in the ground. While LVV officials saw the lack of neutrality as a negative

¹⁹⁸ LVV Report, *The urgency of unclear powers*

¹⁹⁹ Kosovar Institute for Policy Research and Development. (2013). *A comprehensive analysis of EULEX: What next?*, 9.

²⁰⁰ Ibid, 10.

²⁰¹ LVV newsletter nr.126.

factor for Kosovo,²⁰² others trusted the EU as an international actor which was pro-Kosovo and was working for Kosovo's benefit. However, under the Common Security and Defense Policy (CSDP) which was discussed in chapter 1, the EU could not officially take a political stance in favor of Kosovo, therefore the expectations by these local actors could be considered as misplaced to some degree.

LVV was more vocal on EU's status neutrality and put it into question in various instances which involved Kosovo's interaction with Serbia. The administrative border in the northern city of Mitrovica seemed to have been a significant problem throughout 2009 and it culminated with new protests led by LVV in August of 2009.²⁰³ Archival videos filmed by the mediatic branch of the LVV shows citizens in protests attacking EULEX' police cars and the police consequently making arrests.²⁰⁴ One of the most prominent members of LVV at the time, Glauk Konjufca appears to make remarks regarding the issue of the administrative borders. His main concern seems to be that "things were not moving forward".²⁰⁵ The problem with the border and it being labeled as 'administrative' was that it made local actors feel as if the independent status of Kosovo was constantly under threat and not taken seriously by Serbia and also international actors. It gave the impression that arrangements were made in order to appease the Serbian side and maintain stability, and that there was little to no effort to make progress with regulating Kosovo's status and defending its borders. However, the border being considered as 'administrative' can be attributed to EULEX' responsibility towards their internal policy of staying neutral. In the archived video footage of 2009, Konjufca seems displeased by the events unfolding at the time and not only criticizes the work of EULEX but takes the opportunity to dismiss their presence and to express his party's views that the mission needs to be disbanded and that Albanians need to decide for themselves.²⁰⁶ This does not come as a surprise because of LVV's dismissal of the mission since the beginning. As it is described in the newsletter nr. 127 in December of 2008, LVV along with 20 other civil society organizations held two massive demonstrations against the Ahtisaari Plan and against the presence of the EU Mission.²⁰⁷ They took this as an opportunity to address other issues related to the Mission and put forth a proposition where they explained that instead of investing 365

²⁰² LVV newsletter nr.131, January 2009.

²⁰³ Radio B92 Website. (2009, September 14). Protests against EULEX-Serbia protocol held in Kosovo. BBC Monitoring Europe – Political Supplied by BBC Worldwide Monitoring. Retrieved from <http://www.lexisnexis.com/uk/nexis>, Google Scholar.

²⁰⁴ LVV archival footage, August 2009.

²⁰⁵ LVV archival footage, September 2009.

²⁰⁶ Ibid.

²⁰⁷ LVV newsletter nr. 127, December 2008.

million\$ a year for the organization, the EU should have invested the money into other venues in Kosovo, such as healthcare and education.²⁰⁸ However, such demands were barely viewed as urgent and were often dismissed by the EU which shows another aspect of how local ownership is constantly undermined by the international mission and local actors end up becoming compliant agents rather than active participants in their country's state building process.

EULEX' lack of accountability

In the 2012-2015 period there seems to be a higher influx of parliament speeches, press conferences, and Kosovar media reactions, which began questioning the legitimacy of the mission due to the lack of structures that would provide accountability in the eyes of the local population. In fact, up to that point, the mission was only obligated to answer to the Council of Europe.²⁰⁹ The issue that became increasingly a topic of discussion were the accusations of corruption and how they were tied to the ruling political elite.²¹⁰ Civil society organizations such as Cohu (Wake Up) were concerned about the negligence and lack of accountability of EULEX which was not only involved in corruption cases, but was also helping out corrupt individuals of the local political or judiciary class.²¹¹ The LVV as well, addressed and analyzed the problems that came with EULEX' lack of accountability towards the locals since the mission was first announced. Even before the accusations came out, in 'The Urgency of Unclear Powers' report (2008), the LVV expresses that the international staff working under EULEX had obligations to answer only to their countries which meant that the international staff were representing their countries' interest and not Kosovo's. LVV criticizes this approach and talks about how the protests of February 10 of 2007 to which the previous administration UNMIK was not held accountable to, served to demonstrate that the justice system cannot be established through the lens of another country. While EULEX proclaimed that it was not a 'protectorate of the EU', the LVV states that the mission was not there to 'help' or to 'guide' but it had full executive powers and acted above the law which they help to establish. They

²⁰⁸ Ibid.

²⁰⁹ European Council joint action 2008/124/CFSP.

²¹⁰ "Skandali Në Eulex Trazon Brukselin." Bota Sot. Accessed January 12, 2023. <https://www.botasot.info/lajme/339031/skandali-ne-eulex-trazon-brukselin/>.

²¹¹ <https://preportr.cohu.org/en/investigations/The-War-against-Corruption-through-Media-Spectacles-172/>; See also Balcani Caucaso Report 2012.

proceed to state that the mission was an ‘authoritarian mission’ because they imposed laws which they themselves did not respect.²¹²

Consequently, this lack of accountability has led to shady deals with the political elite as well as issues with abuse of power by international staff. In fact, these abuses began to get exposed and there were quite a few reports on many staff members committing corruptive acts and internal investigations were underway for some of them due to external pressure and the increasing anger of the local population.²¹³ Highlighting the fact that EULEX is using the same personnel and founded on the same basis as UNMIK, LVV emphasized that they were not surprised by the investigations of corruptions pertaining to EULEX and that it was evident that they believed they were above the law.²¹⁴ (LVV newsletter, nr.134, February 2009) The archival footage of Kosovo’s parliament seances show the rising concerns of the local actors in relation to this issue starting in 2013. During this time, the head of the LVV, Albin Kurti appears to be very vocal in this regard and connects the lack of mission’s accountability with the lack of its legitimacy to enforce internationally designed laws in Kosovo. In a parliament speech in July of 2013, he justified his claim by explaining that the enforcement of law in Kosovo was privatized by the mission and they are the ones who decide who has to suffer punishment and who does not.²¹⁵ Additionally, he held the government at the time accountable for partaking in that system which disregarded the law. The issue of accountability is brought up by other members of LVV, such as Mytaher Haskuka who during a parliamentary séance in July 2015, stated that EULEX still had to be held accountable for the work they had done, and for their disregard towards Kosovo’s institutions.²¹⁶ In 2015, the Kosovo Parliament passed LVV’s resolution that made it possible for EULEX to be investigated for any wrongdoings, which became the first step in holding the mission accountable in front of the Kosovo people.²¹⁷

²¹² LVV Report, 2008:2.

²¹³ Nate Tabak, Jeta Xharra. “Scandal and Suspicion at the EU's Kosovo Mission.” Balkan Insight, May 28, 2018. <https://balkaninsight.com/2014/11/07/scandal-and-suspicion-at-the-eu-s-kosovo-mission-1/>; See also: Birn. “EU Kosovo Mission Accused of Tolerating Corruption.” Balkan Insight, May 28, 2018. <https://balkaninsight.com/2014/10/29/eu-kosovo-mission-accused-of-tolerating-corruption/>.

²¹⁴ LVV newsletter nr.134, February 2009

²¹⁵ LVV archival footage, July 2013.

²¹⁶ LVV archival footage, July 2015.

²¹⁷ Kanali shtate archival footage, July 2005, November 2015.

Justice

The issue of accountability is deeply entrenched with the issue of the justice system because it shows the relentless of EULEX to establish this system while not answering to the Kosovar people. While the LVV was certainly the pioneer in voicing their opinions and concerns over EULEX, other civil society groups and research institutes put out reports that spoke to the validity of LVV's claims about the role of EULEX in Kosovo's state building process. For instance, The Balkans Policy Research Group which is a non-partisan think tank dedicated to state-building and societal harmony in Kosovo put out reports between 2008-2020 on the effectiveness of the EU in Kosovo. The main goal of this organization is to bring the Kosovar society closer to the EU and to evaluate how EU's actions in Kosovo align with what the local population needs. The BPRG's detailed report in November 2019 evaluated the role of the EU in Kosovo in the last decade.²¹⁸ The report concluded that the mission had achieved limited success and its reputation was not in a good standing.²¹⁹ They state that complex relationships, different agendas and interests between local authorities and EULEX have hindered progress in the field of rule of law. "Over ten years have passed since the establishment of EULEX, but the rule of law and the justice sector in Kosovo continues to remain weak, plagued by incompetence, corruption and interference politically, and have very little faith in public opinion. With the departure of EULEX, public institutions should take the main role."²²⁰ According to the BPRG report, the government did not show sufficient commitment to reforms in the field of rule of law. The different perspectives between the local authorities and the EU are still present, where the former lack the real will to implement the reforms and that these reforms have a real impact, while the second is not ready to offer anything tangible.²²¹ In these circumstances, new initiatives run the risk of being a repackaging of current projects under a different name.²²²

What really made more apparent the ideological differences between the local actors and the EU was the Specialist Court established with the purpose of bringing justice for the war crimes suffered by the local Albanian population. However, it did not exclude Albanian veterans from the consequences of the justice system that was established. Before, during, and after NATO's

²¹⁸ "Ten Years after EULEX – Key Principles for Future EU Flagship Initiatives on the Rule of Law." Balkans Policy Research Group, March 6, 2020. <https://balkansgroup.org/en/ten-years-after-eulex-key-principles-for-future-eu-flagship-initiatives-on-the-rule-of-law/>.

²¹⁹ Ibid, 5-6.

²²⁰ Ibid, 2.

²²¹ Ibid, 2.

²²² Ibid, 3.

operation in Kosovo in 1999, the Kosovo Liberation Army was allegedly involved in significant and repeated war crimes, including organ harvesting, according to claims made by former ICTY Chief Prosecutor Carla del Ponte in 2008. (2008, 284). The CoE's conclusions were published in 2011 and became known as the "Marty Report".²²³ The study generally supported Del Ponte's claims and charged Hasim Thaci—then-foreign minister and former KLA leader—and other key Kosovo Albanian officials of participating in the criminal activity.²²⁴ According to Muharremi, an international campaign was launched to persuade the Government of Kosovo to establish a special court to try those responsible.²²⁵ The need for such a court to be located outside of Kosovo and staffed by non-Kosovars was justified on the grounds that doing so would allow for witness protection, prevent political interference, and other issues that had previously hampered the work of Kosovo's domestic courts.²²⁶ The Kosovo Assembly initially resisted these attempts, which resulted in "months of acrimonious discussions, street rallies, and frenetic media speculation" inside Kosovo as the international community attempted to coerce the assembly to establish the court through a series of threats and rewards.²²⁷ The international community specifically warned the government and the assembly that the UN Security Council would establish a special tribunal outside of Kosovo's authority if they did not establish a special court.²²⁸ The Kosovo Assembly finally formed the KSC in August 2015. At the time of the court's establishment, it was hailed as a way for Kosovo to bring justice to those who had been wronged in the past.²²⁹ Additionally, the court was praised for aiding in transitional justice in Kosovo and was clearly positioned as a part of this larger process in addition to acting as a method to establish criminal guilt and authorize censure.²³⁰ In this regard, the KSC was viewed as an essential component of a larger strategy to establish new ties between the governments of Serbia and Kosovo, as well as between Serbs and Albanians within Kosovo, in order to promote peace, stability, and prosperity throughout

²²³ Marty Report, Council of Europe, 2011.

²²⁴ Hehir, A. (2011) 'Hyper-reality and Statebuilding: Baudrillard and the Unwillingness of International Administrations to Cede Control.', *Third World Quarterly* 32(6), 269.

²²⁵ Muharremi, Robert. "The Concept of Hybrid Courts Revisited: The Case of the Kosovo Specialist Chambers." *International Criminal Law Review* 18, no. 4 (2018): 623–54. <https://doi.org/10.1163/15718123-01804008>

²²⁶ *Ibid.*, 6-12.

²²⁷ Ristic, 2015

²²⁸ Visoka, Gëzim, and Gëzim Visoka. "Local resistance and the politics of self-determination." *Shaping peace in Kosovo: the politics of peacebuilding and statehood* (2017): 113-146.

²²⁹ Hehir, Aidan. "Lessons learned? The Kosovo Specialist Chambers' lack of local legitimacy and its implications." *Human Rights Review* 20, no. 3 (2019): 267-287, 270.

²³⁰ Visoka, Gëzim, and Gëzim Visoka. "Local resistance and the politics of self-determination." *Shaping peace in Kosovo: the politics of peacebuilding and statehood* (2017): 113-146.

the region.²³¹ However, its existence and functionality were constantly put into question due to the fact that it was established due to external pressure and that it considered both the aggressor (Serbia) and the victim (Kosovo Albanians) at the same level.

The parliamentary speeches in particular by key figures such as Viser Ymeri and Albin Kurti in the 2014-2015 period before and after the establishment of such court, denounce the pressures that were put on Kosovo's government to create such a court and at the same time, criticize the various local parties that seemed to have been compliant with that decision.²³² Additionally, various media outlets during this time period seemed to have had similar concerns to that of the LVV but it can also be argued that they reflected the concerns of the local population as well, who at the time were already highly critical of EULEX' actions overall.²³³ Through their reporting, it can be concluded that such action weakened the perceived validity of the KSC among the people of Kosovo from the start, and the court's persistent lack of political backing within Kosovo hampered the public's perception of its legitimacy. It is suggested that the Kosovo Assembly members who voted to create the KSC did not do so because they wanted to uphold the rule of law or in response to public pressure; rather, they did so primarily for instrumental needs related to the perception of the need to appease outside sponsors who insisted the court be established.²³⁴

Even before the establishment of this specific Court, there were already a series of concerns on how the war crimes prosecutions were handled. According to a parliament speech on April 23 2014, Albin Kurti raised the question of the usefulness of the Special Court established by EULEX in order to investigate war crimes, relating it to the fact that the officials of this court were not for once held accountable in front of Kosovo's parliament.²³⁵ It seemed that the international officials who were tasked with creating the Court explained its establishment to other international partners but not to any local actor. In the same parliament session, another member of the LVV, Visar Ymeri mentioned in his speech the complicity of certain local actors in continuing the legacy set by international actors.²³⁶ Other LVV members confronted the major political party's members, those of the Democratic League of Kosovo and accused them of their complicity in supporting international measures that did not benefit the people of Kosovo. In this particular instance, we can notice various sub themes that come up. The

²³¹ Collaku, Ristic, 2015.

²³² Rrokum TV archival footage February 2015; LVV archival footage, June 2015

²³³ Rrokum TV archival footage, June 2015; Evropa e lire, June 2015

²³⁴ Hehir, Aidan. "Lessons learned? The Kosovo Specialist Chambers' lack of local legitimacy and its implications." *Human Rights Review* 20, no. 3 (2019): 267-287, 276

²³⁵ LVV archival footage, April 23, 2014

²³⁶ LVV archival footage, April 2014

discussion surrounding the court is the first clear instance that shows the way in which the legitimacy of EULEX was threatened by a growing local contestation that was represented mainly through the media. This is important because a growing dissent among the local population would make it harder for EULEX to convince the central EU institutions that their mission was essential for Kosovo's state building process. The other sub theme is the fragmented nature of the relationship between local actors; on one side there is the Self-Determination Movement who is openly against the involvement of EULEX in the creation and management of this court, and on the other side there are the other major political parties who are either silenced or compliant. This is also the time period where the SDM becomes even more solidified as a party who threatens the legitimacy of the international missions, and garners even more local support because of their outspoken views. Their ideology seems to be quite consistent as shown by not only their written documents, but also their parliamentary speeches. In fact, their idea that EULEX is *Made in Serbia* and that the 'status neutrality' is just an excuse for political inaction seems to be the persistent tone used to discredit the legitimacy of the mission.

The change of local perception and the politicization of the local

The EU has always maintained their position regarding the fact that post-conflict peace is a priority when it comes to Kosovo. In recent days, the EU's physical presence in Kosovo has significantly diminished but their political influence remains. Their role has switched from that of aiding with state-building to focusing on handling possible conflict between Serbia and Kosovo, as well as any dialogue regarding the normalization of their relations. It is not only the role of the EU that has changed in Kosovo, but also the role of the local actors. It is not surprising that many of Vetevendosje's (LVV) archives from 2015-2019 were erased. In 2021, members of the LVV were asked on why the archives were erased and the response given was that the movement was trying to start over.²³⁷ Frasher Krasniqi of the Social Democratic Party stated that the archives were deleted, because "they were not convenient to the government anymore."²³⁸ By looking at the social media posts of the LVV and their press releases, it can be said that a change in attitude can be noticed since 2016, when LVV seems more critical of other political actors in Kosovo and EULEX is mentioned casually in cases of corruption. This

²³⁷ Redenica, NgaMërgesa. "PSE Vetëvendosje I Fshiu Arkivat E Partisë?" Albanian Post, February 10, 2021. <https://albanianpost.com/pse-vetevendosje-i-fshiu-arkivat-e-partise/>.

²³⁸ *ibid*

can be attributed to the fact that EULEX' role and presence began diminishing over the years and perhaps a lesser presence could signify a lesser reaction. 2019 signals the year that the LVV began their rise to power and their leader and Albin Kurti, was elected prime minister. After his resignation in 2020, he came to power again in 2021. Since then, the official reaction towards the EU has significantly changed. While the movement still maintains their official position of self-determination and some degree of criticism towards international missions, they have collaborated with EU's institutions and are actively seeking to fulfill Kosovo's requirements for being nominated as a candidate to enter the European Union. This goal has been part of the LVV agenda for some time.

In 2015, LVV signed a coalition agreement with other political parties, in which it was expressed that the goal to join the EU was essential.²³⁹ As indicated earlier, the general sentiment of Kosovo Albanians who have had a negative perception of the EU's mission throughout the years still see the EU as their best option moving forward. What is obvious from the data is that LVV was heavily preoccupied throughout the years with the idea of preserving and strengthening Kosovo's sovereignty and the limitations that need to be put to the international missions. The first post-independence years are the years when the LVV is very active in their contestation, which precedes their rise to power. However, it seems that the local response of the LVV is politicized and heavily subservient to the self-interest of the party. An evident instance where things begin to change is in 2020 when various reports²⁴⁰ (LVV Report, June 3, 2020; LVV Report, June 6, 2020; LVV Report, June 20, 2020) actively address the "illegitimate and illegal government"²⁴¹ in their failure to deal with post-conflict dialogue with Serbia, but there is no mention of the international actors who set the foundations for this dialogue in the first place. The LVV response continue to change since they retook power of the government in 2021 and there seems to be a more positive stance or even a silent one towards the EU's mission with the continuous call for a European Kosovo. Instead, their focus has switched to mostly criticizing other political parties.

²³⁹ LVV Report, 2014-2015:1

²⁴⁰ LVV Report, June 3, 2020; LVV Report, June 6, 2020; LVV Report, June 20, 2020

²⁴¹ LVV Report, June 20, 2020, 1

Chapter 5. Key takeaways and conclusions

The relationship between EULEX and international actors is complex and dependent on a variety of socio-political factors. As explained in the data analysis section, EULEX has faced a variety of issues throughout their mission in Kosovo, ranging from the self-determination quest of certain factions of society to the issues regarding its lack of accountability and involvement in corruption cases and the involvement with the justice system. It is clear that the local actors' response towards the mission and especially that of Vetevendosje, has been very dependent on the actions and initiatives of the mission, and the criticism towards it has intensified throughout the years. Understanding the genesis and evolution of the critique towards international missions is essential in forming the basis for a better approach to international state building and the idea of local ownership. Based on what Von Billerbeck and O.Richmond suggest in the previous chapter related to local ownership, the response from LVV is reflective of EULEX' determination in following their own agenda of state building, thus excluding the local actors especially those that are in disagreement and being accepting of those that are compliant with their decisions. The complex relationship between EULEX and Kosovo could also be explained through Charles Tilly's theory on coercion which suggests that the development of the relationship between two entities based on reciprocal benefit alters the socioeconomic structures of the state. For instance, in this case, EULEX provided security, technical expertise and capital to Kosovo and in return there was a compliance that was expected from Kosovo's political elite. These local political actors that formed the government did comply because although they held the domestic political power, they did not have enough resources and needed to secure the necessary alliances to survive in a region where they were very vulnerable. Tilly calls this kind of relationship 'coercive' because EULEX had a great extent of influence over the government and shaped the process of state building since the beginning. The reason why LVV did not participate in this coercive relationship is due to the fact that they were excluded from the process of local ownership.

Apart from the five themes that emerge as explained in the analysis, there is also a certain trend that is noticed in terms of the timeline. The response from the LVV is quite strong in the first few years when EULEX is implemented and it reaches the peak in the 2014-2015 period when there is a great deal of political factors affecting Kosovo both at the domestic and international level. During this period, EULEX used its coercive nature in order to push for certain policies and agenda in Kosovo and at the same time, they became a victim of their own wrongdoings, by being accused of corruption and incompetence. After 2016, there is a decrease

in the frequency of the critique towards EULEX and LVV focuses more on their political opponents and on their quest to become a strong contender in Kosovo's political fabric and to increase their own political power. Therefore, it can be said that the local response reached its peak and then it eventually decreased due to various political circumstances.

It could be suggested that irrespective of EULEX' shortcomings, it is likely that there would be local criticism towards the international mission. Local actors were inherently skeptical of the international mission and the notion of 'status neutrality' in the early days and this is based on LVV's attitude towards EULEX even before the beginning of its role in Kosovo. The idea proposed by Radin and Kelmendi in Chapter 2, which emphasizes the fact that local actors' response is dependent on other factors that go beyond the actions of the state building mission, is concluded in this research. This points to the process of how the local becomes politicized, which means that in a post-conflict society, local actors act as political actors in relation to the international actors, and not unquestionably as agents of peace. This suggests that the local response does not necessarily always reflect the issues that exist with the international missions, but it is also a reflection of the extent to which this international mission affects their goals and self-interest. That also explains the movement's actions in deleting many of the newsletters and documents once Albin Kurti became prime minister, but also their reluctance in being more vocally contentious against the EU and other international actors in the recent years. It can even be argued, judging from the recent speeches of Albin Kurti, that one of the main goals of the Self-Determination movement, which has always been the political unification with Albania, has changed in accordance with the objectives of the EU, which does not wish for such thing to happen. Nevertheless, this does not negate the fact that while LVV is a political actor with their own self-interest, much of their response has been as a reaction to EULEX' and the attempted exclusion from local ownership. In the recent years when LVV has been less excluded and more involved within the political fabric of Kosovo and their reaction towards the international presence has also changed. The focus of the current government headed by Kurti and the perception of the general public is that Kosovo should be working towards joining the EU, regardless of the continuous criticism towards the Mission that was deployed. This presents a curious case in the post-conflict state building context, because the prospect for a better future outweighs the criticism towards the international mission.

Lastly, this research also wants to point out to the importance of including local critique in the international mission's state building process. Often, as it is with the case of EULEX, international missions claim to have a productive relationship with local actors. However, these local actors usually tend to be the traditional local political elite that plays a performative role

and is dependent on the international missions. Local critiques are often ignored but, although excluded from having a direct relationship with the international mission, they form part in the local ownership and their criticisms can be essential in understanding the issues with the international mission. This research is significant because it provides the basis for understanding the local critique from a bottom-up approach, but there is space for further research that can be done. For instance, another local political actor's response could be studied in order to see the difference between theirs and that of LVV's and the reasons for this difference. At the same time, another research that includes interviews from members of LVV could be a possibility, which would be useful in terms of understanding in retrospective the ideology that drove them and their shift in perspective.

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Appendix

Title	Date	URL
Self-Determination Manifesto	2010	https://www.vetevendosje.org/wp-content/uploads/2019/01/Manifesti-11494292623.pdf
Self-Determination movement, short political program	2008	https://www.vetevendosje.org/wp-content/uploads/2019/01/programi_i_shkurte1494292671-compressed.pdf
Self-Determination movement, the alternative for governance	2008	https://www.vetevendosje.org/wp-content/uploads/2019/01/Alternativa_Qeverisese_VV1494282293-1.pdf

Self-Determination movement, deconstruction of the Declaration of Independence	2009	https://www.vetevendosje.org/wp-content/uploads/2019/01/Dekonstruktimi_i_Deklarates_se_Pavaresise1494292884.pdf
Report. Self-Determination movement on EULEX power structure	2009	https://www.vetevendosje.org/wp-content/uploads/2019/01/Misioni_nderkombetar_ne_Kosove1494293031.pdf
Report. Self-Determination movement: EULEX as the first column of UNMIK	2009	https://www.vetevendosje.org/wp-content/uploads/2019/01/EULEX-i_Shtylla_e_pare_e_re_e_UNMIK-ut1494293066.pdf
Report. Self-Determination movement. One step forward, three steps back	2008	https://www.vetevendosje.org/wp-content/uploads/2019/01/Nje_hap_para_tre_hapa_mbrapa1494292922.pdf
Report. Self-Determination movement. No to negotiations	2009	https://www.vetevendosje.org/wp-content/uploads/2019/01/jo_ngociata_sepse1494293001.pdf
Pamphlet n.6	September 20, 2015	

Pamphlet n.8	October 11, 2005	
Pamphlet n.136	April 28, 2008	
Pamphlet n.127	December 12, 2008	https://www.vetevendosje.org/wp-content/uploads/2019/01/fletushka_127.pdf
Pamphlet n.128	January 5, 2019	https://www.vetevendosje.org/wp-content/uploads/2019/01/fletushka_128.pdf
Pamphlet n.129	January 12, 2009	https://www.vetevendosje.org/wp-content/uploads/2019/01/fletushka_129.pdf
Pamphlet n.130	January 19, 2009	https://www.vetevendosje.org/wp-content/uploads/2019/01/fletushka_130.pdf
Pamphlet n.131	January 26, 2009	https://www.vetevendosje.org/wp-content/uploads/2019/01/fletushka_131.pdf
Pamphlet n.133	February 2, 2009	https://www.vetevendosje.org/wp-content/uploads/2019/01/fletushka_133.pdf
Pamphlet n.134	February 16, 2009	https://www.vetevendosje.org/wp-content/uploads/2019/01/fletushka_134.pdf
Pamphlet n.138	May 12, 2008	
Pamphlet n.142	June 9, 2008	
Pamphlet n.148	July 21, 2008	
Pamphlet n.129	November 16, 2009	
Kosovo Center for Security Studies:	June 2020	https://qkss.org/images/uploads/files/Decon_eulex_paper_alb_%281%29_220806.pdf

Citizens' perceptions over EU Mission		
Balkan Group Report. A decade after EULEX	November 2019	https://balkansgroup.org/wp-content/uploads/2020/01/Nje-dekade-pas-eulexit_gasje-e-re-per-ta-permiresuar-sundimin-e-ligjit-ne-kosove.pdf
Balkan Group Report. Ten years after EULEX. Key principles for future EU flagship initiatives on the rule of law	May 2019	https://balkansgroup.org/en/ten-years-after-eulex-key-principles-for-future-eu-flagship-initiatives-on-the-rule-of-law/
Balkan Group Report. European Reform Agenda for Kosovo: Challenges to the Good Plan	15 November, 2016	https://balkansgroup.org/en/european-agenda-for-kosovo-challenges-to-the-good-plan/
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Kosovar Center for Security Studies, FOL Movement. Progress Made in Kosovo	January, 2010	https://qkss.org/en/publikimet/raporti-i-progresit-made-in-kosova-2010/
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Kosovar Institute for Policy Research and Development Policy Paper. A comprehensi ve analysis of : EULEX, what's next?	January, 2013	http://www.kipred.org/en/news/A-COMPREHENSIVEANALYSIS-OF-EULEX-WHAT-NEXT-135
Self- Determinatio	August 25, 2009	https://www.dailymotion.com/video/xaabv1

n against EULEX		
WAKE UP! EULEX made in Serbia	August 27, 2009	https://www.dailymotion.com/video/x2ntry3
Naim Rashiti's Address to Members of the European Parliament on 'Beyond Accession: Irreversibility of the Rule of Law'	March 18, 2019	https://balkansgroup.org/en/naim-rashitis-address-to-members-of-the-european-parliament-on-beyond-accession-irreversibility-of-the-rule-of-law/
Tribunali dhe mandati i EULEX. Naim Rashiti	July 27, 2018	https://balkansgroup.org/en/ne-fokus-tribunali-dhe-mandati-i-eulex-ne-studio-naim-rashiti/
Albin Kurti, Parliament speech: Kosovo cannot be ruled through the EU	July 25, 2013	https://www.youtube.com/watch?v=El-6Truzbk8
Albin Kurti, Parliament speech over the Special Court	April 23, 2014	https://www.youtube.com/watch?v=jcTLRl1ybww
Visar Ymeri, Parliament	November, 2014	https://www.youtube.com/watch?v=pcxWyRaALhk

speech: EULEX infiltrating in every institution in Kosovo		
Glauk Konjufca, debate in parliament with Berat Buzhala over the Special Court	April 23, 2014	https://www.youtube.com/watch?v=bkXHzwvwGUo
Albulena Haxhiu, parliament speech: We are against EU's presence based on the principle of the independent state	April 23, 2014	https://www.youtube.com/watch?v=qSjFsilhkEc
Afrim Hoti, parliament speech: EULEX needs to end their failed mission	July 25, 2013	https://www.youtube.com/watch?v=ivU5tvZ-9qI
Rexhep Selimi, parliament speech: We	May 30, 2013	https://www.youtube.com/watch?v=tUJt4c6aw44

will have rule of law when this government and the EU leave!		
Visar Ymeri: Parliament Debate with Hajredin Kuci over EU's mandate in Kosovo	April 23, 2014	https://www.youtube.com/watch?v=ykhhNp_1Ctg
Rexhep Selimi, parliament speech: EULEX mission seems to have a negative objective	July 22, 2015	https://www.youtube.com/watch?v=Fb4ooStVf3Y
Mytaher Haskuka, parliament speech: EULEX needs to be held accountable for their work so far	July 22, 2015	https://www.youtube.com/watch?v=zqBsrhBTtYI
Self-Determination Party. Press conference	November, 2014	https://www.youtube.com/watch?v=l6rQIN24mtc

Albin Kurti against Hashim Thaci over the Special Court	November, 2015	https://www.youtube.com/watch?v=sXVphaQ-jzc
Ismail Kurteshi: EULEX made citizens mistrust every fundamental value of the justice system	November, 2015	https://www.youtube.com/watch?v=ArY1NQX5G9c
Albin Kurti, Speech, 'The mishandlings of the EU and the plans of Thaci and Veseli	June 4, 2015	https://www.youtube.com/watch?v=BWe8XXIAgMw
Visar Ymeri, Parliament speech, 'Four main observations over EULEX',	July 22, 2015	https://www.youtube.com/watch?v=o-VupgEQ11k
Glauk Konjufca, Speech, 'Whose corruption is EULEX hiding'	July 22, 2015	https://www.youtube.com/watch?v=GNKoqmt3dzA

Interview with Albin Kurti: His views on the Special Court, EULEX, developments inside the LVV and Macedonia	June 5, 2015	https://telegrafi.com/interviste-me-albin-kurtin-ja-cfare-thote-ai-per-gjykatenspeciale-eulex-in-zhvillimet-brenda-vv-se-dhe-ato-ne-maqedoni/
EULEX under investigation for corruption, Parliament passes LVV's resolution	2015	https://www.dailymotion.com/video/x3g5we5
Manifestation against UN's plan	November 20, 2008	https://www.dailymotion.com/video/x7hae2
Thaci, 'Limaj's arrest from EULEX has political motivations'	November 26, 2012	https://www.oranews.tv/thaci-arrestimi-i-limajt-nga-eulex-i-i-motivuar-politikisht
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Debate: EULEX' scandals in Kosovo	July 2015	https://www.youtube.com/watch?v=YO1szVin_6U
Debate in Parliament over EULEX' confidentiality report	November 2015	https://www.youtube.com/watch?v=faDTNMFlmLw
Gezim Kelmendi, parliament speech,	June 17, 2016	https://www.youtube.com/watch?v=CTDvr6Q6aZc
Haradinaj attacks EULEX	November 17, 2017	https://www.youtube.com/watch?v=9Ro8ew99ONE

Citizens lose faith in EULEX	June 20, 2015	https://www.dailymotion.com/video/x3e3rxh
The tribunal and EULEX's mandate	March 9, 2014	https://www.dailymotion.com/video/x1mkvtp
The opposition: EULEX corrupted and criminal	July, 2015	https://www.dailymotion.com/video/x2ywxhi
Debates in the Parliament: Isa Mustafa argues with Glauk Konjufca over the EU Mission	June 17, 2016	https://www.dailymotion.com/video/x4h3jxc
New accusations against EULEX	November, 2017	https://www.dailymotion.com/video/x6d0ypd
Ymeri: EULEX and the Special Court don't bring justice into the country	May 9, 2017	https://www.dailymotion.com/video/x5lmzhn
Human rights laws in	September 7, 2017	https://www.dailymotion.com/video/x5zvg75

Kosovo are in contradiction		
What is Hoti accusing EULEX for?	June 17, 2017	https://www.dailymotion.com/video/x5rp42o
Kuci, 'EULEX very neutral'	November, 2017	https://www.dailymotion.com/video/x3ezak0
EULEX arrests head of the KLA veterans	September 25, 2020	https://euronews.al/rajoni/2020/09/25/eulex-arreston-kreun-e-veteraneve-te-uck/#!
EULEX me protesta kunder Gjykates	2015	https://www.dailymotion.com/video/x2hlmea
Zeri : Kosova ka nevojë për EULEX	Feb 4, 2016	https://zeri.info/aktuale/74849/kosova-ka-nevoje-per-eulex-in/
LVV press conference: With EULEX, the big fish are at ease	10/06/2016	http://old.kosovapress.com/sq/siguri/me-eulex-in-peshqit-e-medhenj-ndjehen-komod-75431/
TV Syri: Misioni për shtet ligjor në Kosovë	Korrik 2009	https://www.dailymotion.com/video/x32iyji
Marreveshjet për parimet ndërmjet koalicionit	10/09/2014	https://www.vetevendosje.org/deklarimi-per-gazetaret-i-kryetarit-te-levizjes-vetevendosje-albin-kurti-pas-nenshkrimet-te-marreveshjes/

Raport mbi kosoven	21 tetor 2015	https://issuu.com/klankosova/docs/raport_per_kosoven_levizja_vetevend
Tradhtia nuk ka brire	06/06/2020	https://www.vetevendosje.org/tradhtia-ska-brire/
Arroganca e pushtetit	03/06/2020	https://www.vetevendosje.org/arroganca-e-pushtetit-nuk-ka-te-ndalur-e-ne-dere-po-troket-diktatura/
Qeveria ilegale dhe ilegjitime	20/06/2020	https://www.vetevendosje.org/qeveria-ilegale-dhe-ilegjitime-po-heq-dore-nga-sovraniteti-dhe-integriteti/
Marrëveshja sekrete që shkel kushtetutën dhe cënon territorin e sovranitetin e vendit	28/02/2020	https://www.vetevendosje.org/%cc%88-%cc%88-%cc%88-%cc%88/
Alternativa nuk ka dialog	26/11/2015	https://www.vetevendosje.org/alternativa-nuk-ka-dialog/
Scandal and Suspicion at the EU's Kosovo Mission	November 7, 2014	https://balkaninsight.com/2014/11/07/scandal-and-suspicion-at-the-eu-s-kosovo-mission-1/
EU Kosovo Mission Accused of Tolerating Corruption	October 29, 2014	https://balkaninsight.com/2014/10/29/eu-kosovo-mission-accused-of-tolerating-corruption/
Skandali në EULEX trazon Brukselin	November 3, 2014	https://www.botasot.info/lajme/339031/skandali-ne-eulex-trazon-brukselin/

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Veteranët e UÇK-së protestuan kundër Gjykatës Speciale	June 26, 2015	https://www.evropaelire.org/a/27095180.html
Pse Vetevendosje i fshiu arkivat?	February 8, 2021	https://albanianpost.com/pse-vetevendosje-i-fshiu-arkivat-e-partise/