



Research Article

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EU-NATO Cooperation in the Area of Crisis Management: Case of Kosovo

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Abstract

EU-NATO relations have come to the spotlight particularly due to the increasing focus of the EU on strengthening its military dimension as part of its evolving Common Security and Defense Policy. In this context, Kosovo provides a very interesting case concerning the level of cooperation between the EU and NATO in the area of crisis management given that the EU maintains in Kosovo the largest civilian mission launched to date (i.e. EULEX) which can also make use of a limited number of executive powers whereas NATO has deployed KFOR as a peacekeeping mission in Kosovo since 1999. This article aims at elucidating the relations between EULEX and KFOR on the ground amidst the lack of a formal agreement on the coordination of strategic efforts between NATO and the EU at the military strategic level.

Keywords: CSDP, EULEX, KFOR, civilian crisis management.

1. Introduction

The European Union Rule of Law Mission in Kosovo (EULEX Kosovo) occupies a specific place in the Common Security and Defense Policy of the European Union (EU) both because it is the largest civilian mission launched by the EU to date and because it has ambitious objectives which relate to monitoring, mentoring and assisting (MMA) the Kosovar institutions in the police, judiciary and customs issues, while also retaining a number of limited executive powers to this end. EULEX became operational in December 2008 following Kosovo's unilateral declaration of independence from Serbia in February 2008 while the United Nations Mission in Kosovo (UNMIK) was downsizing its operations. EULEX has been conducting its activities in difficult circumstances which originate both from the lack of a universal international recognition of Kosovo (five EU members have also not recognized Kosovo to date) and also from the refusal of the Serb community in Northern Kosovo to recognize the authority of the institutions of the Republic of Kosovo as well as their reluctance to deal with EULEX. Since its inception, EULEX found itself in an environment with a dense and intricate presence of various international actors which had been operational in Kosovo

since the withdrawal of the Yugoslav and Serb military and security forces following NATO's campaign in 1999 and in many cases, also exercising executive powers in areas that overlapped with those under its mandate. In this context, this article aims at elucidating the relations between EULEX and the Kosovo Force (KFOR) mission which had been deployed as NATO's peacekeeping mission in Kosovo in the framework of the United Nations Security Council Resolution 1244.

2. Relations between the EULEX and KFOR missions in Kosovo

With the downsizing of UNMIK and the deployment of EULEX, the international civilian presence in Kosovo was also reconfigured with EULEX occupying the central place and UNMIK being left with a residual role. On the other hand, KFOR continued to maintain its role as an international security mission in Kosovo. From the outset, it was certain that the level of operational cooperation between EULEX and KFOR on the ground would serve as a demonstration of the state of play with regard to the collaboration between NATO and EU in the area of crisis management.

In this context, EULEX and KFOR agreed that the first responder to security incidents in Kosovo would be the Kosovo Police with EULEX exercising its MMA functions; the second responder would be EULEX through the use of its specialized forces under its executive mandate and the third and final responder would be KFOR. EULEX has also been designated as a liaison between the Kosovo Police (KP) and KFOR, where any request by the KP for military and operational support is transmitted to KFOR through EULEX (Penksa, 2010).

EULEX and KFOR have also formalized their relations through a standardized protocol on four areas aiming at preventing the emergence of security gaps on the ground, namely: border patrol and crossings, exchange of information and intelligence, military support for police operations and procedures on response to civilian disturbances as well as crowd and riot control (Penksa, 2010). Cooperation on the ground between the two missions has been deemed to be very good and effective. On a regular basis, EULEX and KFOR have carried out joint patrols, have organized and participated in common field exercises with a particular focus on crowd and riot control and have also kept continuous communication and conducted exchange of information through liaison officers. Furthermore, joint working groups have been established and meetings between the KFOR Commander and the Head of Mission of EULEX have taken place on a regular basis. In order to ensure the cooperation and coordination between EULEX and KFOR, joint seminars have also been frequently organized with the participation of officials from both missions where the respective roles and mechanisms to achieve this objective have been extensively discussed (United States European Command, 2010).

The fact that the first two heads of EULEX Yves de Kermabon and Xavier Bout de Marnhac were French lieutenant generals who had served as KFOR Commanders prior to the establishment of EULEX greatly contributed to the attainment of this level of bilateral cooperation. Both of them possessed extensive knowledge of Kosovo and the region and also had a clear understanding and awareness of the importance of the

interface between military and police aspects in peace support operations. Observers relate this good level of cooperation between EULEX and KFOR to a few reasons. First, the good cooperation between EULEX and KFOR conveys to the citizens of Kosovo the relevance of Euro-Atlantic integration they aspire for. Second, cost efficiency is another reason for such a level of cooperation. Third, the U.S. has reduced its presence over time in the region and NATO feels the need to cooperate with the EU as a fundamental member of the transatlantic community. On the other hand, the EU still lacks some crucial components related to the planning and command structure (Edström, 2012).

Despite apparent clear mandates of EULEX and KFOR, certain overlaps exist between the two missions at the operational level. Even though the responsibility over police has been transferred to EULEX, KFOR continues to maintain a Multinational Specialized Unit (MSU), which is in fact a police unit with military status. Deployed for the first time by NATO in the SFOR mission in Bosnia and Herzegovina to fill civilian security gaps, KFOR made use of MSU during the initial stage after the end of the Kosovo War when it was forced to engage in policing activities in the absence of functioning professional police units on the ground. The establishment of Kosovo Police and the engagement of UNMIK Police in policing did not lead to the closure of MSU by KFOR. Furthermore, each KFOR regional Multinational Battle Group keeps a riot control unit. On the other hand, EULEX contains a Special Police Department (SPD) with a strong crowd and riot control unit, including a French Gendarmerie unit which is structured in a similar fashion to the Italian Carabinieri (Brosig, 2011).

The MSU within KFOR is charged with duties of control of territory, information gathering, areal patrolling, restoration and maintenance of public order and security, criminal investigation and intelligence, combat against terrorism, training of the Kosovo Police as well as providing advice in specialized areas such as protection of health and environment, cultural heritage and scientific investigations (Carabinieri, 2015).

In order to ensure interoperability and joint action in emergency situations according to harmonized tactics, techniques and procedures compliant with international human rights standards, KFOR (involving its Tactical Reserve Manoeuvre Battalion (KTM), Multinational Specialised Unit (MSU), Multinational Battle Group - East and West (MNBG - E and MNBG - W) and EULEX Police have engaged in joint exercises with the participation of Kosovo Police Special Operation Unit (KP/SOU) personnel in the area of crowd and riot control called 'Silver Saber' joint field exercises. These exercises have contributed to ensuring a good level of liaison, communication and relief in theater of the various responders through enhanced cooperation between them particularly with regard to the Military Decision Making Process (MDMP) (NATO Supreme Headquarters Allied Powers Europe, 2015).

Furthermore, since 2011, NATO and EULEX have also involved the Kosovo Security Forces (KSF) in their regular 'Balkan Hawk' joint field exercises. The aim of these exercises has been to achieve interoperability between the involved organizations with a particular focus on ensuring the implementation of standard operating procedures by the KSF concerning joint command, control and communication in civil protection

duties, such as search and rescue, medical evacuation, firefighting, removal of explosive materials and management of hazardous materials (Ministry for the Kosovo Security Forces, 2011).

The Kosovo Police, EULEX and KFOR have been engaged in numerous cases in the prevention and management of riots particularly in Northern Kosovo. However, on many occasions, whoever comes first to the scene deals with the issue. Given its strong field presence, KFOR often becomes the first responder, thus compromising the designated chain of responses and holding the potential to aggravate the security situation through a military approach to civilian conflicts (Brosig, 2011).

EULEX and KFOR have also established a fruitful cooperation concerning border control. In this context, besides its MMA activities in all border stations, EULEX has also carried out executive actions in the border stations at Gate 1 and Gate 31 in Northern Kosovo as well as stop and search authority for its mobile customs teams. On the other hand, KFOR maintains responsibility for the control of the green borders through physical presence, erection of check points and joint patrols with the Kosovo Police with the aim of preventing the illegal trade of weapons into Kosovo. This clear division of labour concerning border control has been consolidated since 1999 when KFOR was initially charged with the control of borders whereas the EU as a distinct pillar under UNMIK assisted in the establishment of a functional Kosovo customs service (Brosig, 2011).

The support of KFOR was deemed as very valuable in helping EULEX deploy in Northern Kosovo at the end of 2008 given that part of the Serbian community in the area remained hostile to such a deployment despite the support given by Serbia following Ban's Six Point Plan and the statement that EULEX would operate in a 'status-neutral' manner under the overall authority of UNSCR 1244. At the same time, KFOR provided support to EULEX Police to prevent clashes and maintain order in Northern Mitrovica following persistent tensions between Kosovo Serbs and Albanians concerning the reconstruction of houses owned by Albanians who had been destroyed during the war in the ethnically mixed Kroi i Vitakut/Brdjani neighbourhood in Northern Mitrovica (United Nations, 2009). This represented an important example of cooperation between the two missions in managing civil disturbances, where in most cases, EULEX acted as the second responder.

A major test for cooperation between EULEX and KFOR came with the tense situation created in Northern Kosovo in July 2011 following the attempt of Kosovo Police Regional Operational Special Units (ROSU) to take control of Gate 1 and Gate 31 border crossing points on 25 July 2011, with the aim of enforcing throughout Kosovo the embargo against imports from Serbia taken as a reciprocal measure by Kosovo authorities towards the refusal of Serbia since 2008 to accept goods originating from Kosovo due to the non-recognition of the Kosovo Customs stamps. This action led to protests, roadblocks and exchanges of gunfire between Kosovo Police units and Kosovo Serbs causing many wounded in both sides as well as the death of a Kosovo Police officer.

The situation deteriorated more two days later when local Serbs burned down the Gate 1 border crossing point. At this point, KFOR intervened and took temporary

military control of both Gate 1 and Gate 31. On September 2nd, Kosovo and Serbia reached an agreement in the framework of the dialogue sponsored by the EU according to which Serbia would recognize the Kosovo Customs stamps and in turn, Kosovo would put an end to the embargo against imports from Serbia. Following this agreement, on 16 September 2011, EULEX Customs and Police officials redeployed at these border crossing points together with a small number of Kosovo Police and Customs officers accompanied by a strong presence of KFOR (United Nations, 2011). However, roadblocks remained in Northern Kosovo during the last part of 2011 and beginning of 2012, effectively blocking access to Gate 1 and Gate 31 and making them non-operational. Under these circumstances, KFOR assisted in the transportation of EULEX and Kosovo officers through air to the said border crossing points. Furthermore, KFOR was actively involved in ensuring the freedom of movement by dismantling by force the erected roadblocks during 2011-2012 even though these actions occasionally lead to violent clashes with local Serbs. On the other hand, EULEX could carry out patrols in Northern Kosovo in a very limited scale, thus demonstrating that EULEX was unable to effectively enforce its mandate even in a semi-permissive environment such as Northern Kosovo. This situation even led NATO Secretary General Anders Fogh Rasmussen to publicly complain in April 2012 in front of the Foreign Affairs Committee of the European Parliament about the extra burden KFOR was forced to assume in Northern Kosovo due to the inability of EULEX to effectively carry out its mandate stemming from the lack of sufficient resources (Telegrafi, 2012). It emerged that prior to the outbreak of violence in July 2011 in Northern Kosovo, some member states had unilaterally reduced by 50 per cent the crowd and riot control police forces assigned to EULEX, thus making the mission unable to carry out its mandate effectively and forcing it to rely instead on KFOR (European Court of Auditors, 2012). The statement by Rasmussen was a clear reference to the negative impact that the absence of a sufficient number of qualified EULEX police officers due to the unilateral decisions of certain EU member states to withdraw seconded forces had over the use of executive competences to ensure the freedom of movement as well as public order and security in Northern Kosovo following the tensions in the area after July 2011.

In this context, with a view to the need to stop illegal traffic and smuggling across Kosovo's northern border with Serbia, EULEX was unsuccessful in coordinating with KFOR to eliminate and indict persons engaged in smuggling, trafficking and organized crime networks in the North. KFOR, acting under a security mandate, hampered trafficking and smugglings, and isolated traffickers along certain routes, but EULEX, under a rule of law mandate, failed to identify and arrest the concerned persons (Group for Legal and Political Studies, 2013).

Faced with these difficulties, EULEX based its strategy concerning Northern Kosovo on the creation of a permissive environment there through the support of Serbia on the dismantling of its parallel structures and allowing the effective conduct of the EULEX mandate in the area as a result of the EU-facilitated political dialogue between the leaders of Kosovo and Serbia. In fact, such an approach bore its fruits as EULEX, KFOR and Kosovo Police could successfully cooperate to ensure for the first

time since Kosovo's declaration of independence the organization of local elections in the four Serb-majority municipalities in Northern Kosovo as well as the re-run in the three polling stations in Northern Mitrovica in November 2013 (Tota, 2013). At the same time, EULEX has closely cooperated with KFOR concerning the transfer of protection responsibility from KFOR to the KP of key Serbian Orthodox religious and cultural monuments located in the Special Protective Zones. EULEX has exercised an oversight role over the fulfilment of the newly assumed responsibilities by the KP in this sensitive area.

3. Conclusion

Overall, it can be said that cooperation between EULEX and KFOR is based on pragmatism and practical needs on the ground with the latter being considered as a back-up or deterrent force for EULEX. Such a situation stems from the fact that there is no formal agreement on the coordination of strategic efforts between NATO and the EU at the military strategic level. Even in the eventuality of such a formal agreement, cooperation in practice would face difficulties due to the asymmetry concerning military strategic relationship between the two organizations, with the EU lacking permanent military strategic headquarters. Furthermore, SHAPE is reluctant to take into consideration non-military aspects in its planning and hence opts not to deal with police matters (Edström, 2012).

Given the lack of a proper strategic cooperation and coordination between NATO and the EU at their military strategic levels on peace support missions, the pace and nature of cooperation between KFOR and EULEX is greatly affected by the leadership and personalities of the heads of these two missions. The very good and effective bilateral cooperation established during the initial years of EULEX appears to have created a fruitful path dependency which contributes to a continuing close cooperation and coordination between these two missions in Kosovo.

References

- Brosig, M. (2011). The interplay of international institutions in Kosovo between convergence, confusion and niche capabilities. *European Security* 20, no. 2. 185-204.
- Edström, H. (2012). Cooperating with the European Union in Europe: Policy or Strategy. In *Pursuing Strategy: NATO Operations from the Gulf War to Gaddafi*, Ed. Håkan Edström and Dennis Gyllensporre, 95-121. Basingstoke: Palgrave Macmillan.
- European Court of Auditors (2012). *European Union Assistance to Kosovo related to the Rule of Law*. Special Report No. 18.
- Group for Legal and Political Studies (2013). *Rock and Rule: Dancing with EULEX*. Pristina: Group for Legal and Political Studies.
- Ministry for the Kosovo Security Forces (2011). *KSF participation in a joint exercise with KFOR and EULEX*. <http://www.mksf-ks.org/?page=2,24,341#.Vctvxfmqjko>.
- NATO Supreme Headquarters Allied Powers Europe. "Crowd and Riot Control - Exercise "Silver Sabre". <http://www.aco.nato.int/kfor/news-room/press-releases/crowd-and-riot-control-exercise.a.spx>.

- Penksa, Susan E. (2010). Security governance, complex peace support operations and the blurring of civil- military tasks. *Rethinking Security Governance: The problem of unintended consequence*. Ed. Christopher Daase and Cornelius Friesendorf, 39-61. Oxon: Routledge.
- Tota, E. (2013). EULEX: We did a good job with Kosovo Police and KFOR. Independent Balkan News Agency. <http://www.balkaneu.com/eulex-good-job-kosovo-police-kfor/>.
- United Nations. (2009). Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo.
- United Nations. (2011). Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo.
- United States European Command. (2010). EULEX, KFOR meet at Camp Bondsteel. <http://www.eucom.mil/media-library/article/19594/eulex-kfor-meet-at-camp-bondsteel>.