



## The Presence and Activities of UNMIK and KFOR in the Aftermath of NATO Operation against Serbia

*NATO'nun Sırbistan'a Yönelik Operasyonunun Ardından Bölgede Konuşlanan UNMIK ve KFOR'un Mevcudiyeti ve Faaliyetleri*

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**Abstract:** In the aftermath of WWII, Kosovo became an autonomous province of Serbia within the Socialist Federal Republic of Yugoslavia. Already in the 1980s, the riots broke out in Kosovo, demanding a full Republic status of the province. The situation culminated in 1999 when President Milosevic imposed a direct rule from Belgrade over Kosovo, thus forcing NATO to unleash airstrikes on Belgrade to stop widespread atrocities against civilians. After 78 days of bombing, the UN Security Resolution 1244 suspended President Milosevic's rule in Kosovo and formed the United Nations Interim Administration of Kosovo with a NATO peacekeeping element (KFOR). In the context of 1999, following the war, UNMIK's formation was needed and it supported to form institutions and maintain the necessary atmosphere for upcoming administrations. Although Kosovo has marked considerable development in terms of electoral process and judicial system, both UNMIK and KFOR have been criticized in many aspects. Despite the criticism coming from international community, UNMIK and KFOR are still operating in the territory of Kosovo cooperating with other international organizations and European Union mission (EULEX). By drawing on the concept of security, the paper seeks to look into the results throughout almost two decades of the presence of UNMIK and KFOR and analyze their success rate in ensuring conditions for peace and stability.

**Structured Abstract:** Kosovo as a state, which is partially recognized, continues to be a controversial topic due to its status. Kosovo issue caused three main challenges following the collapse of Yugoslavia which are the decision of NATO towards bombing the Federal Republic of Yugoslavia. The operation caught lots of reaction since it did not get authorization from United Nations Security Council. The second problem became apparent when the United Nations Interim Administration of Kosovo was formed in 1999 due to United Nations Security Council Resolution 1244 which suggested Kosovo to gain substantial autonomy and self

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administration right. Accordingly Belgrade would no authority to enjoy in the territory of Kosovo. The third challenge broke out when Kosovo proclaimed its independence.

Following the World War II, Kosovo gained an autonomous province status of Serbia in the Socialist Republic of Yugoslavia. Starting from 1980s, there were protests seen in Kosovo with the aim of gaining full Republic status. The conflict reached its peak in 1999 when President Milosevic applied direct jurisdiction from Belgrade over Kosovo that triggered NATO to start a military operation to halt the animosities towards civilian people. Following 78 days of time, the United Nations Security Resolution 1244 terminated President Milosevic's authority over Kosovo and established United Nations Interim Administration of Kosovo together with NATO's peacekeeping military element Kosovo Force (KFOR). In the aftermath of Kosovo war, 1999, establishment of UNMIK was an immediate need under the circumstance and it played a considerable role in maintaining stable environment for the next elected administrations. Despite the fact that Kosovo covered a considerable distance in democratic and judicial process it caught criticisms from many circles in international community however both UNMIK and KFOR are present in today's Kosovo in cooperation with certain international organizations and European Union mission (EULEX). By using the concept of security, this article tackles with the results of UNMIK and KFOR operations-policies in last two decade and analyze their success in terms of maintaining peace and stability. The theoretical framework leans on the concept of security, which came to the front in the academia especially following the World War II. While the concept of security was correlated with only military based issues, in the post-war period in started to include a more wide range of issues such as economy, energy, food, and technology. The traditional concept of security was reconsidered with the notion of collective security, which loads values and gives priority to international organization that paved the way for the formation of League of Nations and United Nations. During the Cold War, the task of NATO was clear-cut and the enemy was apparent that was the Soviet Union and the expansion of communist regime in the world. Following the end of the Cold War and collapse of the Soviet Union, NATO perpetuated its presence and aimed at sustainable international order by cooperation. In the aftermath of Cold War, NATO passed through a transformative process to maintain a wider framework that would include not only defense skills but would also assure the internalization of norms, values and security guarantees for its new members. With this understanding NATO started a process of positioning itself not only as a defense and military but a collective security organization in a wider perspective. Within this context, NATO's new position assumed maintaining and experiencing collective security gains. Kosovo was the most demonstrative example of such a quest.

The availability of international missions of UNMIK and KFOR, their policies and outcomes show a fluctuating course since 1999. UNMIK happened to accomplish to terminate the chaotic and violent atmosphere following 1999 and became successful in maintaining a safe and stable environment. There are some other accomplishments in the realm of judiciary where UNMIK formed the Department of Judicial Affairs, which is a critical benchmark for further judicial proceedings such as establishment of roughly 60 courts and public prosecutor's offices. Kosovo covered a considerable distance since 2004 in realms of electoral process, judicial framework and independence of institutions whereas in democratic governance, there was no considerable progress. The apparent failure of UNMIK and KFOR is related to the ethnic disputes in the region and unsuccessful in managing the relations among Kosovar Albanians and Serbs. Although there are lots of criticisms coming from international community regarding the policies and existence of UNMIK and KFOR in the region, the two are still operating the region by cooperating with other international institutions and European Union mission (EULEX). After Kosovo's proclamation of independence, UNMIK played an important role to foster the dialogue among the EU and Kosovo which was started in 2013 which has been lasting under the EU framework.

**Keywords:** International Relations, UNMIK, KFOR, NATO, UN

**Öz:** İkinci Dünya Savaşı'nın ardından Kosova, Yugoslavya Sosyalist Federal Cumhuriyeti'nin içinde Sırbistan'ın özerk bir eyaleti konumuna gelmiştir. 1980'li yıllarda, bölgede Kosova'nın tam bağımsız bir cumhuriyet olması yönünde isyanların gerçekleştiği görülmektedir. Sürecin 1999 yılında Başkan Milosevic'in Kosova üzerinde Belgrad'ın doğrudan kontrolüne yönelik adımları sonucunda daha da alevlendiği ve durumun NATO'nun sivillere yönelik katliamlara karşı Belgrad üzerinde gerçekleştiği hava saldırılarını gevşetmeye zorladığı görülmektedir. 78 gün süren bombalamanın ardından BMGK'nın 1244 numaralı kararı ile Başkan Milosevic'in Kosova üzerindeki yönetim hakimiyeti askıya alınmış ve yetkilendirilmiş bir NATO barışgücü (KFOR) ile Birleşmiş Milletler Kosova Geçici Yönetim Misyonu

(UNMIK) oluşturulmuştur. 1999 yılında, savaşın ardından UNMIK'in kurulmasının bölgede oluşan ihtiyaca karşılık gerçekleştiği ve UNMIK'in Kosova'daki kurumların oluşturulmasına, gelecek hükümetler için gerekli atmosferin sağlanmasına destek verdiği görülmektedir. Kosova'nın seçim süreçleri ve adli sistem konularında kayda değer bir başarı göstermesine rağmen hem UNMIK'in hem de KFOR'un bir çok açıdan eleştirildiği görülmektedir. Uluslararası toplumdaki gelen eleştirilere rağmen, UNMIK ve KFOR halen Kosovo topraklarında faaliyet göstermektedir ve diğer uluslararası örgütler ve Avrupa Birliği misyonu (EULEX) ile işbirliğini sürdürmektedir. Bu çalışmada güvenlik kavramı çerçevesinde, yaklaşık yirmi yıldır süren UNMIK ve KFOR'un bölgedeki mevcudiyeti incelenmiş ve söz konusu girişimlerin bölgedeki barış ve güvenliğe yaptıkları katkı analiz edilmiştir.

**Anahtar Kelimeler:** Uluslararası İlişkiler, UNMIK, KFOR, NATO, UN

## Introduction

As a partially recognized state, Kosovo status continues to be disputed to this day. Since the fall of Yugoslavia, Kosovo's issue brought about three challenges that immediately caught the attention of the Western countries. The first challenge came in 1999 when NATO decided to bomb the Federal Republic of Yugoslavia (FRY) due to its potential of destabilizing the whole region and ethnic cleansing of Albanians that lived on the territory of back then the autonomous province of Kosovo and Metohija. The NATO airstrike campaign has been widely criticized as the whole operation went without the green light from the United Nations Security Council (UNSC). The second issue arose when the United Nations Interim Administration (UNMIK) of Kosovo was created in 1999 via UNSC Resolution 1244. The Resolution provided Kosovo would have substantial autonomy besides a true self administration within FRY (UNSC Resolution, 2019). According to the Resolution 1244, Belgrade had no power to practice an authority in the region of Kosovo, despite the fact that formally this region remained as part of FRY (Coppieters, 2007: 1-2). The third challenge appears when Kosovo proclaimed its independence.

On 17th of February 2008, Kosovo declared its independence from Serbia. Germany, Britain and France were the first to recognize the newly founded state as early as Monday, whereas some states that have concerns on separatist movements in their own territories have announced that they will reject to recognize an independent Kosovo (Bilefsky, 2019). As a consequence five of the EU member countries namely, Greece, Cyprus, Romania, Spain and Slovakia – as well as the Russian Federation, Brazil and China, did not recognize the newly founded state. While the U.S. was more than supportive of independence, with President Bush stating that they would cooperate with the leaders of the newly founded state to ensure a transition to independency. While the Russian ambassador to the United Nations called Kosovo's independence as a violation of international law (Charles, 2019). Nonetheless, the non-recognition on behalf of some countries does not prevent Kosovo to be part of EU enlargement prospectus. Following a consensus between Belgrade and Pristina on normalising relations under Brussels Agreement dated April 2013, the European Council took the decision to start negotiations on an Stabilisation and Association Agreement with Kosovo in the same year's June (European Parliament, 2009).

Regardless of the country's aspirations towards the EU as a full-fledged state, Kosovo remains to be home for UNMIK to this day. Initially resting on four principles, i.e. *Police and justice, Civil administration, Democratization and institution building, Reconstruction and economic development*, of which only Police and justice, as well as Civil administration, was meant to be led by the UN, whereas the third pillar was in the control of OSCE and the fourth one was led by the EU (Nurboja, 2005: 344). However, after Kosovo gained independence, UNMIK's role has been limited and often criticized for that. As of July 2019, UNMIK has cut its staff substantially, now comprising 347 people, including 113 international staff, 219 national staff and 24 UN volunteers (all together comprising Civilian personnel) and 18 uniformed personnel, including 8 military observers and 10 UN police officers (UNMIK). Although reduced in staff and without the

initial tasks and obligations after its establishment, the mission of UNMIK remains to maintain peace and stability in Kosovo by closely cooperating with Kosovo authorities, along with a new objective of facilitating and engaging in a constructive collaboration within Belgrade-Pristina dialogue.

In 2018, the ex-UN Ambassador to the United Nations, Nikki Haley wrote a letter to the UN Secretary General, urging the UN to withdraw UNMIK from Kosovo. As she put it, UNMIK remains unchanged, despite progress indicated by UNSC members stressing that UNMIK already completed its mission (Die Morina, 2018). In this respect, this report will engage in the analysis of UNMIK and KFOR roles in ensuring peace and stability that started to take shape in the aftermath of the bombing of the FRY in 1999. Following the NATO operation, international peacekeeping missions were deployed to Kosovo with an objective, among others, to maintain secure conditions for the people in Kosovo and accomplish the return of refugees and displaced people in a secure way (UNSC). This paper, therefore, seeks to examine the rate of effectiveness of UNMIK and KFOR since their establishment in 1999. It will argue that the reasoning behind the establishment of UNMIK and KFOR was firmly grounded in the political environment at that moment in time. Nonetheless, with the proclamation of Kosovo's independence and formation of the full-fledged government, the roles of international missions became obsolete.

### **The Concept of Security**

The studies on security within international relations particularly gained importance after World War II when the concept of international security emerged in a new post-war environment. While previously being connected solely with the military sphere, the concept of security has nowadays been defined in several ways and interlinked with areas, such as military, economy, identity, energy, science and technology, food and discussed thoroughly in the international relations' studies. Different understandings and definitions of security appeared among international relations scholars. The notion of security is interesting to study in as much as it instills a certain issue with a particular sense of urgency (Boemcken and Schetter, 2016: 4).

Baldwin (1997) describes security as a low probability of damage to acquired values (Baldwin, 1997: 13). In a parallel way Lawrence Kraus and Joseph Nye explain security "as the absence of acute threats to the minimal acceptable of the basic values that people consider essential to its survival" (Krause, Nye, 1975: 330). Buzan (1991) goes a step further and delineates different elements of the very concept, defining it as a "pursuit of freedom from threat and the ability of states and societies to maintain their independent identity and their functional integrity against forces of change which they see as hostile" (Buzan, 1991: 432). Moreover, he defines five categories of security which are interconnected and impact one another in specific ways. In this respect, *military security* includes having both armed offensive and defensive capabilities within a state, while *political security* focuses on the organisational stability of states, systems and governments and ideologies that legitimizes them. Since the state is a political formation, a political risk that would undermine that formation is regarded as an equivalent of a military threat. Such political threats could appear in a rival ideology or it could directly assault to the state itself (Stone, 2009: 5). *Economic security* entails the access to resources, markets and finance with an aim to ensure the necessary level of welfare and state power, *societal security* involves countries and their ability to produce habitual path of language, culture, religion and identity, whereas *environmental security* defines the security of biosphere as crucial for the sustainability of the complete mankind. In all of these interpretations, the objects of the security are either people or states (with an exception of Buzan whose concept of security is disintegrated into five categories, subsequently leading to several different objects). The third object, which seems to be one of the most studied ones, is international systems. Buzan (1983) argues that setting a policy that combines factors national security strategy and international security one is optimal (Buzan, 1983: 112).

The traditional concept of security is, however, expanded with the notion of *collective security* that adheres to values of international organisations and, what is more, lies at the core of the League of Nations and the United Nations. Following the collapse of the Soviet Union, the collective security again gained prominence among states with a view to finding a new stable international order by cooperating. Inis Claude defines collective security as a peace-enforcing system which rests on international norms that does not oppose using coercive force to combat attacks in necessary cases (Inis Claude Jr, 1969: 108-110). Roberts and Kingsbury see collective security as a consensus where each country in the system agrees that security of any state matters for all states and accepts to act in a collective action to any attack (Roberts and Kingsbury, 1993: 30). This, in turn, implies an internal agreement between the states, a regulatory legal framework which defines the norms that states should abide and rules in case of a threat or attack. The aim of collective security, according to Delbruck is to decrease the dependence of self-help as a rather crude instrument of law enforcement (Delbruck, 1992: 646). Andreatta notes that collective security is composed of three elements: an agreed procedure or a treaty to govern the decisions of the international community; states renouncing armed struggle as an act with the exception of self defence; states pledging to support any state victim of an attack should somebody disregard the first element (Andreatta, 1996: 42).

In light of this, in 1949 NATO was formed as a defense based organization among North America and Europe contrary to a particular rival – Soviet Union. The essence of collective defence lies at the core of NATO's Article 5, which stipulates that if an armed attack occurs to each of the Parties, they have the responsibility to “exercise the right of individual or collective self-defence recognized by Article 51 of the Charter of the United Nations“ (NATO). However, following the fall of the Soviet Union, NATO embarked on a transformative process in a search of a broader framework that would encompass not only defense capabilities but would also ensure the transposition of norms, values and security guarantees for its new members. By doing so, the organisation stepped into the process of defining itself not as a defense but a collective security organisation. NATO's new role, in this respect, presupposed producing and sharing collective security gains as well as different character within the context of a collective security concept (Valvis, 2007). Kosovo was the most demonstrative example of such a quest.

### **Kosovo's Status in the Former Yugoslavia and Beyond**

The Socialist Federal Republic of Yugoslavia (SFRY) came into existence following WWII in 1945 and existed until 1992 when it fell apart. Throughout its existences, SFRY rested on two basic clusterization. Firstly a distinction became apparent among the *nations* and *republics* in a sense that six socialist republics of SFRY existed (Bosnia and Herzegovina, Croatia, Macedonia, Montenegro, Serbia and Slovenia) but only four nations (Croats, Macedonians, Serbs and Slovenes). Another distinction was among *nations* and *nationalities*, according to which the Albanians of Kosovo were assumed as nationalities rather than nation where they were not allowed to proclaim independence, separation or self-determination due to the Constitution (Rich, 1993: 38-39). Kosovo and Vojvodina were two autonomous provinces within Serbia with considerable autonomy provided by SFRY in realms, such as education, security and judiciary. Albanians and Serbs have divergent views on the history, culture and their common geographical land. For the Serbs, Kosovo is the historical cradle of the Serbian nation and the centre of the medieval Nemanja Empire, whereas the Albanians correlate their roots to the Illyrians that descended in the Balkan region well before the Slavic populations (Abazi, 2001:58). Before any tensions with political connotation arose among the Kosovar Albanians, the cultural and many other diverging perspectives existed between them, thus creating a serious impediment for the cohabitation of the two nations.

By 1981, the entire population of Kosovo was roughly 1,585,000 whose 1,227,000 (77%) belong to Albanians and 210,000 (13%) belong to Serbs (The International Criminal Tribunal for

the Former Yugoslavia). Already at the beginning of the 1980s Kosovar Albanians were not satisfied with the position within Serbia, urging for more political liberalisation and the republican status of Kosovo. The first student demonstrations in Kosovo were registered in 1968 which coincided with the student movement in Europe. While 1968 was solely the beginning, the protest of 1981 in Pristina, one year after Tito's death, brought to the surface many problems that were not dealt with earlier, which included unemployment and the underfunded and overcrowded universities. Kosovo's proportion of students was 274.7 per 1,000 inhabitants, which is the top education level within SFRY, considering the national median was 194.9. However, what was student demonstration at the beginning, soon turned out to more politically motivated protests (Pavlovic, 2013). The student protests in 1981 were organised by Albanian nationalist groups which had left leanings aiming at gaining a political status of Kosovo within SFRY (Nika, 2018: 167). The tensions between Serbs and Kosovar Albanians continued throughout the decade and intensified in 1987 when Slobodan Milosevic became the president of Serbia and obtained de fact control over Kosovo.

In the break-up of Yugoslavia in 1992, the SFRY was succeeded by FRY that comprised Serbia and Montenegro. Within the new arrangement, Kosovo lost its autonomous status and became a province of Serbia with 90% of the Albanian population at that time. Having this in mind, the fact that a 1991 dated referendum resulted in 87% turnout and a 99,87% vote for independence came as no surprise for anyone (Rich, 1993:61). However the European Community happened to recognize Slovenia, Croatia, Bosnia and Macedonia but Kosovo was not. Kosovar leaders not being called to join peace negotiations, subsequently leading to the province's future being correlated to that of Serbia's (Bellamy, 2010: 16).

The tensions between Serbs and Albanians in Kosovo culminated under Milosevic second term as the president of FRY. When Kosovo's autonomy in 1989 was repealed and the following centralisation wave in Belgrade brought an increase in oppressive policies. As a response, the Kosovo Liberation Army (KLA) was formed in 1996 as a consequence of several movements of resistance that had taken place throughout the 20<sup>th</sup> century in Kosovo. Many of the founding members of KLA were once part of an armed group the *People's Movement for Kosovo* (LPK) which was, due to the nature of the organisation, been under prosecution by the authorities. In the first half of the 1990s, when the wars in Croatia and Bosnia broke out, Kosovo was totally sidelined and remained on the margins of the international corridors of power, despite Kosovo's intentions to attract international attention (Bekaj, 2010:16).

This, however, changed in early 1998 when armed clashes between Albanians and Serbs broke out in Kosovo. President Milosevic ordered a siege of the village Prekaz, where one of the KLA leaders lived, and killed 56 members of his family. This was the trigger for many Albanians to voluntary join KLA ranks and fight Serbian forces across Kosovo. Serbian forces responded to clashes by attacking settlements, via air forces and armoured vehicles, supported by sudden raids to the homes and haphazard arrests, leading to 200,000-300,000 Albanians being displaced from their hometowns from April to September 1998 (OSCE, 1999:5). For the sake of resolving Kosovo crisis which was unveiling at a fast pace, the UNSC adopted a resolution, enforcing an arms embargo on the FRY, urging political leaders in Belgrade to start a political process for the Kosovar Albanian community and defeat violence and terrorism (UNSC, 1998). President Milosevic, however, having overwhelming support at home rejected warnings from the international community and interference of any kind in Kosovo conflict, by authorising armed offensive across Kosovo. The deteriorating humanitarian and political situation in Kosovo was sought to be resolved for the last time by *Rambouillet Agreement* between FRY and Albanian representatives of Kosovo. The agreement contained provisions which would allow for a three-year interim period, Kosovo to have autonomous institutions for a three-year interim period, such as its own elected assembly, president and the constitutional court, whereas NATO would deploy 30,000 enabling force to ensure implementation of the agreement (OSCE, 1999:7). The agreement went beyond what FRY

authorities saw as acceptable, especially the provisions ensuring the presence of NATO forces and the international community. The western community was more than familiar with the massacre in Srebrenica, Bosnia and Herzegovina in 1995 and did not want the same to happen in Kosovo. The continuous and ongoing conflicts in Kosovo were pointing out to that direction, which is why the NATO member states knew they had to react, regardless of the consequences.

### **NATO's Intervention and the Establishment of UNMIK and KFOR**

On March 24, 1999, NATO for the first time in its history started to take action not contrary to a state but went to war for the first time in its fifty-year history not against the country, but a politician – Slobodan Milosevic, who was responsible for the killing of almost 2000 people and displacement of hundreds of thousands from their homes (Daalder and O'Hanlon, 2000:1). The official code name for the NATO attack was *Operation Allied Force* and it lasted until the agreement was reached that subsequently caused removal of FRY armed elements from Kosovo. NATO was criticised as it started the operation without any authorization of UNSC due to veto from Russia and China. Thereby it became the first example where NATO used force without the official permission from the UN Security Council and the second major operation after the 1995 bombing campaign in Bosnia and Herzegovina. Nonetheless, NATO decided to proceed with the armed attack on FRY. The NATO bombing campaign, which lasted for 78 days, was welcomed by the KLA forces which saw themselves as NATO ground team. By June 1999, Milosevic was pushed by his inner circle to reach an agreement which would stop the NATO bombing (Hosmer, 2001:xvi). Several factors influenced president Milosevic's final decision to succumb to NATO pressure and cease the bombing.

First and foremost, the military forces on the ground faced a stalemate or even defeat, chances to get the better deal if the bombing was prolonged was non-existent, the cost of damage would be much higher when compared to the costs of concessions the NATO was demanding (Hosmer, 2001:126-127). Finally, President Milosevic agreed to sign the Military Technical Agreement with NATO's Kosovo Force on 9 June 1999 thus seizing the NATO airstrikes and ending the 78-bombing campaign against FRY. During the NATO military campaign, minimum number of casualties was 2,500 and 12,500 were wounded, but the exact total loss of life remains uncertain. It is also assumed that NATO operation damaged 25,000 houses and wiped 470 kilometres of roads and 600 kilometres of railway off (Zivanovic and Haxhiaj, 2019). By the time the Kosovo war was over, there were approximately 12,000 Albanian casualties, whose greater part were civilians; more than 3,500 were unaccounted for; 120,000 homes had been looted, harmed or wiped off; Kosovar Albanian women were raped during the war; approximately 900,000 Albanians were displaced from Kosovo (Bekaj, 2010:25-26).

The following day, on 10 June 1999, the UNSC adopted the Resolution 1244 established UNMIK, thus laying the grounds for the external actors' presences in Kosovo with the aim of setting an autonomy and self-governance, dissuading animosities, implementing and accomplishing ceasefire, maintaining public safety, fulfilling border monitoring duties (UNSC Resolution, 1999). The head of UNMIK is the Special Representative of the Secretary-General for Kosovo (SRSG) who chairs the activities of UNMIK and its pillars and carries out the political process to shape Kosovo's future status (Council of Europe, 2005: 8).

The governance responsibilities in Kosovo since 1999 were divided between UNMIK and Provisional Institutions of Self-Government (PISG) which had certain autonomy in terms of powers. Although the dissatisfaction with UNMIK's administration grew, it was only in 2004 that the interim administration faced the lowest approval ratings by the local population. While UNMIK nonaction prepared suitable conditions for de facto partition of the Kosovar region in Albanian-controlled territories and Serb enclaves, its multi-ethnicity methods in Albanian-led regions did not give tangible outcomes, causing even a negative reaction from the local circles (Lemay-Hebert, 2009:73). Apart from UNMIK, the international security force, the Kosovo Force (KFOR) has been

the primary peace-support element in Kosovo since 1999. It acquires its authority from UNSC Resolution 1244 and the Military-Technical Agreement between NATO, the FRY and Serbia which was signed in the city of Kumanovo on 9 June 1999 and put a stop to NATO's bombing campaign.

Since its formation, KFOR's aims were to dissuade renewed animosities, maintain a safe atmosphere and public safety, demilitarize the Kosovo Liberation Army, bolster the international humanitarian attempts and cooperate with the international civil presence (NATO, 2019). Other KFOR's tasks included "reconstruction and demining; medical assistance; security and public order; security of ethnic minorities; protection of patrimonial sites; border security; interdiction of cross-border weapons smuggling; implementation of a Kosovo-wide weapons, ammunition and explosives amnesty programme; weapons destruction; and support for the establishment of civilian institutions, law and order, the judicial and penal system" (NATO Brochure). KFOR is controlled by NATO and to this day continues to maintain a safe and stable atmosphere in Kosovo, additionally supporting Belgrade-Pristina dialogue. At the beginning of its mandate, KFOR was made up of 50,000 men and women, out of which approximately 42,500 were from over 30 countries and based in Kosovo and another 7,500 gave back support through troops located in the Former Yugoslav Republic of Macedonia, in Albania, and in Greece (Wentz, 2002:35).

#### ***The Success Rate of UNMIK and KFOR: Challenges and Opportunities***

Several issues arose during the highest activity of UNMIK administration which questioned the legal frameworks of the international missions. UNMIK and KFOR, being a force on the ground, had the obligation to respect the sovereignty and territorial integrity of back then the State Union of Serbia and Montenegro but chose instead to issue passports from 2000 to 2008, which belong to the sphere of territorial integrity of a state. Although the travel documents, including ID cards and drivers licences, were recognized by 39 European and other countries, Serbia failed to recognize the documents, referring to the UNMIK documents as invalid (Baxhaku and Borovic: 2005, 277). This implementation practice of UNMIK can be assumed as a wide interpretation of the authorities allocated by Resolution 1244 which on several counts is not compatible with the de jure sovereignty of the FRY guaranteed inter alia by Resolution 1244. Another problem was related to SRSG. By holding the full interim responsibility for Kosovo, SRSG had all the power – judicial, legislative and executive, with the authority not only to appoint but also to discharge member of the judiciary, an authority which he proceeds as the primary authority even under the Constitutional Framework (Friedrich, 2005:277). One of the criticisms towards UNMIK was, therefore, the fact that SRSG could not be held accountable to the local population and also exercised a certain level of autonomy of his office (Lemay-Hebert, 2009:67). This was going against the initial idea of establishment of an interim administration that would face the same requirements as any legitimate government.

Furthermore, during the Kosovo war, around 8,000 people from Roma, Ashkali and Egyptian minorities were compelled to leave their homes in Mitrovica, after which UNMIK resettled around 600 of them in the camps which were contaminated from an industrial mine nearby. In 2017, following the thorough investigation by UN Human Rights Advisory Panel, it was decided that the UNMIK was responsible for widespread lead poisoning at UN-run camps in Kosovo and were subjected to paying the compensations for having affected people's rights to life (UN, 2019). The accusations were severe as they included the violations of several human rights, including the rights to life, health and non-discrimination. As time passed since the formal establishment of UNMIK, the mission faced legitimacy problems in the eyes of the local population, on the one hand, Kosovar Albanians, who were losing patience with the stalemate and the non-resolution of their status and, on the other hand, Serbs minority who were concerned about securing their rights.

Above all, the lack of transparency and auditability of UNMIK and other external organizations in Kosovo has a considerable part in decreasing public support in the activities of those organizations (Human Rights Watch, 2007). The situation escalated in February 2007, when UNMIK police used teargas and rubber bullets amid an array of violent protests. Last but not least, in March 2004 violent riots broke out, involving more than 55,000 people across Kosovo, leaving nineteen dead and thousands injured. In this specific case, UNMIK failed to provide additional support and push for more vigour pressure on judiciaries to pursue the people responsible for these riots. What is more, the unsuccess to ensure justice for March 2004 has strengthened the idea among Serbs and other minorities that there is no tendency to ensure transparency for violence against minorities in Kosovo.

Besides, between 1999 and 2008, UNMIK took charge for the interrogation and trials regarding war crimes that took place in the period of Kosovo war. Following a thorough investigation of Amnesty International, the organisation came to the conclusion that UNMIK should be held accountable for having failed to investigate potential criminal liability thus contributing to the atmosphere of immunity from fines. Through its investigating authorities, including KFOR and UNMIK Police Missing Persons Unit, UNMIK was responsible for investigating each case and proceeding further with the investigation. In many cases, Amnesty International found that UNMIK failed to promptly gather evidence or gather complete documentation, record statements by complaints or witnesses and maintain investigative files and renew investigations (Amnesty International, 2013:9-10).

Despite these challenges, UNMIK did, however, contribute to the improvement of the situation in Kosovo throughout the years. For instance, UNMIK established the Department of Judicial Affairs in July 1999 which afterwards turned to the Department of Justice which played a critical role for solving problems regarding missing persons. Besides, the Prosecution Services and Court Administration Section of the DOJ was a crucial factor in the formation of 60 courts and offices of the public prosecutor across Kosovo with roughly 1,500 member of judiciary and related personnel. In 2000, UNMIK undertook the first real step towards the establishment of provisional institutions of self-government by transferring the authority to Municipal Assemblies which was the closest to the local administration governance it could get (Friedrich, 2005:257). UNMIK also facilitated the formation of an authority for international judges and prosecutors to tackle with bribery, fraud and related crimes, whereas increased number of judicial institutions were formed in 2007, inclusive of the Kosovo Special Prosecutor's Office and the Legal Aid Commission (United Nations Mission in Kosovo). In the beginning of 2007, UNMIK started to transfer competencies related to penal administration, missing persons, and legal medicine to the Ministry of Justice. Legislation procedure by the Parliament has developed, whereas their applications and enforcement continued to be a question (Deda, 2008: 317).

Furthermore, in 2004, according to Freedom House (Freedom House), Kosovo's average score in *electoral process* was 5,25 (on a range from 1 to 7 with 1 showing the top level of democratic development and 7 the minimum), whereas in 2009, one year following Kosovo's proclamation of independence, the score was 4,75 which marks an increase in the efficiency of electoral process by almost 10%. In comparison, the score in 2018 was even better – 4,50, thus making progress of 14,2% in electoral process rating. Along the same lines, the score for *judicial framework and independence* in 2004 was 6,0, while in 2009 it was 5,75, hence noting a slight increase in this category by 4,1%. However, ten years after Kosovo's independence, the *judicial framework and independence* of Kosovo stands at 5,50, which marks again an increase in comparison to 2004 by almost 9%. These results show that Kosovo continued to progress in certain areas related to democratic governance since its independence. With its independence, Kosovo also gained more autonomy in self-governance and by the time the decision-making structures were in the hands of Kosovo's authorities rather than UNMIK.

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### Conclusion

The presence of international missions of UNMIK and KFOR has shown a mixed track record, with both noted achievements and failures since 1999. UNMIK succeeded in calming the volatile situation after 1999 and managed to secure a stable environment. Other achievements were related to the Department of Justice, where UNMIK established the Department of Judicial Affairs that represented a stepping stone in later establishment of more than 60 courts and public prosecutor's offices. Besides, a track record in the electoral process and judicial framework and independence of institutions did make substantial progress from 2004 to this day. In certain areas of democratic governance, Kosovo did make noticeable progress (Wentz, 2002:58).

One of the failures of UNMIK and its dedicated KFOR were connected to a substantial extent with the inability to deal with ethnic conflicts and the relations between Kosovar Albanians and Serbs. The Albanians of Kosovo, having come to terms with their placement in Yugoslavia, sought out the most favourable conditions for the continued existence in the federation, which culminated with several student protests around Kosovo starting from 1968 (Wentz, 2002:58). This marked the beginning of politically motivated protests of Kosovar Albanians whose vocal demands for full equality with Serbs were becoming louder. Despite the collaborative attempts by UNMIK and KFOR, the organized oppression and torture towards the non-Albanians by Albanian radical groups since 1999 has lasted to be the primary barrier to any considerable development in forming a multi-ethnic, multi-cultural and multi-religious society (Radeljic, 2008:7). On top of that, one of the critics to UNMIK and KFOR was that they did not succeed in administering the process of prosecution of people related to war crimes, political plots and systematic crimes, as well as protection of witnesses. In its report 2013, Amnesty International reported on UNMIK's legacy in the realm of human rights, stating that it became unsuccessful to tackle with the issue of missing persons when people informed about their missing relatives following the war.

Despite the criticism from the international community UNMIK and KFOR continue to operate on the territory of Kosovo, together with other international organisations and European Union mission (EULEX). Following Kosovo's declaration of independence, UNMIK's role boiled down to the facilitation of dialogue between Belgrade in Pristina that was established in 2013. Having in mind that these negotiations are conducted under the EU framework, thus becoming a viable condition for any future progress in EU integration of both countries, UNMIK's role remains quite limited in this area as well.

In the context of 1999 and the years that followed, the UNMIK's establishment was logical and very much needed. Without any doubt, the interim administration has helped to create institutions and lay ground for the formation of future governments. Kosovo has marked progress in terms of the electoral process and establishing judicial framework and independence in this respect. The decision on withdrawal of these missions is further complicated with the fact that Kosovo is not a fully-fledged state recognized by all countries. This situation will most probably prolong the final decision to withdraw UNMIK and KFOR permanently from Kosovo. This might change only when the relations between Kosovo and Serbia are normalised, although that scenario does not seem very likely to happen soon.

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