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# **KOSOVO'S PARTICIPATION IN PEACEKEEPING MISSIONS: AN EFFECTIVE TOOL IN FOREIGN POLICY**

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# EXECUTIVE SUMMARY

Kosovo's current isolation and the lack of country's clear path to membership in key regional and international security organizations and mechanisms such as the United Nations (UN), the North Atlantic Treaty Organization (NATO), the Organization for Security and Cooperation in Europe (OSCE) and the European Union (EU) has not only frustrated the country's ability to become part of the global security infrastructure, but it has also held back its chances to participate and contribute to the various peacekeeping missions worldwide. Even in instances when such prospects are plausible, Kosovo's potential to participate in EU security mechanisms as foreseen by the Stabilization and Association Agreement (SAA) through EU's Common Security Defense Policy (CSDP) are further stunt by the rejection of Kosovo's independence of the five EU member states. This paper explores the opportunities offered by the SAA as a potential pathway to Kosovo's participation in EU's peacekeeping operations and missions.

## KEY FINDINGS

The Stabilization and Association Agreement, in particular the chapter on Political Dialogue, offers a momentum for Kosovo to initiate political dialogue on participation in peacekeeping operations and missions. The EU's lack of consensus on Kosovo's independence coupled with the fact that five EU member states do not recognize Kosovo make it unlikely that EU will insist on Kosovo's participation in peacekeeping missions. Therefore, this calls for a more robust stance from the Ministry of Foreign Affairs in pushing for a policy dialogue regarding this issue.

- The SAA enables Kosovo to initiate the policy dialogue on security and defense through Stabilization Association Council. In response, the Kosovo government should draft documents to align Kosovo's foreign policy with EU's, especially as it pertains to peacekeeping operations and missions.
- Kosovo's laws encourage the country's participation in peacekeeping operations and missions. However, in line with Kosovo's current security infrastructure, the legal framework regulates the participation of the Kosovo Security Force troops in peacekeeping missions, yet the laws do not address the deployment of civilian capacities in such operations. Due to the rising significance of EU's civilian missions, the legislative framework regulating the deployment in civilian missions should be drafted. Parallel to legal framework, the KSF should continue its core training for search and rescue operations, control and clearance of dangerous materials, explosive weaponry disposal, fire-fighting and other humanitarian and peacekeeping tasks, in order to be prepared to serve in such operations and missions.
- Kosovo institutions should emphasize the technical nature of Kosovo's participation in CSDP missions in a bid to overcome the internal EU divisions regarding Kosovo's independence same as EU had done when deploying CSDP mission, EULEX, in Kosovo.

# INTRODUCTION

All Western Balkan countries with the exception of Kosovo participate in international peacekeeping operations. Their contribution takes place within the framework of the UN, NATO, OSCE and most recently these Balkan countries participate in EU peacekeeping operations. In addition, all the countries in the Western Balkans as candidates or potential candidates of EU accession have signed Framework Partnership Agreements (FPA) with the EU. FPAs institutionalize the cooperation on CSDP operations and missions between EU and third states.<sup>1</sup> So far, such agreements are signed with Albania, Macedonia, Serbia, Montenegro and Bosnia and Herzegovina. On top of this, since 2004 Albania has contributed to EU's military operation in Bosnia and Herzegovina (EUFOR ALTHEA), the EU Training Mission in Mali (EUTM Mali) and in EUFOR Tchad/RCA. Macedonia has also participated in EUFOR Althea since 2004 while Montenegro has contributed to EU's counter-piracy military operation in the Horn of Africa (EU NAVFOR Somalia) and the EU Training Mission in Mali (EUTM Mali). Serbia has participated in EU military operation in the Central African Republic (EUFOR RCA) since 2014, the EU Training Mission in Mali (EUTM Mali) and EUNAVFOR Atalanta in Somalia.<sup>2</sup> Bosnia and Herzegovina has not yet participated in any EU peacekeeping mission; however, the country's armed forces have participated in various UN and NATO peacekeeping missions.<sup>3</sup>

As this involvement of the countries of the Western Balkans attest, the emerging global security threats in recent years have called for an increased involvement of the Western Balkans countries in international peacekeeping missions, opening a window of opportunity for countries who were formerly security consumers to become security providers, in part due to their experience with such missions following the 1990s wars in the region. Despite its long experience with peacekeeping missions ranging from UN Mission in Kosovo (UNMIK) to NATO's Kosovo Force (KFOR), and EU's Rule of Law Mission in Kosovo (EULEX), Kosovo

1 Thierry Tardy, "Revisiting the EU's security partnerships," European Union Institute for Security Studies, 2018. (Accessed 18 May 2018), Available at <https://www.iss.europa.eu/sites/default/files/EUISSFiles/Brief%201%20Security%20Partnerships.pdf>

2 Thierry Tardy, "CSDP: getting third states on board," European Union Institute for Security Studies, 2014. (Accessed 18 May 2018), Available at [https://www.iss.europa.eu/sites/default/files/EUISSFiles/Brief\\_6\\_CSDP\\_and\\_third\\_states.pdf](https://www.iss.europa.eu/sites/default/files/EUISSFiles/Brief_6_CSDP_and_third_states.pdf)

3 Pierre Minard, Bosnia & Herzegovina: a new CSDP contributor? European Union Institute for Security Studies, 2016. (Accessed 18 May 2018) Available at [https://www.iss.europa.eu/sites/default/files/EUISSFiles/Alert\\_12\\_Bosnia\\_FPA.pdf](https://www.iss.europa.eu/sites/default/files/EUISSFiles/Alert_12_Bosnia_FPA.pdf)

stands as an exception. It is the only state in the Western Balkans that does not participate in any peacekeeping missions. This lack of participation has left Kosovo unable to benefit from peacekeeping engagements as an important tool in advancing security and military reforms.<sup>4</sup> It also prevents Kosovo from becoming part of a global commitment to preserve peace and stability and enforces a continuous perception of Kosovo as a security consumer that undermines Kosovo's regional and international cooperation in the field of peace and security.

Kosovo's uncertain membership prospects in key international organizations such as UN, NATO, OSCE or the EU have constrained the country's will to contribute to peacekeeping missions. Yet, with the Stabilization Association Agreement (SAA) – signed between the EU and Kosovo in 2015, new possibilities could be looming on the horizon for Kosovo as the political dialogue also covers cooperation with international organizations on matters concerning justice, freedom, and security.

Following the inclusion of the Western Balkans in the EU Global Strategy<sup>5</sup>, where the concept of resilience<sup>6</sup> is one of the key EU foreign policy priorities, Kosovo would benefit by contributing to peacekeeping efforts, but could also use it as an effective tool of foreign policy and establish relations with international organizations on a different level – as an equal partner in providing security.

As Kosovo's participation in EU and its mechanisms is highly affected by five EU member states that do not recognize Kosovo, this paper explores how SAA could be rethought as an opportunity for Kosovo's participation in EU peacekeeping missions. It also analyzes the existing legal framework for such participation and maps the potential capacities and areas of expertise in which Kosovo can actively contribute. As such, this analysis is the first policy brief of this kind that aims to lay the foundations to the blueprint of Kosovo's participation in peacekeeping missions and the use of this opportunities as a tool to further Kosovo's foreign policy goals.

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4 Peacekeeping missions and operations are perceived as key for military interoperability experience and lately for the improvement of civil-military relations. Read on how Croatia used peacekeeping as a tool to advance its security and military reform before its EU accession <http://www.providingforpeacekeeping.org/2014/08/13/peacekeeping-contributor-profile-croatia/>

5 "Shared Vision, Common Action: A Stronger Europe A Global Strategy for the European Union's Foreign And Security Policy," *EEAS* (2016) (Accessed 18 May 2018) Available at [http://eeas.europa.eu/archives/docs/top\\_stories/pdf/eugs\\_review\\_web.pdf](http://eeas.europa.eu/archives/docs/top_stories/pdf/eugs_review_web.pdf)

6 The EU Global Strategy explains resilience as a comprehensive concept which refers to a state's adaptability to different difficult situations as a means to sustain national development goals, state's potential to enhance and preserve its key functions and to manage opportunities. Also, EU perceives EU conditionality regarding enlargement as crucial to enhance resilience in Western Balkan countries. Moreover, EU does not take for granted the resilience of these countries and it continuously tries to promote rule of law, good neighbor relations, political reform and economic convergence. For more information on how EU frames this concept read : [https://eeas.europa.eu/sites/eeas/files/join\\_2017\\_21\\_f1\\_communication\\_from\\_commission\\_to\\_inst\\_en\\_v7\\_p1\\_916039.pdf](https://eeas.europa.eu/sites/eeas/files/join_2017_21_f1_communication_from_commission_to_inst_en_v7_p1_916039.pdf)



# THE CSDP FRAMEWORK: EU AS AN INTERNATIONAL ACTOR

Globalization has significantly affected international peace and security. The challenges that were brought on by the 1990s wars in the Balkans, the threat of homegrown terrorism and refugee crises that have rocked Europe in the past two decades, have exposed key weaknesses in EU's ability to act and respond in its neighborhood. In many ways, the wars in Bosnia and in Kosovo created a momentum for the EU to commit to create a more effective and robust defense policy as a means to secure its international security role.<sup>7</sup> The member states understood the need to adapt to new security challenges and a new geopolitical climate.<sup>8</sup>

As challenges grow in number and frequency, states are not always capable of protecting their population, giving renewed importance to international security organizations, primarily the UN as the biggest multilateral organization that deploys peacekeeping missions and NATO as an intergovernmental and regional military alliance concerned with peace, security and defense. These developments gave a sense of urgency to Europe to take more responsibility and share in the burden for international peace and security and to present itself as a global strategic actor.<sup>9</sup> As a result, the EU has chosen to address such complexity by establishing The Common Security and Defense Policy (CSDP).

The CSDP came to existence at the beginning of this millennium. The idea was initiated by the UK and France in order to create a balance of power in Europe while simultaneously reducing

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7 Alistair J.K. Shepherd, "A Milestone in the History of the EU: Kosovo and the EU's International Role", *International Affairs* 85, no.3 (2009): 513-530, Accessed 18 May 2018, [https://www.jstor.org/stable/27695028?seq=1#page\\_scan\\_tab\\_contents](https://www.jstor.org/stable/27695028?seq=1#page_scan_tab_contents)

8 The new millennium gave rise to terrorism as a key international threat, hybrid threats, climate change, economic volatility and energy insecurity which led to violent conflicts around the globe. Read more on Micheal Sheehan, 'Changing character of War' in *The Globalization of World Politics: An introduction to international relations*, ed. John Baylis, Steve Smith and Patricia Owens (Oxford University Press, 2011).

9 Han Dorussen, Emil J. Kirchner and James Sperling, 'Sharing the Burden of Collective Security in the European Union' *International Organization* 53, no 4 (2009): 789-810, Accessed 18 May 2018, [http://www.jstor.org/stable/40345956?seq=1#page\\_scan\\_tab\\_contents](http://www.jstor.org/stable/40345956?seq=1#page_scan_tab_contents)

the U.S.'s influence.<sup>10</sup> The idea behind it was that each member state would understand the current and future threats and actions in light of a European geopolitical perspective and not solely on national level.<sup>11</sup> The CSDP empowers the EU to take a leading role in peacekeeping operations, conflict prevention and in strengthening the international security. Moreover, the complexity of contemporary conflicts has pushed the EU to develop a unique set of instruments to tackle such challenges, namely the creation and development of civilian and military means.<sup>12</sup> The staff for civilian and military missions comes from EU member states and the various missions' costs are shared between member states and EU's budget. Such missions are under the authority of the intergovernmental EU Council rather than the supranational European Commission.<sup>13</sup> To date, out of 34 missions and operations that EU has launched, 22 have been civilian, 11 military and a combined model was used in Darfur.<sup>14</sup>

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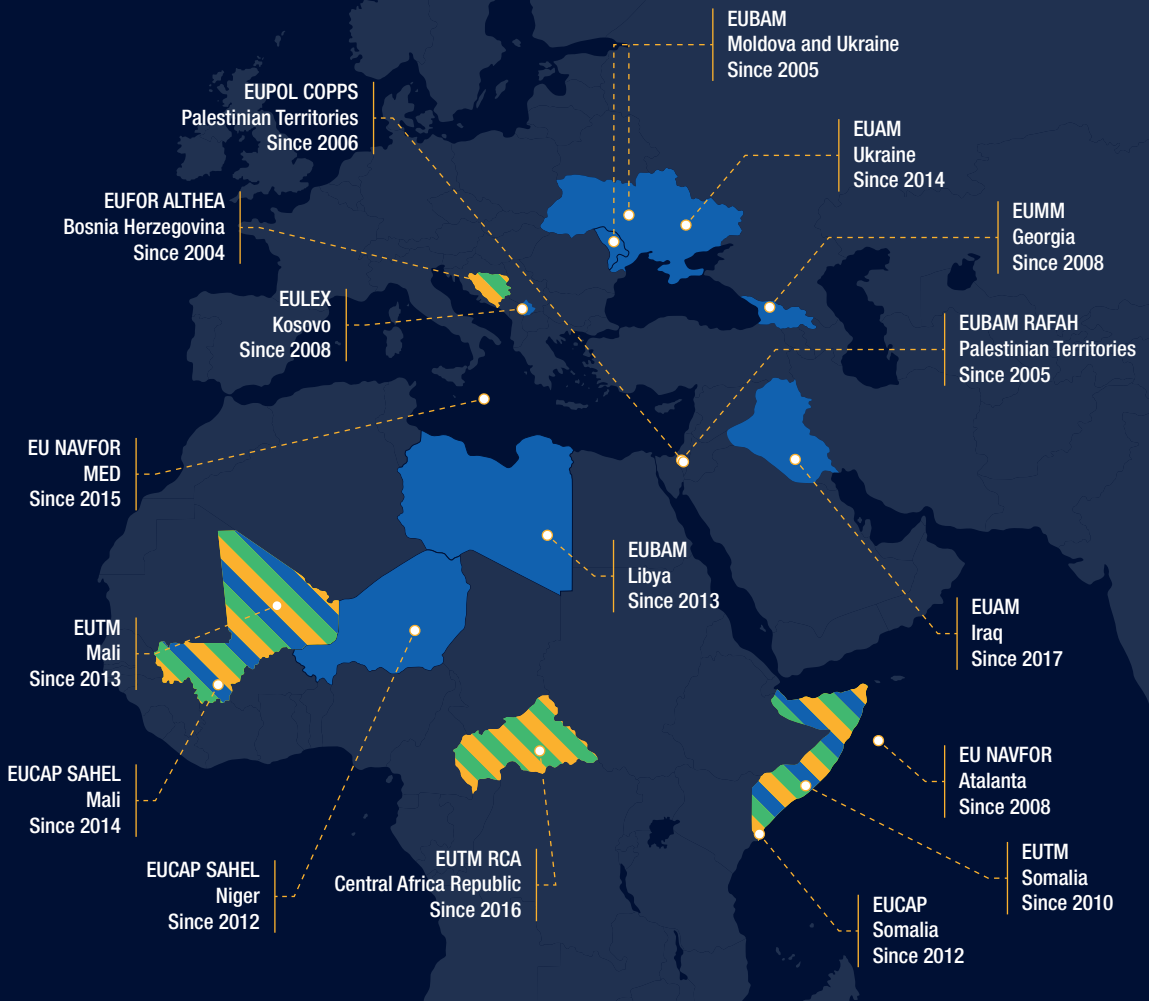
10 TEREZA SMEJKALOVÁ, "COMMON SECURITY AND DEFENCE POLICY IN GEOPOLITICAL PERSPECTIVE" in *Strategic and Geopolitical Issues in the Contemporary World*, ed. Landovsky, Jakub, and Martin Riegl (Newcastle upon Tyne: Cambridge Scholars Publishing, 2013), 53-69.

11 Christopher Chivvis, *EU Civilian Crisis Management: The Record So Far*, (Santa Monica: Rand Corporation, 2010), chap. 2, Available at Ebscohost.

12 In 2017 the EU started to implement the Permanent Structured Cooperation (PESCO) which was created with the Lisbon Treaty. Such need of a more vigorous defense policy pushed the EU to overcome its key problem of financing military missions and to enable the deploying of EU Battlegroups, through PESCO, as a means to independently and rapidly respond to emerging conflicts and crises. For more details read "EU Battlegroups," *EEAS*, 2017, Available at [https://eeas.europa.eu/sites/eeas/files/factsheet\\_battlegroups.pdf](https://eeas.europa.eu/sites/eeas/files/factsheet_battlegroups.pdf)

13 Christopher Chivvis, *EU Civilian Crisis Management: The Record So Far*, (Santa Monica: Rand Corporation, 2010), chap. 2, Available at Ebscohost.

14 "EU Missions and Operations: As part of the EU's Common Security and Defence Policy (CSDP)," *EEAS*, Available at [https://eeas.europa.eu/sites/eeas/files/csdp\\_missions\\_and\\_operations\\_factsheet.pdf](https://eeas.europa.eu/sites/eeas/files/csdp_missions_and_operations_factsheet.pdf)



■ WB Participant Countries   
 ■ Military Missions/Operations   
 ■ Civilian Missions



**6** military Missions & Operations



**10** civilian Missions



More than **5,000** people currently deployed



Keeping the peace, preventing conflicts, strengthening international security, supporting the rule of law, preventing human trafficking and piracy.

## European Union CSDP Missions and Operations 2018<sup>15</sup>

15 European External Action Service, "EUROPEAN UNION CSDP MISSIONS AND OPERATIONS 2018" in EU Missions and Operations: As part of the EU's Common Security and Defence Policy (CSDP), Available at [https://eeas.europa.eu/sites/eeas/files/factsheet-csdp\\_missions\\_and\\_operations\\_05-03-2018.pdf](https://eeas.europa.eu/sites/eeas/files/factsheet-csdp_missions_and_operations_05-03-2018.pdf)

# LEGAL BASIS FOR KOSOVO TO PARTICIPATE IN PEACEKEEPING MISSIONS

The Republic of Kosovo holds collective peace and security as a fundamental precept of its foundation. Several laws of the Republic of Kosovo reference Kosovo's commitment to international cooperation. In order to have a better understanding of the legal basis for Kosovo's participation in peacekeeping missions, it is important to look into the legal framework of three main domestic actors who could be potential participants of international peace support missions, namely the Kosovo Security Force (KSF), Kosovo Police and the Civil Protection. The legal framework for peacekeeping operations is regulated by a number of different legal documents, including the Constitution of Kosovo, the law on KSF and their overseas deployment, laws governing the Kosovo Police, as well as laws encompassing civil service and civil protection.

The Constitution of the Republic of Kosovo makes a general reference to deployment of KSF abroad.<sup>16</sup> Also, the Law of the KSF refers to participation in crisis response operations abroad as a key task of KSF, including peace support operations.<sup>17</sup> In addition, the Law on Overseas Deployment of the Kosovo Security Force specifically outlines the procedures for the overseas deployment of the KSF.

This key piece of legislation most specifically tackles the issue of participation in peace support missions and deployment procedures as well as the rights and obligations of persons that are participating in missions abroad. Article 6 on 'Overseas Deployment of KSF Contingent' lists peace support operation, humanitarian operations and trainings and exercises as overseas deployments. Accordingly, "Deployment of the KSF contingent to peace support and humanitarian operations shall take place on the basis of an agreement with the host country or

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16 The Assembly of Kosovo, Constitution of the Republic of Kosovo, June 2008. Available at <https://gzk.rks-gov.net/ActDetail.aspx?ActID=3702> .

17 The Assembly of Kosovo, Law No. 03/L-046 On THE KOSOVO SECURITY FORCE, Prishtina, March 2008. Available at <http://www.mkfsf-ks.org/repository/docs/Law%20on%20the%20KSF.pdf>

by an invitation of an international organization, or by the request of any member country of an international organization, as well as by the United Nations Security Council Resolution".<sup>18</sup> The Government of the Republic of Kosovo initiates the overseas deployment and the Assembly of the Republic of Kosovo then renders the decision. The President of Kosovo authorizes deployment. According to Article 15 of this law, the funding for preparation, equipment and deployment is provided by Kosovo's budget. Due to the fact that the EU's civilian missions comprise the most important tool of peacekeeping missions, compared to military missions, it is crucial to look into the legal basis for participation of civil servants in such missions.

The law on Kosovo Police allows police officers to serve in peacekeeping missions. Article 9 of Law on Police makes a reference to the international cooperation of Kosovo Police: "the Police may deploy police officers for an interim service period to another international police organization for the purpose of performing police duties abroad, in accordance with the applicable law or by international agreements"<sup>19</sup> In addition to this, a police officer may be assigned to duty abroad as part of his/her regular duty in support of the cooperation with international authorities or international organizations.<sup>20</sup> Yet, the main law that regulates the rights and obligations of public administration employees, which in this case includes both the members of KSF and Kosovo Police, does not foresee the possibility of deployment to peace support missions or any other related mechanism.

The law on civil servants and employees allows the transfer of civil servants to work in an international organization. According to this law, a civil servant, through a mutual consent, may be subject to placement in an IO as a secondment that requires specific skills and certain professional experience.<sup>21</sup> Nevertheless, this law does not make a specific reference to deployment to peace support missions or any other related mechanism. As civil protection is a significant element of international peace and cooperation, it is important to evaluate if

18 The Assembly of Kosovo, LAW No. 04/L-177 ON OVERSEAS DEPLOYMENT OF THE KOSOVO SECURITY FORCE, p. 2 Prishtina, May 2013. Available at [http://www.mksf-ks.org/repository/docs/Liqji\\_per\\_derгимin\\_e\\_FSK-se\\_jashte\\_vendit-alb\\_\(anglisht\).pdf](http://www.mksf-ks.org/repository/docs/Liqji_per_derгимin_e_FSK-se_jashte_vendit-alb_(anglisht).pdf)

19 The Assembly of Kosovo, Law No. 04/L-076 ON POLICE, p. 4 Prishtina, March 2012. Available at <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2806>

20 Ibid.

21 The Assembly of Kosovo, Law No.03/L –149 ON THE CIVIL SERVICE OF THE REPUBLIC OF KOSOVO, Prishtina, May 2010. Available at <http://www.kuvendikosoves.org/common/docs/liqjet/2010-149-eng.pdf>

Kosovo's Law on Protection against Natural and other Disasters<sup>22</sup> makes reference to Kosovo's contribution in such aspect. Article 8 of this Law makes a reference to international cooperation regarding protection against natural and other disasters. Furthermore, the law states that such cooperation should occur under international agreements and especially with regional countries.<sup>23</sup>

The legislative framework is most detailed when it comes to regulating the participation of KSF troops in peacekeeping missions. Key strategic documents in the area of security and defense give great importance to participation in international forces and peace support operations but fail to mention civilian capacities for peace operations.

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22 The Assembly of Kosovo, Law No. 04/L-027 FOR PROTECTION AGAINST NATURAL AND OTHER DISASTERS, Prishtina, October, 2011. Available at <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2775>

23 Ibid.

# SAA: A PATHWAY TO PARTICIPATION IN PEACEKEEPING OPERATIONS

The EU and Kosovo signed the SAA in 2015. This agreement marked the first contractual relationship between the EU and Kosovo.<sup>24</sup> Although the SAA is perceived mostly as an economic agreement, Title III of this agreement provides an opportunity for strengthening the cooperation in peace and security between the EU and Kosovo. Hence, the SAA provides an opportunity for Kosovo to gradually transform from a security consumer to a security provider.

The political dialogue aims at enhancement of relations and cooperation between the EU and the Government of Kosovo. It ought to lead the way to the establishment of close ties of solidarity and new forms of cooperation between the stakeholders.<sup>25</sup> Provisions of Article 11 call on parties to promote Kosovo's participation in the international democratic community, advancement of Kosovo's European perspective and 'rapprochement' with the EU, enhancement of convergence with CFSP and regional cooperation. Parallel to this, Article 14 of SAA gives power to Kosovo to initiate political and policy dialogue through Stabilization-Association Council (SAC) in forms of meetings or any other proper channels between the Parties.<sup>26</sup>

*"Political and policy dialogues shall primarily take place within the SAC, which shall have the general responsibility for any matter which the Parties might wish to put to it."*<sup>27</sup>

These provisions of the SAA enable Kosovo to enhance and look for new forms of cooperation with EU. Moreover, such new ways of cooperation allow Kosovo to expand political consultations with the EU on foreign and security policy matters that will also bring the country closer

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24 Council of the European Union, 10728/1/15 REV 1 'Stabilisation and Association agreement between the European Union and the European Atomic Energy Community, of the one part, and Kosovo, of the other part' Brussels, 2015. Available at [https://eeas.europa.eu/sites/eeas/files/stabilisation\\_and\\_association\\_agreement\\_eng\\_0.pdf](https://eeas.europa.eu/sites/eeas/files/stabilisation_and_association_agreement_eng_0.pdf)

25 Ibid.

26 Council of the European Union, 10728/1/15 REV 1 'Stabilisation and Association agreement between the European Union and the European Atomic Energy Community, of the one part, and Kosovo, of the other part' Brussels, 2015. Available at [https://eeas.europa.eu/sites/eeas/files/stabilisation\\_and\\_association\\_agreement\\_eng\\_0.pdf](https://eeas.europa.eu/sites/eeas/files/stabilisation_and_association_agreement_eng_0.pdf)

27 Ibid. p. 18

to policy alignment with EU CSDP. As the EU's crisis management operations and conflict prevention missions are a key foreign policy tool, the SAA, in particular the chapter on political dialogue, offers a turning point for Kosovo to initiate political dialogue on participation in peacekeeping operations and missions.

CSDP missions and operations can be open to contributions of third party states that are not part of the EU. Since 2004, the relationship with third-party states was established through Framework Partnership Agreements (FPA). FPA lay the legal framework of these countries' contributions through addressing issues of personnel, information exchange, involvement in decision-making procedure as well as financial aspect of operations. About forty-five non-EU states have participated in CSDP operation, including countries which have joined the EU since 2004.<sup>28</sup> In fact, the signing of FSAs with EU and participating in CSDP missions has become a practice for EU candidate countries. Parallel to this, all Western Balkan Countries have signed FPAs and have contributed to CSDP operations. This makes Kosovo the only country in this region that has not yet signed the FPA. This calls for a more robust stance from the MFA in SAC meetings to launch discussions on the establishment of a FPA with EU for such missions in light of EU accession process.

The EU invites its partnering countries to align with EU's positions in different international and regional bodies and issues such as sanctions and restrictive measures. Even though **Article 11** calls for partners to align with EU's position in different international organizations, issues and Kosovo has taken legal measures to align with EU's international sanctions,<sup>29</sup> Kosovo's coordination with the EU foreign, security and defense policies has still not been brought to discussion. Furthermore, such coordination has not been included in EU Commission's annual report for Kosovo<sup>30</sup> nor was presented during the first SAC meeting between Kosovo and EU<sup>31</sup> or the second meeting of SAA's Sub-committee on Justice, Freedom and Security.<sup>32</sup>

28 Thierry Tardy, "CSDP: getting third states on board," European Union Institute for Security Studies, 2014 (Accessed 18 May 2018) Available at [https://www.iss.europa.eu/sites/default/files/EUISSFiles/Brief\\_6\\_CSDP\\_and\\_third\\_states.pdf](https://www.iss.europa.eu/sites/default/files/EUISSFiles/Brief_6_CSDP_and_third_states.pdf)

29 The Assembly of Kosovo, Law No. 03/L-183 on the Implementation of International Sanctions, Prishtina, 15 April 2010. (Accessed 1<sup>st</sup> June 2018), Available at: <http://www.mfa-ks.net/repository/docs/anglisht-281.pdf>.

30 European Commission, Commission Staff Working Document "Kosovo Report, Strasbourg, 2018. Available at <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-kosovo-report.pdf>

31 Gezim Visoka, "The Political Dialogue between Kosovo and the EU in the Framework of the Stabilisation and Association Agreement (SAA)," GIZ, 2017 (Accessed 22 March 2018) Available as a pdf file.

32 Read more on the topics discussed during this meeting <http://www.mei-ks.net/en/lajmet/kosovo-and-european-union-held-2nd-stabilisation-and-association-agreement-sub-committee-on-justice-freedom-and-security>



A key provision of **Article 11** states that this dialogue intends to promote Kosovo's participation in international democratic community. This article obliges the EU to advocate for Kosovo's participation in international organizations which would bring Kosovo closer to EU accession. However, this provision is followed by a clause "should objective circumstances so permit" which was included only in the Kosovo version of the SAA. It is clear that this occurred in order to content the five EU countries that have not recognized Kosovo, namely Greece, Romania, Cyprus, Spain and Slovakia. Furthermore, this clause equips the EU, and those countries specifically, with the legal possibility to reject the support for Kosovo's inclusion in international organizations<sup>33</sup> and policies such as CSDP. The EU's lack of consensus on Kosovo's independence coupled with the clause "should objective circumstances so permit", and the fact that five states that do not recognize Kosovo make it unclear to what extent Kosovo can rely on the EU for support for full membership of the international democratic community. This provision presents a contradiction since it obliges the EU to advocate for Kosovo's participation in IO's yet simultaneously allows rejection of its participation - restricting it from its right to contribute to peacekeeping operations.

Parallel to this, Title III of the SAA specifies Kosovo's regional cooperation in the field of security and defense, paving yet another path to bolster the country's role for future security missions. **Article 16** of the SAA states that, "in conformity with its commitment under Articles 5 and 13, and to international and regional peace and stability, and to the development of good neighborly relations, Kosovo shall actively promote regional cooperation".<sup>34</sup> This article touches on Kosovo's right to start negotiations on regional cooperation with countries that have already signed a SAA with the EU. Furthermore, this article makes direct reference to regional cooperation in areas concerning freedom, security and justice. <sup>35</sup>Also, Article 18 calls on Kosovo to pursue regional cooperation with states that have signed Stabilisation and Association Process (SAP) while Article 19 regulates cooperation with candidate countries that are not concerned by the SAP.

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33 Gezim Visoka, "The Political Dialogue between Kosovo and the EU in the Framework of the Stabilisation and Association Agreement (SAA)," *GIZ*, 2017 (Accessed 22 March 2018) Available as a pdf file.

34 Council of the European Union, 10728/1/15 REV 1 'Stabilisation and Association agreement between the European Union and the European Atomic Energy Community, of the one part, and Kosovo, of the other part" p. 21 Brussels, 2015. Available at [https://eeas.europa.eu/sites/eeas/files/stabilisation\\_and\\_association\\_agreement\\_eng\\_0.pdf](https://eeas.europa.eu/sites/eeas/files/stabilisation_and_association_agreement_eng_0.pdf)

35 Ibid.

# KOSOVO'S EXPERTISE AND CAPACITIES: WHAT CAN KOSOVO CONTRIBUTE TO PEACEKEEPING MISSIONS?

The legal framework equips Kosovo with the legal basis to participate in peacekeeping missions and operations. Furthermore, SAA clearly opens a door for Kosovo's alignment with EU's CSDP and its core goal of participation in peacekeeping missions. The remainder of this policy brief will detail Kosovo's expertise and capacity to actively contribute to peacekeeping missions.

Kosovo's security institutions have a vast experience with international missions and organizations. Kosovo was home to the most ambitious civilian mission, the first integrated mission<sup>36</sup> that EU has taken on. In addition to this, for over a decade Kosovo was an international protectorate and many of its institutions were shaped by the presence and the joint work with the UN mission in Kosovo and the NATO-led peacekeeping force, KFOR. Not only has it gained awareness of the strengths but it has expanded its knowledge of inaccuracies and areas which need improvement in such missions. In addition, Kosovo can deploy staff in rule of law missions, in police missions, monitoring missions and civilian response teams.

As EU police missions make up the highest number of EU civilian missions,<sup>37</sup> it is key to understand if Kosovo Police is ready to participate in such missions. It is highly important to note that Kosovo has signed agreements with European Border and Coast Guard Agency (FRON-

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36 Eulex has been the first integrated mission with staff for police, rule of law, custom and border patrol. Read Chivvis chapter on Eulex Kosovo. Christopher Chivvis, *EU Civilian Crisis Management: The Record So Far*, (Santa Monica: Rand Corporation, 2010): 31-42, Available from Ebscohost

37 To date, Police missions stand as the most important EU civilian missions; moreover, the EU has set out more police missions than any other kind of mission. Also, it has sent more police advisers than any other type of personnel. Ibid.

TEX)<sup>38</sup> and European Union Agency for Law Enforcement Cooperation (EUROPOL)<sup>39</sup>. Furthermore, there is room for exchange and participation of Kosovo Police in EU policing missions whether with static presence (EUROPOL) or temporary presence at the borders (FRONTEX).

The agreement between FRONTEX and Ministry of Internal Affairs is framed in such a way that calls on cooperation and interoperability while recognizing the importance of Kosovo beyond direct border management activities in information sharing and joint risk analysis. FRONTEX lists assistance to Schengen countries requiring “increased technical and operational assistance at external borders (e.g. humanitarian emergencies and rescue at sea or when they face disproportionate pressures on their borders)”<sup>40</sup> and development of a rapid response capability as its core tasks. The agreement posits that Kosovo is eligible to participate in such peacekeeping missions through the agency.

An important aspect is that the legal status of the agreement between FRONTEX and Kosovo highlights that this agreement is neither an international treaty nor a fulfillment of the international obligations by the EU or Kosovo, which highlights the technical aspect of this agreement. Such a model that emphasizes the technical nature of such missions may serve as a good framework to advance Kosovo's participation in EU peacekeeping missions. These two agreements are an important starting point from which Kosovo could build its security cooperation with the EU. Corresponding to this, Kosovo could deploy members of the police but also policy advisers, intelligence staff and security experts in missions abroad. Similar to Kosovo Police's readiness, the preparedness of KSF to participate in EU peacekeeping missions is also important.

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38 FRONTEX, “Working Arrangement on establishing operational cooperation between the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) and the Ministry of Internal Affairs of Kosovo”, 2016, Available at [https://frontex.europa.eu/assets/Key\\_Documents/Working\\_Arrangements/WA\\_with\\_Kosovo.pdf](https://frontex.europa.eu/assets/Key_Documents/Working_Arrangements/WA_with_Kosovo.pdf)

39 On 13 December 2017, Europol put Kosovo on the list of priority partners for strategic cooperation. Strategic agreements are limited to the exchange of general intelligence as well as strategic and technical information. This agreement was expected to be implemented in June of 2018. Have a read at <https://www.europol.europa.eu/partners-agreements>

40 European Commission, “Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the European Border and Coast Guard and repealing Regulation (EC) No 2007/2004, Regulation (EC) No 863/2007 and Council Decision 2005/267/EC,” 2015, Proposal available at [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/securing-eu-borders/legal-documents/docs/regulation\\_on\\_the\\_european\\_border\\_and\\_coast\\_guard\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/securing-eu-borders/legal-documents/docs/regulation_on_the_european_border_and_coast_guard_en.pdf) Summary available at <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISSUM:I33216&from=EN>

So far KSF has contributed its expertise in regional operations which serve as a testament to its readiness to participate in peacekeeping missions. Participation of KSF in broader international missions will be constrained for some time due to the lack of a clear accession plan in the key international organizations. While KSF has not participated in any peacekeeping missions, it has hosted and it has been deployed to trainings that have equipped it with an understanding of such missions. It should be noted that in July of 2013, NATO declared KSF's operational capability as complete- making FSK as capable of performing tasks that are assigned to it under its mandate.<sup>41</sup> KSF's decisiveness and readiness to participate in peacekeeping operations/ missions is reflected in its deployment of its contingents in Albania in 2010. In 2010, the Ministry of the Kosovo Security Force sent contingents in Shkodra, Albania in order to help with the emergency situation during floods.<sup>42</sup> Furthermore, KSF's search and rescue units proved to be highly effective. KSF units have received praise in areas of provision of health services, demining and management of explosive devices.<sup>43</sup> Such aspect shows that the KSF has developed capacities that would be useful to EU military missions. The KSF has willingly offered to deploy its services to peacekeeping missions and operations; however, it has not been invited yet to participate. <sup>44</sup> Further, such offerings by Kosovo should be included in a clear security and foreign policy strategy of Kosovo institutions in multilateral and bilateral settings that would show clear commitment that is supported by concrete actions.

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41 Read NATO's press release regarding KSF reaching Full Operational Capability [https://www.nato.int/cps/en/natohq/news\\_101882.htm?selectedLocale=en](https://www.nato.int/cps/en/natohq/news_101882.htm?selectedLocale=en)

42 In addition to many trainings that KSF has attended, in February of 2018 KSF has undergone through training on "Military Operations" For more information regarding this training visit <http://www.mksf-ks.org/?page=1,24,2256#.WusCQ6SFOUk>

43 In 2010, 109 members of KSF were deployed to Albania, in order to assist the emergency situation in Shkodra. Read more in <http://mksf-ks.org/?page=1,24,253#.WucSmi5uaUk>

44 Data collected from KCSS's Focus Group with MFSK organized in Prishtina, March, 2018

## WIN-WIN STRATEGY

Peace is a guiding principle in Kosovo's domestic and foreign relations. Therefore, Kosovo's participation in peacekeeping missions/operations would contribute to its obligation of bearing its share of responsibility to maintain and safeguard international peace and security. Correspondingly, Kosovo does not have capacity to create an international development aid fund yet and therefore cannot contribute on EU development policy;<sup>45</sup> as such, peacekeeping would be one of the limited opportunities it has to contribute to global peace and security.

Kosovo's participation in EU operations and missions would raise its profile internationally while adjusting to EU foreign security policies as overseen by the SAA. Besides, such participation would raise Kosovo's international profile and recognition through a helpful crisis management role where national interests are not an issue. Also, the Western Balkan states contribute to EU missions as part of their aspirations for EU accession.<sup>46</sup> Furthermore, Kosovo's participation in such missions is a crucial foreign policy tool to further Kosovo's Euro-Atlantic aspirations. As Russia's and Turkey's influence in the Balkans has risen, it is crucial for Kosovo to stay consistent in pursuing its Euro-Atlantic aspirations.

On the other hand, such interaction with partner states, Kosovo precisely, would allow the EU to cooperate with Kosovo and to establish or deepen operational and political links. From an EU perspective, working with partners contains two primary dimensions: one is capacity-related, whereas the other is more political. Concerning capacity, partnerships contribute to EU peacekeeping missions by bringing personnel, assets and expertise that the EU may be lack-

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45 EU Development policy is a core EU policy which provides over 50% of global development aid. EU candidate countries prior to their accession harmonize their country's legislation to this EU policy under Chapter 30 from EU's acquis. For example, in 2013, Macedonia has drafted a Law on International Development Cooperation. Read more related to Macedonia's law on development aid on Andreja Bogdanovski's "Macedonia's Preparations for Civilian Contribution to Peace Operations: The Next Big Thing After the Withdrawal from Afghanistan", 2014, Available at <http://regionalsecurityjournal.com/index.php/JRS/article/view/71/46>

46 John Karlsrud, Marko Milosevic, "Mapping Western Balkans Civilian Capacities for Peace Operations," *Journal of Regional Security* 9:2, (2014), 79–92, Available at <http://regionalsecurityjournal.com/index.php/JRS/article/view/63/40> (Accessed 22 March 2018).

ing.<sup>47</sup> Kosovo has an experience of nearly two decades with peacekeeping missions through UNMIK, KFOR and EULEX.

The participation of partner states in the CSDP enhances the role of the EU as a crisis manager. Partners' involvement in CSDP missions can be seen as a source of strengthening the global validity of the EU's international security role. Such partnership would offer the EU the chance to move this aspect from a technical and strategic dimension to a political one. Its added value is also that they bring together non-EU states while creating an atmosphere of cooperation and respect.<sup>48</sup> In addition to this, partnership with Kosovo would frame the EU as a serious international actor which also deals with countries of high complexity and tensions such as Kosovo. Similar to this, it would serve as a means to keep Kosovo's EU perspective on the table in a period of EU skepticism. Also, it would bring to light the political aspect of SAA between Kosovo and EU that to date is in the shadows. Kosovo's participation in Peacekeeping missions and operations would prove that the EU is just to all states that hold peace and stability as their core international value and want to provide security. Bearing in mind EU's, EU Member States and EULEX's importance in formation of security sector in Kosovo, the success of EU, EULEX and SAA will come to light and will be considered as fully successful only after Kosovo participates in EU peacekeeping missions.

As Kosovo's participation in peacekeeping missions is limited due to the EU's internal divisions over Kosovo's independence, the EU could overcome the objection of these five EU member states by emphasizing the technical nature of Kosovo's participation in CSDP missions just as it had done when bringing the deploying CSDP mission, EULEX, in Kosovo.

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47 Pierre Minard, Bosnia & Herzegovina: a new CSDP contributor? European Union Institute for Security Studies, 2016 (Accessed 18 May 2018) Available at [https://www.iss.europa.eu/sites/default/files/EUISSFiles/Alert\\_12\\_Bosnia\\_FPA.pdf](https://www.iss.europa.eu/sites/default/files/EUISSFiles/Alert_12_Bosnia_FPA.pdf)

48 Thierry Tardy, "CSDP: getting third states on board," European Union Institute for Security Studies, 2014 (Accessed 18 May 2018) Available at [https://www.iss.europa.eu/sites/default/files/EUISSFiles/Brief\\_6\\_CSDP\\_and\\_third\\_states.pdf](https://www.iss.europa.eu/sites/default/files/EUISSFiles/Brief_6_CSDP_and_third_states.pdf)

# RECOMMENDATIONS

- The Ministry of Foreign Affairs should use Stabilization Association Council meetings as a means to initiate and decisively pursue policy dialogue for Kosovo's Participation in Peacekeeping Missions as foreseen by Article 14 of SAA;
- The Government should adopt a National Strategy for Kosovo's participation in International Peacekeeping Missions and Operations as a mean to present Kosovo's European perspective and increase convergence with this CDSP measures as foreseen with Article 11 of SAA. This strategy should contain general political arguments for Kosovo's participation in peacekeeping operations and missions while emphasizing that Kosovo participates in these missions in accordance with the values and interests that are shared with EU;
- The EU should consider involvement of Kosovo in its peacekeeping missions, initially through a symbolic presence and seen solely through a technical rather than a political perspective;
- The government should draft a law which would regulate the deployment of recruits in EU civilian missions. Such law would avoid any legal vagueness which would serve as a justification to prevent Kosovo's civilian participation in peacekeeping missions.
- Kosovo Security Force should continue its trainings on peacekeeping missions and operations, in order to reflect preparedness and readiness to participate in such missions regardless its temporal status. In this way, EU would not be able to use KSF's lack of preparation as an excuse for their non-participation in EU peacekeeping missions.

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