

The Role of the EU in Peace Building in Kosovo in the Light of Interethnic Relations

Abstract

Maintaining peace in the Western Balkans and Kosovo has become a high aim for international organisations. Challenges in Kosovo such as the conflict in the 1990's and afterwards, as well as the lack of political unity and institutions capable of both civilian and military intervention have led to long-term involvement of the EU. It should be noted that the engagement of the EU was also caused by ethnic nationalism, socio-economic problems and interethnic tensions, mainly between Serbs and Albanians in Kosovo, as well as unresolved issues in bilateral relations.

This paper analyses the role of the EU in maintaining peace through its civilian mission and enlargement policy. The ongoing EULEX civilian mission was aimed at establishing a multi-ethnic justice system and police force, as well as introducing and promoting the rule of law, public order and security. The enlargement policy is seen as an important process of interethnic and inter-state reconciliation.

Key words: Kosovo, Serbia, Peace Building, European Union, Crisis Management Mission

Introduction

Maintaining peace in the Western Balkans and in Kosovo has become a high aim for international organisations. Challenges in Kosovo such as the conflict in the 1990's and afterwards, a lack of political unity and institutions capable of both civilian and military intervention have led to the long-term

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involvement of the EU. It is noteworthy that the engagement of the EU was also caused by ethnic nationalism, socio-economic problems, inter-ethnic tensions (mainly between Serbs and Albanians in Kosovo) and unresolved issues in bilateral relations. This article analyses the role of the EU in maintaining peace through its civilian crisis mission and enlargement policy. The ongoing EULEX civilian mission aimed at establishing a multi-ethnic justice system and police force in order to establish and promote the rule of law, public order and security, whereas the enlargement policy is seen as an important process of inter-ethnic and inter-state reconciliation. Additionally, the question emerged of whether there is a possibility to stop the rise of nationalism and deal with the strained relationship between Serbia and Kosovo.

The Neoliberal Approach and Peace Building in the EU

An international environment is composed of many elements. Among them are international organisations which act as mediators between nations, help solve statehood problems and play an important role in maintaining peace in conflict regions, as well as in preventing further escalation of ethnic conflicts. According to neoliberal theories (as stated by T. Łoś-Nowak), under conditions of complex interdependence, apart from interstate connections, the relationships between sovereign and non-territorial entities also become important.¹ This shows that the activities of international organisations, exemplified by the European Union's involvement in the politics of post-Yugoslav states, play an important, albeit limited role in the internal affairs of countries and the preservation of international peace. Various challenges arise both on the part of the EU and the post-Yugoslav states. Among them, the conflict over Kosovo, ethnic nationalism and social and economic problems stand out as the most urgent. Additionally, in bilateral relations between post-Yugoslav states new and sensitive issues emerged, which included: political disputes (national identity, statehood – Kosovo/Serbia//Macedonia/Greece); issues surrounding minority rights, such as political dimension, diaspora protection, minority rights in states; small-scale border disputes (Serbia and Macedonia//Macedonia and Kosovo fully agreed on their common border) and other developments subsequent to the breakup of Yugoslavia, such as issues related to the consequences of the conflict which took place in the 1990's (the return of refugees, internally displaced persons (IDP's), reconciliation, missing persons and restitution of private property and cultural heritage). All of these issues affect Kosovo as well, which means that the state still requires international control. On the EU side (as emphasised by Gentjan Scara), limitations have also

¹ T. Łoś-Nowak, *Współczesne stosunki międzynarodowe (Contemporary International Relations)*, Wydawnictwo Uniwersytetu Wrocławskiego, Wrocław 2008, pp. 44–45.

been related to the lack of European institutions capable of military intervention, a lack of experience and political unity necessary to address the crisis, financial problems, unresolved sovereignty issues and a shortage of police officers.² Sabrina Petra Ramet noted that the role of the International Community in Yugoslavia in terms of *peace building* concerned primarily the drawing of national boundaries, the persecution of indicted war criminals, the return of refugees to their homes in Kosovo and Bosnia and Herzegovina, and financial investment in both countries.³ In the case of Kosovo the most significant goal of the EU was to avoid another ethnic conflict.

In order to better understand the complexities surrounding the EU's involvement in Kosovo it is necessary to define the term *peace building*. The first person to coin the term in the 1970's was Johan Galtung. According to his definition, peace building is first and foremost the elimination of the causes of conflict and the creation of appropriate structures capable of managing and resolving conflicts in a peaceful manner.⁴ The idea of post-conflict *peace building* was adopted in 1992 by the United Nations when UN Secretary General, Boutros Ghali, referred to it in the document entitled *An Agenda for Peace*.⁵ The definition and its practical implications are constantly evolving in the light of new security threats and challenges. Paul Rogers was another researcher whose contributions to the development of peace studies are widely recognized. His main focus included causes of conflict and methods of establishing non-violent approaches to conflict transformation. Rogers stressed the inter-disciplinarity of this field, in which multi-level analyses are carried out on the personal and the international level.⁶ In the case of Kosovo, the first international organisations to become involved in its affairs and the peace-building process were the UN and NATO, both of which adopted a multilevel and interdisciplinary approach.

² G. Scara, *The role of the EU as a Peacebuilder in the Western Balkans*, "Romanian Journal of European Affairs", vol. 14, no. 14/Decembar 2014, pp. 26–27.

³ S.P. Ramet, F.P. Wagner, *Post-socialist model of rule in Central and South-Eastern Europe*, in: *Central and Southeast European Politics since 1989*, ed. S.P. Ramet, Cambridge 2010, p. 30.

⁴ *Peacebuilding Initiative*, <http://www.peacebuildinginitiative.org/index34ac.html?pageld=1764> (20.06.2017) as cited in: J. Galtung, *Three Approaches to Peace: Peacekeeping, Peacemaking, and Peacebuilding*, in: *Peace, War and Defense: Essays in Peace Research, Vol. II*, ed. J. Galtung, Christian Ejlertsen, Copenhagen 1976, pp. 297–298.

⁵ *Peacebuilding Initiative*, <http://www.peacebuildinginitiative.org/index34ac.html?pageld=1764> (20.06.2017).

⁶ P. Rogers, *Peace Studies*, in: *Contemporary Security Studies*, ed. A. Collins, Oxford University Press, Oxford 2013, p. 61.

European Union Foreign and Security Policy and Peace Building

One of the most significant tasks of the European Union is *peace building* and *conflict prevention*. The EU, as a promoter of peace, is mentioned in documents such as the European Security Strategy and the Lisbon Treaty.⁷ Eli Stamnes wrote that “the EU does not operate with an explicit peace-building concept and it has not formulated a peace-building strategy [...] the organisation takes a holistic view when dealing with conflict and its usage of the term peace building tends to be associated with a wide range of long-term activities designed to promote structural stability, or with short-term actions with direct conflict prevention objectives”.⁸ It is important to emphasise that the EU sees the concept of *peace building* as promoting democracy, preventing the outbreak of open conflict through economic, social, political and security reforms, supporting the rule of law and ensuring security within and outside of its borders.⁹ The evolution of the EU’s external relations began in the early 1990s, when the European Community made an unsuccessful attempt at engaging in the affairs of the post-Yugoslav region. At the time, peace building was implemented by the Common Foreign and Security Policy (CFSP), which included the Common Security and Defence Policy (CSDP). The former was launched in 1992 and the latter in 1999 under the Treaty of Amsterdam which included the so-called Petersberg tasks covering humanitarian and rescue operations, peacekeeping operations, peace restoration missions and crisis management military operations. The position of High Representative of the Union for Foreign and Security Policy was established under the Amsterdam Treaty and the Lisbon Treaty.¹⁰ In the subsequent EU document entitled: “A Secure Europe in a Better World: European Security Strategy” (2003) the organization’s strategic goals include building security in its neighbourhood and stabilizing the Balkans.¹¹ In “A Global Strategy for the European Union’s Foreign and Security Policy” (2016), the Western Balkans are mentioned three times

⁷ *European Security Strategy*, 12 December 2003; The Treaty of Lisbon (2007/2009). See also: E. Stamnes, *European Union and Peacebuilding*, 3.03.2016, <https://brage.bibsys.no/xmlui/bitstream/handle/11250/2382111/3/EUPB.pdf> (19.06.2017).

⁸ E. Stamnes, *European Union and Peacebuilding*, 3.03.2016, p. 3, <https://brage.bibsys.no/xmlui/bitstream/handle/11250/2382111/3/EUPB.pdf> (19.06.2017).

⁹ A. Bjorkdahl, O. Richmond, S. Kappler, *The EU Peacebuilding Framework: Potentials & Pitfalls in the Western Balkans & the Middle East*, „JAD-PbP Working Paper”, June 2009, no. 3, pp. 6–8.

¹⁰ European Union External Action, <http://www.eulex-kosovo.eu/?page=2,21> (21.06.2017).

¹¹ R. Zięba, *Wspólna Polityka zagraniczna i bezpieczeństwa Unii Europejskiej (Common Foreign and Security Policy of the European Union)*, Wydawnictwo Akademickie i Profesjonalne, Warszawa 2007, pp. 90–91.

in the context of EU's external actions, counter-terrorism and enlargement policy. "A Global Strategy [...]" emphasised the national and social resilience of the Western Balkans, exemplified by the region's development of joint programmes designed to counter violent extremism and radicalisation. In light of the enlargement policy the following challenges were singled out: migration, energy security, terrorism and organized crime in the EU, the Western Balkans and Turkey.¹² G. Scara pointed out the following areas of involvement in the Western Balkans: conflict prevention and peacekeeping, combat forces in crisis management, peacemaking and post-conflict stabilisation, joint disarmament, military advice and assistance, as well as humanitarian and rescue operations.¹³ A long list of tasks was implemented to avoid further escalation of ethnic conflict and normalise ethnic relations in Kosovo.

Conflict over Kosovo and Interethnic Relations in Kosovo

The period between 1981 and 1997¹⁴ was a turbulent one. Albanians in Kosovo began to demand autonomy and equal rights, as well as the establishment of their own state. The events that unfolded during this period contributed to the insurgency of Albanians and to the conflict in Kosovo. Subsequent relations between Serbia and Kosovo, as well as the international intervention that followed, can be divided into several stages. In the period of 1992–1998, the Serbian-Albanian conflict began to escalate. Then, from 1999 to 2008, Kosovo was under the auspices of international organisations and was treated as an international protectorate. During this period, violence erupted and Albanians demanded independence from Serbia. One of the turning points in the conflict was the NATO bombing campaign in 1999, as well as economic sanctions, the deployment of peace keeping forces and the extension of an administrative mandate from the United Nations. Kosovo finally gained independence in 2008.

It is not the author's intention to focus in this work on the first stage, i.e. the conflict between the Albanians and the Serbs. Nevertheless, some aspects pertaining to it will be touched upon later in the article. The second stage of the conflict proved that international intervention contributed to changing

¹² *A Global Strategy for the European Union's Foreign and Security Policy*, June 2016, http://eeas.europa.eu/archives/docs/top_stories/pdf/eugs_review_web.pdf, pp. 9, 21, 24.

¹³ G. Scara, op. cit., p. 27.

¹⁴ Among the most important events are: 1981 – mass protests of Albanians in Kosovo; 1989 – Slobodan Milosevic revokes Kosovo's and Vojvodinae Autonomy and imposes reintegration to Serbia.

the dynamics of ethnic relations in Kosovo. The Kosovo protectorate under UNMIK, and the resulting introduction of democracy, the establishment of political parties and the engagement of the local society made Kosovo's Albanians a dominating group and, as Fred Cocozzelli noted, "the declaration of independence cemented the reality of Kosovo as a majority Albanian state, with relatively small Serbian and other minorities".¹⁵ During the third stage of the conflict, which lasted from 2008 to 2018, Kosovo was recognised as a multi-ethnic and multicultural state. Attention should be drawn to the correlation between ethnic boundaries and the political integration of ethnic communities in Kosovo.¹⁶ According to the World Factbook, ethnic groups in Kosovo comprise Albanians (92.9%), Bosniaks (1.6%), Serbs (1.5%), Turks (1.1%), Ashkali (0.9%), Egyptians (0.7%), Gorani (0.6%), Romani (0.5%) and other/unspecified groups (0.2%). The 2011 Kosovo national census was partially boycotted by the Romani and Serbs in southern Kosovo. The Serbs who inhabited northern Kosovo at the time were excluded from the census,¹⁷ which resulted in discrepancies occurring in the data.

Ethnic policy is enacted through and ethnic minority rights are enforced by internal and external regulations. The most important documents in terms of this study include: the *Kosovo Declaration of Independence* and the *Constitution of the Republic of Kosovo*. In the *Declaration of Independence*, Kosovo is described as "a democratic, secular and multi-ethnic republic, guided by the principles of non-discrimination and equal protection under the law".¹⁸ According to the 2008 *Constitution* Kosovo is: "a state of its citizens"¹⁹ and all ethnic, religious or language groups are defined as "communities", not "nations", "ethnic groups" or "national minorities". Chapter III, article 57 states that "inhabitants belonging to the same national or ethnic, linguistic, or religious group traditionally present on the territory of the Republic of Kosovo (communities) shall have specific rights [...]". As Patrycja Marcinkowska points out, the fundamentals of Kosovo citizenship were defined shortly after the military intervention and the adoption of the Constitutional Framework for Provisional Self-Government in Kosovo. The Ahtisaari Plan also follows this

¹⁵ F. Cocozzelli, *Ethnic Boundaries and Politics in Kosovo*, in: *Ethnic Minorities and Politics in Post-Socialist South-Eastern Europe*, eds. S.P. Ramet, M. Valent, Cambridge University Press, Oxford 2016, p. 278.

¹⁶ *Ibidem*, pp. 263–279.

¹⁷ *The World Factbook*, <https://www.cia.gov/library/publications/the-world-factbook/geos/kv.html> (19.06.2017).

¹⁸ *Kosovo Declaration of Independence*, Sunday 17.02.2008; <http://www.assembly-kosova.org/?cid=2,128,1635> (20.06.2017).

¹⁹ *Constitution of the Republic of Kosovo, 2008*, <http://www.kryeministri-ks.net/repository/docs/Constitution1Kosovo.pdf> (20.06.2017).

model.²⁰ G. Krasniqi notes that documents which make use of the term “ethnicity” in both the constitutional context and reference to political relations²¹ in Kosovo include the UN Security Council Resolution 1244, the Constitutional Framework for Provisional Self-Government in Kosovo, the Ahtisaari plan and the Constitution of Kosovo. The term can also be found in article 3.1 of the *Constitution*: “the Republic of Kosovo is a multi-ethnic society”. It is worth mentioning that Kosovo’s government fosters peaceful relations between communities. The preamble of Kosovo’s *Constitution* begins with the words: “We, the people of Kosovo, determined to build a future of Kosovo as a free, democratic and peace-loving country that will be a homeland to all of its citizens”. Once again the relationship between a multi-ethnic and multicultural society and the civic state can be observed.

Elisa Randazzo and Pol Bargaúes found that the “liberal peace building paradigm seeks to promote multiculturalism as a tool of peacemaking, for the purpose of resolving and achieving a political resolution to existing ethnic conflicts”. They added that “the promotion of ‘multiculturalism’ has been one of the primary concerns of the peace-building mission in Kosovo since 1999. This uncritical application of multiculturalism has also resulted in a non-organic, undeveloped, fictional peace, therefore undermining the liberal ethos of the peace-building endeavour in Kosovo”.²² Gezim Krasniqi also stated that “the international missions in Bosnia and Herzegovina, Kosovo and Macedonia viewed multiculturalism and multi-ethnicity as the recipe for healing the wounds of war and overcoming inter-ethnic divisions and cleavages.²³ [...] As a result, minority rights standards were put high on the agenda of the external state-builders”.²⁴

Despite the attempts to develop a multicultural society in Kosovo, inter-ethnic relations remain tense. According to the 2010 OSCE Report entitled *Kosovo Communities Profiles*, the political and socio-economic situation of the country’s ethnic groups is deteriorating and inter-ethnic tensions are clearly visible, especially between Albanians and Serbs. These tensions vary between specific groups and influence the bilateral, regional and international relations of Belgrade and Priština. The ethnic communities (Albanians, Serbs,

²⁰ P. Marcinkowska, *Kosovo jako suwerenne państwo. Teoria i praktyka (Kosovo as a sovereign state. Theory and Practice)*, SCHOLAR, Warszawa 2016, p. 158.

²¹ G. Krasniqi, *Equal Citizens, Uneven Communities: Differentiated and Hierarchical Citizenship in Kosovo*, in: *Uneven Citizenship: Minorities and Migrants in the Post-Yugoslav Space*, eds. G. Krasniqi, D. Stjepanović, Routledge, London 2016, p. 88.

²² E. Randazzo, P. Bargaúes, *Peace-Building and the Loop of Liberal Multiculturalism: The Case of Kosovo*, “The Western Balkans Policy Review”, vol. 2, iss. 2/Summer/Autumn 2012, p. 27.

²³ G. Krasniqi, op. cit., p. 87.

²⁴ Ibidem, p. 88.

Turks, Gorani, Bosniaks, Montenegrins, Croats, Roma, Ashkali and Egyptians) are subject to hierarchization. Kosovo is mostly populated by Albanians and article 3 of the Constitution of Kosovo explicitly states that “The Republic of Kosovo is a multi-ethnic society consisting of Albanian and other Communities [...]”. This statement automatically grants Albanians a superior status among the “other communities”. However, P. Marcinkowska reflected that the citizenship rights (such as social benefits or the abolition of visas), claimed by the Albanians from Kosovo, are actually to the disadvantage of this group, owing to the fact that they only possess Kosovan citizenship. The EU also warned Albania that if Kosovar Albanians were granted citizenship, it would result in the reinstatement of visas for Albanian citizens.²⁵ Fred Cocozzelli claimed that the international intervention put pressure on Kosovo’s Albanian leadership to create a purposefully multi-ethnic and inclusive political system.²⁶

Many concerns arose among the various ethnic groups. According to the aforementioned OSCE Report, Albanians living in Serbian majority areas made complaints regarding access to primary health care (Leposavić/Leposaviq municipality), participation in public life (Gračanica/Gračanicë municipality) and freedom of movement. One example concerning the latter is the stoning incident involving a humanitarian convoy transporting Kosovo Albanians from the villages of Koshtovë/ Košutovo, Bistricë/Bistrica and Cerajë/Ceranje (Leposavić/Leposaviq municipality) to southern Mitrovicë/Mitrovica, which had a negative impact on security perceptions. Moreover, nationalist tensions came to light in 2010, when a group of young people spray-painted the name of the Serbian nationalist organization “Obraz” [Face] on the house of a Kosovo Albanian community representative in the northern Mitrovica/Mitrovicë neighbourhood of Bosniak Mahala. According to the OSCE Report, inter-community relations are not harmonious. “The relations between Kosovo Albanians living as a minority and majority communities vary depending on the geographic and political realities on the ground. In the regions of Gjilan/Gnjilane, Prishtinë/Priština, and Prizren, relations are good, whereas in northern Mitrovica/Mitrovicë, relations are tense. In Mamuša/Mamushë/Mamuša (Prizren region), dialogue and co-operation between Kosovo Albanians and the Kosovo Turk and other communities in the municipality are good.”²⁷

²⁵ P. Marcinkowska, op. cit., pp. 159–160.

²⁶ F. Cocozzelli, op. cit., p. 278.

²⁷ OSCE Mission in Kosovo, *Kosovo Albanian Community Profile, Kosovo Communities Profiles*, 2010, pp. 3–23, <https://www.osce.org/kosovo/75450?download=true> (21.06.2017).

Serbs and Other Ethnic Communities in Kosovo. Serbia–Kosovo Relations

Serbs in Kosovo are caught up in a web of complicated, strained and problematic ethnic relations. It is noteworthy that Serbia does not recognise Kosovo as an independent state for several reasons which include: 1) history (the state of Serbia was founded on the territory of present-day Kosovo), 2) religious and cultural issues such as the location of monasteries (in Peć, Dečani and Gračanica) and 3) the protection of the Serbian diaspora which, paradoxically, constitutes only an estimated 5% of the country's population. Furthermore it should be noted that *the 2006 Constitution of Serbia* provided territorial integrity of Kosovo, Metohija and Serbia. The breakthrough came in 2008, when Serbia recognised Kosovo's borders under the provisions of the protocol signed under the auspices of the EU and EULEX. Relations between Serbia and Kosovo have an impact on the international perception of both countries, as well as their likelihood of joining the EU. By 2011 the relationship between the two countries had improved, and two years later, under the auspices of the EU, Serbia and Kosovo signed an agreement on the normalization of mutual relations, which opened the door for negotiations with the EU. Then, in 2015, Priština and Belgrade signed another document detailing energy, telecommunications, freedom of movement and the establishment of an association of Serb municipalities in Kosovo.²⁸ In 2017, Kosovo prevented a Serbian train, painted in the country's national colours, decorated with Orthodox symbols and bearing the inscription, "Kosovo is Serbia", from crossing the border between the two countries.²⁹ The incident contributed to the crisis in bilateral relations and pointed to the consolidation of Serbian nationalist attitudes.

Serbs in Kosovo inhabit northern Mitrovica/Mitrovicë and the Zvečan/Zveqan, Leposavić/Leposaviq and Zubin Potok municipalities (Mitrovicë/Mitrovica region), where according to the official 2011 census there live 37 625 of them.³⁰ Their number could in fact be much higher, with some estimates reaching 140

²⁸ A. Jagiełło-Szostak, *Polityka zagraniczna i bezpieczeństwa Republiki Serbii (Foreign and Security Policy of the Republic of Serbia)*, in: *Republika Serbii. Aspekty polityki wewnętrznej i międzynarodowej (The Republic of Serbia. Aspects of Internal and International Policies)*, ed. A. Jagiełło-Szostak, Wrocław 2016, pp. 181–182; Euractiv, *Historyczne porozumienie między Serbią a Kosowem (Historic agreement between Serbia and Kosovo)*, 26.08.2015, www.euractiv.pl (18.07.2016).

²⁹ BBC, *Serbian train sparks escalation in tensions with Kosovo*, 17.01.2017, <http://www.bbc.com/news/world-europe-38625872> (20.07.2018).

³⁰ ASK, Kosovo Agency of Statistics, *Estimation of Kosovo population 2011*, Pristina, February 2013, <http://ask.rks-gov.net/media/2129/estimation-of-kosovo-population-2011.pdf> (19.07.2018), p. 20.

thousand.³¹ They established a strong presence also in the municipality of Štrpce/Shtërpcë, the newly-enlarged municipality of novo Brdo/Novobërdë, the newly-established municipalities of Ranilug/Ranillug, Klokot/Kllokot and Parteš/Partesh (Gjilan/Gnjilane region), and Gračanica/Gračanicë (Prishtinë/Priština region).³² Serbian and Albanian are the official languages of the region.

The Kosovo Serbs have faced a number of problems including limited opportunities for involvement in Kosovan institutions, particularly at the central level; real or perceived lack of security and limited freedom of movement in certain areas; lack of confidence in the Kosovo Police; rare instances of return owing to unresolved property rights issues, lack of economic sustainability and negative security perceptions; illegal occupation (or illegal use) of agricultural land owned by Kosovo Serbs; lack of proper maintenance of Orthodox cemeteries and other religious sites; insufficient protection of cultural and religious heritage sites not covered by the Law on Special Protective Zones; shortage of sustainable economic opportunities and dependence on external aid. The community continues to rely heavily on agriculture and social assistance provided by Belgrade.³³

According to the OSCE Mission in Kosovo, Bosnian, Croatian, Montenegrin, Egyptian, Gorani and Roma communities have to deal with a number of inconveniences, too. Problems faced by Bosnians include issues related to migration to Western Europe, as well as their lack of knowledge of the Albanian language, which contributes to their emotional insecurity and affects their freedom of movement.³⁴ The Croatian community has no political representation at the national level and its participation at the local level is limited. Additionally, there is a real or perceived lack of security and freedom of movement outside their immediate neighbourhood.³⁵ Kosovo Montenegrins listed the following problems: a lack of initiatives on the part of municipal authorities to help their community, a lack of representation within Kosovan institutions (including a lack of reserved seats in the Assembly of Kosovo) and the illegal occupation (or illegal use) of agricultural land and commercial property owned by the Montenegrins.³⁶ The most vulnerable groups are the Egyptian, Gorani and Roma communities which are plagued by widespread poverty and high unemployment rates. These divisions are also noticeable in the case of political conflict, separating the Gor-

³¹ P. Marcinkowska, op. cit., p. 160.

³² OSCE Mission in Kosovo, *Kosovo Communities Profiles*, 2010, p. 7, <https://www.osce.org/kosovo/75450?download=true> (21.06.2017).

³³ OSCE Mission in Kosovo, *Community Profile Kosovo Serbs, Kosovo Communities Profiles*, 2010, <https://www.osce.org/kosovo/75450?download=true> (21.06.2017), p. 5.

³⁴ OSCE Mission in Kosovo, *Kosovo Communities Profiles*, 2010, <https://www.osce.org/kosovo/75450?download=true> (21.06.2017), pp. 1–309.

³⁵ Ibidem.

³⁶ Ibidem.

ani community from the Bosnian and Albanian communities and affecting their participation in public life in the Dragash/Dragaš municipality.³⁷ Other socio-economic issues affecting the Roma, Gorani and Egyptian communities include access to social services, education, health care and justice. Problems surrounding language, the recovery and recognition of cultural heritage and the outflow of people were, too, included in the list.

International intervention had a significant and direct impact on minority rights and ethnic communities. The ethnic policy is seen as a multicultural project, but it is plagued by contradictions. According to G. Krasniqi the classification of national and ethnic groups is as follows: Albanians – dominant core, Serbs – non-dominant core, Turks – semi-peripheral community, Gorani and Bosniaks – elusive peripheral communities, Montenegrins and Croats – unrecognised; Roma, Ashkali, Egyptians (RAE) – invisible.³⁸ Problems and threats faced by ethnic communities, as well as the political system and democratisation, fall in the category of “ethnic (in)security” (to paraphrase Vesna Bojicic-Dzelilovic³⁹), which serves as a justification for the EULEX mission.

The Role of EULEX in Kosovo

The ongoing EULEX civilian mission was launched in 2008 and its mandate has been prolonged until 14 June 2020. The headquarters are located in Prishtinë/Priština. The legal basis for the mission was provided by the EU Joint Action of February 2008, whereas the Council Decisions of June 2010, 2012, 2014 and 2016 apply this basis within the framework of UN Security Council Resolution 1244/99. EULEX is supported by 28 member states, as well as Canada, Norway, Switzerland, Turkey and the United States.⁴⁰ The

³⁷ Ibidem.

³⁸ G. Krasniqi, op. cit., p. 91.

³⁹ V. Bojicic-Dzelilovic, *The politics, practice and paradox of 'ethnic security' in Bosnia – Hercegovina*, “Stability: International Journal of Security and Development”, 4(1), p. 11.

⁴⁰ EULEX, <http://www.eulex-kosovo.eu/?page=2,16> (21.06.2017); Council decision (CFSP) 2016/947 of 14 June 2016 amending Joint Action 2008/124/CFSP on the European Union Rule of Law Mission in Kosovo (EULEX Kosovo); Council decision 2014/349/CFSP of 12 June 2014 amending Joint Action 2008/124/CFSP on the European Union Rule of Law Mission in Kosovo, EULEX Kosovo; Council decision 2012/291/CFSP of 5 June 2012 amending and extending Joint Action 2008/124/CFSP on the European Union Rule of Law Mission in Kosovo, EULEX Kosovo; Council decision 2010/322/CFSP of 8 June 2010 amending and extending Joint Action 2008/124/CFSP on the European Union Rule of Law Mission in Kosovo, EULEX Kosovo; Council Joint Action 2008/124/CFSP of 4 February 2008 on the European Union Rule of Law Mission in Kosovo, EULEX Kosovo; Council Joint Action 2009/445/CFSP of 9 June 2009 amending Joint Action 2008/124/CFSP on the European Union Rule of Law Mission in Kosovo, EULEX Kosovo.

mission works in full co-operation with the European Commission Assistance Programmes.

The goal of the mission is to monitor, mentor and advise Kosovan authorities with a view to establishing a multi-ethnic justice system and a multi-ethnic police system free from political intervention, as well as to ensure the establishment and promotion of the rule of law, public order and security. Through its executive function, the mission is involved in constitutional and civil justice, as well as the adjudication of selected criminal cases.⁴¹ The main objectives of these civilian missions include ethnic reconciliation in the Balkans, the inclusion of minority groups in law enforcement sector, fight against organised crime, the strengthening of border control and the commitment to the rule of law, as well as the establishment of a police force that would conform to European standards.⁴²

EULEX is a mission that works in conjunction with different types of partner activities, aiding the peace-building process and gradually taking over some of their obligations. In 2009, EULEX took over about 70% of UNMIK's tasks regarding the rule of law, putting particular emphasis on the rights of the Serbian minority.⁴³ Marlena Drygiel ascertained that the Serbian and Kosovar perceptions of EULEX were contradictory. The Serbs believe that the mission should first and foremost protect their rights in the Serbian province, whereas the Kosovars attach more importance to EULEX's role in helping the government establish a sovereign state.⁴⁴ The Kosovo press accuses the EU of applying double standards in its treatment of the Serbian and Albanian communities, which would never be permitted within its own borders. In 2012, Catherine Ashton stressed that the EULEX mission should have an advisory board and undergo monitoring by an independent institution working in cooperation with Kosovo.⁴⁵

However, Giovanni Grevi pointed out five main reasons for the mission's unique character: to start with, it is the EU's largest mission; secondly, "(it) is the first fully integrated rule-of-law mission spanning across the fields of (civil and criminal) justice, police and customs" and thirdly, "EULEX has centralised a whole range of important horizontal tasks at its headquarters in Priština. These include programming, procurement, personnel, training and

⁴¹ See G. Scara, op. cit.; European Union External Action, EULEX, <http://www.eulex-kosovo.eu/?page=2,16> (21.06.2017).

⁴² G. Scara, op. cit., pp. 39–40.

⁴³ M. Drygiel, *Adaptacja Unii Europejskiej w procesie budowania pokoju w regionie Bałkanów Zachodnich (EU adaptation in the process of peace building in the Western Balkans)*, Rozprawa doktorska napisana pod kierunkiem prof. dr. hab. Ryszarda Zięby (*PhD thesis supervised by professor Ryszard Zięba*), Warszawa 2013, p. 171.

⁴⁴ Ibidem.

⁴⁵ Ibidem, pp. 171–172.

best practices, human rights and gender policies, the anti-corruption unit and the bodies responsible for communication and outreach to civil society and NGOs”. Furthermore, the mission is pragmatic and familiar to civilians.⁴⁶ Lastly, the mission aims to support the Belgrade-Priština dialogue regarding the rule of law, which it hopes to achieve in close cooperation with the EUSR (European Union Special Representative) in Kosovo.⁴⁷

The mission’s most prestigious achievement is the establishment of the rule of law, as pointed out by G. Scara: according to the EULEX Programme 2012 Report, significant progress was made in the police sector. Between September 2009 and June 2012, eighteen out of thirty-one projects in the police sector were completed.⁴⁸ G. Gravi detailed additional small-scale achievements, such as establishing interaction between Kosovo police and EULEX prosecutors and the reopening of the courthouse in Northern Mitrovica, which was closed for eight months in 2008 because of social and political unrest. “EULEX officials have also begun to handle civil cases, including sensitive ones concerning inter-ethnic property disputes and the controversial privatisation process of state-owned enterprises”.⁴⁹ The EULEX mission attempts to promote sustainable development, but it faces a number of problems which hinder Kosovo’s integration with Europe, such as strained inter-ethnic relations, organised crime and widespread corruption in political circles and public administration.⁵⁰

EU Enlargement Policy and Kosovo

The EU’s enlargement policy is regarded as not only an important process of inter-ethnic and inter-state reconciliation, but also an important step in implementing democratic reforms and building market economy. According to “A Global Strategy...”, “a credible enlargement policy represents a strategic investment in Europe’s security and prosperity, and has already contributed greatly to peace in formerly war-torn areas”.⁵¹ The first step towards political relations between Kosovo and the EU was the Zagreb Summit in 2000, when the Stabilisation and Association Process (SAP) was launched in five countries of south-eastern Europe. Five years later, the European Commission adopted

⁴⁶ G. Grevi, *The EU rule-of-law mission in Kosovo (EULEX Kosovo)*, in: *European Security and Defence Policy. The First ten Years (1999–2009)*, eds. G. Grevi, D. Helly, D. Keohane, Paris 2009, http://www.iss.europa.eu/uploads/media/ESDP_10-web.pdf (20.07.2018), pp. 360–361.

⁴⁷ European Union External Action, EULEX, <http://www.eulex-kosovo.eu/?page=2,16> (21.06.2017).

⁴⁸ G. Scara, op. cit., p. 35.

⁴⁹ G. Grevi, op. cit., p. 364.

⁵⁰ Ibidem, p. 365.

⁵¹ *Global Strategy for the European Union’s Foreign and Security Policy*, op. cit., p. 24.

a document entitled: “A European Future for Kosovo” and the European Council acknowledged the 2008 Kosovo declaration of independence, although it stressed that Kosovo is a *sui generis* case. In 2016, the Stabilisation and Association Agreement between the EU and Kosovo was introduced.⁵² It is important to stress foreign policy priorities of the Republic of Kosovo. Three of them are of particular significance: firstly, the recognition of Kosovo’s independence by an absolute majority of the states within the international community. According to the Kosovo Ministry of Foreign Affairs, Kosovo is recognised by 114 states.⁵³ Secondly, the cultivation of close and unique relations with the United States of America and lastly, the establishment of a strategic partnership with the European Union and NATO, which would lay the foundations for Euro-Atlantic Integration.⁵⁴ It should be stressed that in the case of peace-building and spreading out a safety net, the USA is seen as a strategic player in maintaining peace and stability in the country and region.

Nevertheless, the European Union Office and Special Representative in Kosovo (EUSR) is ever present in the region. The main purpose of the Office is the “promotion of European norms. The Office ensures a permanent political and technical dialogue between Kosovo and the EU institutions. The EUSR offers advice and support to the Government of Kosovo, coordinates the EU presence, and promotes human rights and fundamental freedoms”;⁵⁵ it also helps with the implementation of EU’s financial assistance programme. Furthermore, “the EU’s political and financial commitment to Kosovo is two-fold. The EU provides assistance to meet Kosovo’s institution-building needs and socio-economic development, and it also provides a substantial contribution to the international presence in Kosovo”.⁵⁶ Programmes intended to help integrate Kosovo with the EU have been in existence since the end of the 1980’s. They included PHARE (1989–2000) – pre-accession instruments to assist the applicant countries of Central and Eastern Europe in their preparations for joining the EU; replaced by CARDS (2000–2006) – an instrument of financial assistance to the Western Balkans; support programmes such as PHARE, OBNOVA. Next came a replacement for CARDS, the Instrument for Pre-Accession (IPA) implemented between 2007 and 2013, which supported

⁵² European Council, European Neighbourhood Policy and Enlargement Negotiations, Kosovo, https://ec.europa.eu/neighbourhood-enlargement/countries/detailed-country-information/kosovo_en (24.07.2018).

⁵³ Republic of Kosovo Ministry of Foreign Affairs, International recognition of the Republic of Kosovo, <http://www.mfa-ks.net/?page=2,224> (19.06.2018).

⁵⁴ Republic of Kosovo Ministry of Foreign Affairs, <http://www.mfa-ks.net/?page=2,98> (5.05.2015).

⁵⁵ European Office in Kosovo, Kosovo and the EU, https://eeas.europa.eu/delegations/kosovo/1387/kosovo-and-eu_en (24.07.2018).

⁵⁶ *Ibidem*.

the strengthening of democratic institutions and the rule of law, reforming public administration, carrying out economic reforms, fostering regional cooperation as well as the reconciliation, reconstruction and alignment of the domestic legal system with *acquis communautaire*. The most recent, long-term programme is IPA II (2014–2020).⁵⁷

The accession of Kosovo to the EU is pending as a result of the strained Serbia–Kosovo relations and unresolved sovereignty issues. The Technical Dialogue Agreements between Kosovo and Serbia under a UN General Assembly Resolution in Kosovo-Serbia started in 2011 and came under the auspices of the EU in 2012,⁵⁸ but was not implemented. In the first 2013 ‘agreement on the principles governing the normalisation of relations’, as stipulated by the EU, the following was determined: “The justice agreement is now fully implemented. In October 2017, Kosovo President Thaçi appointed forty Kosovo Serb judges, thirteen prosecutors and their respective support staff, thus finalising the recruitment process of the judicial personnel for the north. All former Serbian judicial personnel are now fully integrated into the Kosovo system, as are Kosovo Serb police and civil protection personnel”.⁵⁹ The following 2015 agreement and its implementation have been slow. Progress is noticeable in the case of the Association⁶⁰ of Serb majority municipalities, and in 2018 Kosovo issued a mandate to the Management Team to begin drafting the statute of the Association. At the beginning of 2018, the European Commission’s *Kosovo 2018 Report* stated that Serbia and Kosovo should normalise bilateral relations and introduce reforms by 2025. Good relations with neighbouring countries and regional cooperation were considered crucial to Kosovo’s accession to the EU. The Berlin Process was mentioned as one of the initiatives fostering regional cooperation among Western Balkan states. In terms of bilateralism, Kosovo developed relations with Albania through bilateral agreements. One of them was a framework Memorandum in cooperation with the diaspora and a Memorandum of understanding between the governments to establish joint consulates, with consular offices committed to reciprocal duties and services opening in Munich and Milan. There is no change in mutual relations with Bosnia and Herzegovina, which still does not recognise Kosovo as an independent state. Montenegro–Kosovo relations are

⁵⁷ A. Jagiello-Szostak, *European integration of the Republic of Serbia – political and economic dimensions*, in: *European union as a Global Actor*, eds. J. Dyduch, M. Michalewska-Pawlak, R. Murphy, Warszawa 2014, pp. 308–309.

⁵⁸ European Council, *European Neighbourhood Policy and Enlargement Negotiations*, Kosovo, op. cit.

⁵⁹ European Commission, *Kosovo 2018 Report*, 17.4.2018, Strasbourg, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-kosovo-report.pdf> (24.07.2018), p. 49.

⁶⁰ *Ibidem*, p. 48.

good. In February 2017, Kosovo adopted a strategy for the affirmation and integration of the Montenegrin minority, and in 2018 signed the agreement on border demarcation, ratified in Podgorica and then by the Kosovo Assembly.⁶¹ In terms of fundamental and human rights, which are important in the case of inter-ethnic relations, the EU 2018 Report observed that those rights are in line with EU standards, but the implementation of human rights strategies and legislation faces several challenges, such as a shortage of resources and inadequate financing (mainly at the local level), as well as limited political prioritisation and lack of coordination.⁶² More protection should be afforded to national minorities and internally displaced persons, as well as to cultural heritage and freedom of expression.

Other sensitive issues include the visa liberalisation movement, reforms in public administration and aspects related to the judicial system and the rule of law. Kosovo received a road map for visa liberalisation in 2012, and in July 2018 the European Commission confirmed that Kosovo fulfilled all visa liberalisation requirements.⁶³ The European Commission stressed that the most important reforms should be aimed at reducing organised crime and corruption. According to Transparency International's Corruption Perception 2017 Index, Kosovo ranks 85th out of 180 countries. Among the Western Balkan states it is ranked third, whereas Bosnia and Herzegovina and Macedonia rank 97th and 107th, respectively, which puts them above Kosovo.⁶⁴

Conclusion

The European Union seems to be a stabilizing factor in the Republic of Kosovo and as such, the peace-building process poses a serious challenge. The most important issues concern the strengthening of and support to reconciliation between Belgrade and Priština, the recent proposals regarding the “revision” of the border with Serbia or multi-ethnic relations. During the process of enlargement, both EULEX and the EU should focus on internal delaying factors such as corruption and organised crime, as well as economic factors which could contribute to renewed instability. The international peace-building process and cooperation (including regional cooperation), as well as the internal involvement of the local population in the demarcation pro-

⁶¹ Ibidem, p. 47.

⁶² Ibidem, p. 4.

⁶³ European Union Office in Kosovo, *Visa Liberalisation: Commission confirms Kosovo fulfils all required benchmarks*, 18.07.2018, https://eeas.europa.eu/delegations/kosovo/48592/visa-liberalisation-commission-confirms-kosovo-fulfils-all-required-benchmarks_en (24.07.2018).

⁶⁴ Transparency International, *Corruption Perception Index 2017*, https://www.transparency.org/news/feature/corruption_perceptions_index_2017 (24.07.2018).

cess (consultations with civil society) can be an incentive to further positive change. P.J. Borkowski and I. Łakomska claim that at the beginning the EU was regarded as the main force contributing to the integration of Europe, but that it has since been accused of pursuing its own agenda.⁶⁵ Kosovo is still on EU “substitute’s bench”. Inter-ethnic cooperation between Serbs and Kosovo Albanians, as well as bilateral relations between Priština and Belgrade are of particular significance in terms of stabilisation and peaceful relations.

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⁶⁵ P.J. Borkowski, I. Łakomska, *Unia Europejska wobec Bałkanów Zachodnich – dywersyfikacja, stabilizacja, demitologizacja (The European Union and the Western Balkans – diversification, stabilization, demythologization)*, “Rocznik Instytutu Europy Środkowo-Wschodniej” (Annals of the Institute for Central-Eastern European Studies) 2009, r. 7, part 2/2009, pp. 69–82.

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