

THE COST OF HUMAN RIGHTS FOR THE EU IN POST-CONFLICT SOCIETIES: THE CASE OF EULEX IN KOSOVO

Attila Nagy, PhD Researcher

University in Jena, Faculty of Law, Jena Centre for Reconciliation Studies
Leutrargraben 1, 07743 Jena

E-mail address: attila.nagy@uni-jena.de

ABSTRACT

The EU invests immense resources to promote human rights in a number of societies outside of its borders. Notably, the European Neighbourhood Policy and Enlargement focus on societies right next to the EU and with the potential to become an EU member states. In this chapter, we will focus on the cost of human rights in post-conflict societies, with a focus on the Western Balkans and Kosovo. If we understand the case of Kosovo, we will be better prepared to understand the costs the EU is ready to invest in countries such as Ukraine or any other country in its neighbourhood. The non-recognition of Kosovo by the UN and the EU places it in a very interesting legal and political disambiguation that makes the assistance of the EU vital. The EU-run EULEX mission in Kosovo, its mandate, costs and also corruption scandals put an additional burden and cost on its work. The future success and integrity of the EU run Kosovo Specialist Chambers, which should finalise the justice efforts in Kosovo are at stake due to a declining support for EULEX from both the Kosovo Serbs and Albanians. The corruption allegations of EULEX put in danger the future work of the Kosovo Specialist Chambers and the costs the EU bears. If EULEX fails it will come at a very high cost for the EU and even the already very low level of human and minority rights in Kosovo could not be further guaranteed. The final implementation of informal agreements regarding Kosovo in the form of The Brussels Agreement from 2013 and The Washington Agreement from 2020 having only a partial implementation success is a challenge for the rule of law in Kosovo. The future of post-conflict development is gaining a new shape and its formation is something we are able to witness and follow in Kosovo, through the lenses through which the EU supports is coming with all its various challenges and possible shortcomings.

Keywords: EULEX mission, Human Rights costs, Kosovo, Post-Conflict,

1. INTRODUCTION

In Kosovo, the EU (EULEX)¹ has taken over duties and mandates from the UN (UNMIK)² mission earlier established by the UN Security Council Resolution 1244³ and also established new ones by mutual agreements between the Serbian and Kosovo governments (Brussels Agreements). The most important tool in human rights development where the EU has a very active role is the implementation of the Brussels Agreement from 2013⁴, which obviously also represents a cost for the EU. The long ago established EU mission in Kosovo, The European Union Rule of Law Mission in Kosovo (EULEX), has served and also cost the EU such amounts of money that would be hard to understand by an ordinary EU citizen. Accordingly, the main topic our paper will deal with is the cost EU is investing in societies with the aim of promoting human rights and for this we will mainly deal with the post-conflict Kosovo as our main case study. The EULEX mission itself with all its aims, targets and budget is hard to understand, not just for EU citizens but even for many legal professionals. We will not deal just with numbers but also with policies, influence and the possible future and the role of post-conflict societies from the perspective of the EU. The case of Kosovo is important since after a frozen conflict it became a widely debated issue by both the Serbian and Kosovo governments, therefore influencing the development of other similar post-conflict societies. Duties and obligations taken over by both governments in The Brussels Agreement from 2013 (BA) go deep into their constitutional systems and eventually change them. A very strong division line, as it is present in every post-conflict society, is visible in Kosovo regarding the differences regarding institutional development in Serbian municipalities north and south of the Ibar river. Agreements such as the BA and WA have been made with the aim for loosening this division while also to some extent formalizing it by envisaging the establishment of the e.g. Associa-

¹ EULEX stands for European Union Rule of Law Mission, it was established in 2008 the same year when Kosovo self-declared independence from Serbia.

² UNMIK stands for United Nations Interim Administration Mission in Kosovo which was established by the Security Council Resolution 1244 in 1999 after the NATO intervention (bombing campaign).

³ UNMIK, Resolution 1244 (1999), [<https://unmik.unmissions.org/united-nations-resolution-1244>], Accessed 4 April 2024.

⁴ First agreement of principles governing the normalization of relations is better known as The Brussels agreement from 2013, In Kosovo it is Law, No. 04/L-199, on Ratification of the First International Agreement of Principles Governing the Normalization of Relations between the Republic of Kosovo and the Republic of Serbia, [<https://www.peaceagreements.org/viewmasterdocument/2022>] also available at [<https://www.srbija.gov.rs/cinjenice/en/120394>] and [<http://old.kuvendikosoves.org/common/docs/ligjet/Law%20on%20ratification%20of%20agreement%20-normalization%20of%20relations%20between%20Kosovo%20and%20Serbia.pdf>], Accessed 4 April 2024.

tion/Community of Serbian municipalities in exchange for Serbia giving up the maintenance of its institutions in North Kosovo. While some division lines are still maintained it is the aim of the EU to make them as smooth as possible and also most importantly make them work and function within the EU made legal framework while also being ready to cover up for costs in regard to their formation, maintenance and future development as well. What is the fair price for post-conflict societies and their future and development after all? Are the EU mechanisms going to be able to guarantee human and minority rights in accordance with EU standards in the future? We will answer such questions and many other similar ones in the following chapters.

2. HUMAN RIGHTS COSTS AND SPENDINGS FOR THE RIGHT CAUSE

Human rights were gained by people with means that were not always in harmony with those rights, and many bloody events precluded their establishment. On the world stage today we have many international and inter-governmental organisations that implement and protect human rights in various countries and situations. Still, violations of human rights continue to occur and in fact we were never in a position to have all the rights fully guaranteed to every human on the globe. ‘However, the solution would be simple; States must fulfil the decisions of the international institutions (eg UN Security Council, International Courts etc) and have to respond to each recommendation (eg UNHCR, CoE, Venice Commission and EU etc) and implement them.’⁵ The system of human rights or at least their protection is more advanced and developed in the EU than in many other states, the EU also has a share and considerable efforts in financing and promoting the development of human rights. Obviously, many human rights today get contested, questioned and frequently even denied, the EU institutions can hardly guarantee such rights in the framework of their engagement in post-conflict societies, for which Kosovo is also an example.

‘The content of European values is, to say the least, a subject to dispute even within the Union itself.’⁶ Whereas the EU tries to get the best for its citizens, it does not succeed all the time. Considering the big disparity among EU member states the perfect balance cannot be easily achieved and causes many problems

⁵ Kardos Kaponyi, E., *Cost of Human Rights*, in: Smuk, P. (eds), *Costs of Democracy*, Gondolat Budapest 2016, pp. 11-33.

⁶ Tohidipur, T., *The European Union and the constitution-making Processes in the Arab World*, in: Grote, R.; Roder, T. (eds.), *Constitutionalism, Human rights, and Islam after the Arab Spring*, Oxford University Press, 2016, pp. 879-905.

on both the EU and local levels. Monetary issues were also the cornerstone of the BrExit which has shaken the value of the EU system in regard to its citizens, equality and also financing. The UK's contribution to the EU budget was a subject of great interest in the UK media, which typically referred to the gross, rather than the net figure⁷ and therefore caused some unnecessary confusion. BrExit has seriously shaken the understanding of the EU in the region and globally, while some could see it as a mega union where certain people and rights are held and controlled by a few and not by all of its citizens, also as it is viewed in the democratic deficit phenomenon. Together with this distrust we have other issues, as some EU countries see the EU migration policy very differently. While inequalities rise the division lines in the EU became stronger so countries start asking themselves what the cost, or the hidden cost of joining the EU could be? The EU path on the east was an escape route from the prior influence of Russia, but has that influence just shifted to another side? The EU is not just an economic union it has strong ties with NATO as well and serves as an economical counterbalance to Russian influence in Europe, where the obvious border is now being redrawn in Ukraine. Regarding Kosovo and its separation from Serbia NATO has played a crucial role. New NATO member states in Central Europe: Hungary, Poland and The Czech Republic have joined NATO and thus the alliance got a land connection to Serbia (at that time Yugoslavia) before its bombing campaign against Serbia in 1999. 'The air campaign, coming less than two weeks after the Central European countries had officially joined NATO, caught them unprepared—politically, militarily, and psychologically— despite the fact that NATO closely consulted with all three members about its plans.'⁸ The cost of joining NATO was visible very quickly then in 1999 and it is also one of the pending questions today with the recent NATO enlargement on the Russian borders. Also, the cost of joining the EU is still to be seen, although the big EU free market is very harsh to farmers, small businesses and the social needs of citizens in many aspects. The EU is trying to financially cover this gap and is investing huge efforts in the development of both member states and its potential and future member states. 'With more than EUR 3 billion in non-refundable aid over the past 15 years, the European Union is the biggest donor in Serbia and the country's number one partner in supporting development and ongoing reforms.'⁹ Serbia is benefiting economically from its partnership with the EU but is still maintaining good relations with The Russian Federation

⁷ Bootle, R., *The Trouble with Europe*, Third edition, Nicholas Brealey Publishing, 2016, p. 246.

⁸ Larrabee, S. F., *NATO's Eastern Agenda in a New Strategic Era*, RAND Corporation, 2003, p. 27.

⁹ The Delegation of the European Union to the Republic of Serbia, EU and Serbia at work, [<http://europa.rs/eu-assistance-to-serbia/eu-and-serbia-15-years-of-partnership/?lang=en>], Accessed 4 April 2024.

amidst the conflict in Ukraine. Therefore, Serbia is standing in between east and west benefiting from both partnerships, economically and also politically. Also there is a danger of such a policy which can be seen in the case of Ukraine which has decided to distance itself from the east. ‘On a deeper level, the Ukraine crisis indicated that the costs of a pro-western foreign policy could be prohibitive while the benefits were considerably less than many had expected.’¹⁰ In fact, Russia supported Serbia and still supports it in preventing Kosovo from becoming a full UN member state. For the sake of advancing the issue of Kosovo, the EU tolerates Serbia’s relationship with Russia, although Russia is now one of the biggest EU foreign enemies (Ukrainian war). The EU mission in Kosovo would have barely any success in bringing the Kosovo divide to an end and incorporating the Serbian minority to Kosovo institutions almost 25 years after the conflict if Serbia did not cooperate. In addition to the efforts of the EU to implement human rights in Kosovo, there are also various Non-Governmental Organizations (NGOs) which also invest huge efforts and finances to build the new Kosovo society. Consultation between donors and civil society occurs both formally and informally, with several donors reporting that leading civil society organizations are included as stakeholders in planning and programming¹¹ which guarantees access to the local communities in the process of decision making. Overall considering the efforts made to implement human rights in Kosovo, the outputs are still not at a satisfactory level. The reasons for missed investments are various and among many local ones, International Organizations are also contributing to them. ‘The structure of the administration and the high turnover of inexperienced staff are additional major problems.’¹² The UN, EU, OSCE and other organizations implementing human rights suffer from the same cause in Kosovo while they are not able to fully implement the rule of law norms and capacity into institutions. If this is the case here, it could potentially be the same problem elsewhere. ‘The EU’s handling of the Nagorno-Karabakh war situation could well be classified as an act of strategic misconduct, which has come at a high geopolitical cost for the EU leaving the Union sidelined in the

¹⁰ Cornell, S., *The Impact of the Ukraine and Syria Conflicts on the Geopolitics of the South Caucasus*, in: Kakachia, K.; Meister, S.; Fricke, B. (eds.), *Geopolitics and Security: A New Strategy for the South Caucasus*, Konrad-Adenauer-Stiftung, 2018, pp. 231-266.

¹¹ Fagan, A., *Democracy promotion in Kosovo: mapping the substance of donor assistance and a comparative analysis of strategies*, Cambridge Review of International Affairs, Vol. 28, No 1, 2015, pp. 115–135.

¹² Lazowski, A.; Blockmans, S., *Between dream and reality: challenges to the legal rapprochement of the Western Balkans*, in: Elsuwege, P. Van.; Petrov, R. (eds.), *Legislative Approximation and Application of EU Law in the Eastern Neighbourhood of the European Union, Towards a Common Regulatory space?*, Routledge, 2014, pp. 108-133.

South Caucasus.¹³ Therefore, at the moment EU has very little influence in the Caucasus region, but it is also losing its stake in Turkey which is one of the gateways towards the Caucasus. ‘Keeping conflicts frozen could be more costly and risky than bringing about reconciliation to those conflicts in a way that would allow Moscow and Ankara to maintain influence.’¹⁴ Also, there is a risk that when a certain solution is reached in a conflict the EU or the West remains outside of such a framework, distancing it and its interests in such a region respectfully. ‘Russia is pursuing its strategic objectives in the South Caucasus through a strategy of hard hegemony, complementing its military presence with a strong economic and diplomatic presence, both to ensure compliance and signal the costs of adopting policies that run counter to Moscow’s interests.’¹⁵ Therefore, it is in the clear interest of Russia to leave out the EU and any other possible stakeholder in the conflicts, originating from a territory that it maintains as its own sphere of interest. The EU should accordingly focus on balancing its spending and efforts in order to achieve a more sustainable democratic level of standards in its neighborhood, which also counts in the Caucasus region. These are just some of the reasons for failed and endless spending and efforts by the EU which need to be discussed again for their future possible maximum use.

3. HUMAN RIGHTS IMPLEMENTATION AND SUPPORT FROM THE EU INTO ITS NEIGHBOURHOOD

Taking into consideration all the problems the EU is facing at home, we can see that it puts a lot of effort into solving problems in its surroundings as well. In fact as long as the EU has some control over its neighbourhood, it can exist as a Union of common (foreign) interests as well. ‘The European Union’s relationship with the ENP region has evolved in broad and rich cooperation, encompassing political, strategic and security dimensions, including human rights, democracy and the rule of law issues.’¹⁶ In its foreign affairs, the EU is protecting its own values and

¹³ Khachatryan, H., *The Nagorno-Karabakh War: A New Reality in the South Caucasus and Its Implications for the EU*, 2020, Institute of European Democrats, [https://www.iedonline.eu/download/geopolitics-values/36-Khachatryan_The_Nagorno-Karabakh_war_A_new_reality_in_the_South_Caucasus_and_its_implications.pdf] Accessed 4 April 2024.

¹⁴ Yıldız, G., *Turkish-Russian Adversarial Collaboration in Syria, Libya, and Nagorno-Karabakh*, 2021, SWP Comment, [https://www.swp-berlin.org/publications/products/comments/2021C22_Turkish-Russian_Collaboration.pdf] Accessed 4 April 2024.

¹⁵ German, T., *Russia and the South Caucasus: The China Challenge*, 74 *Europe-Asia Studies*, 2022, pp. 1596–1615.

¹⁶ The Diplomatic Service of the European Union, *European Neighbourhood Policy*, [https://www.eeas.europa.eu/eeas/european-neighbourhood-policy_en#7120], Accessed 4 April 2024.

even more its interests. The EU needs its neighbours as much as they need the EU, but still EU is the one who dictates the rules and roles. For example in the case of Norway, the dissatisfaction is mainly on the Norwegian side, as it is obliged to accept EU legislation and regulations but has no say in them, an arrangement that has been described as “government by fax from Brussels”.¹⁷ After the last EU enlargement with Croatia, where the EU supported the war torn state it has also invested much in neighbouring states like Bosnia and Herzegovina which actually never got on the straight track of joining the EU. As Bosnia can now be considered a ‘stable’ state much more efforts are being made to align all the other Western Balkan states and maybe one day include them in the EU in one package. The granting of EU candidate country status to Bosnia and Herzegovina and the agreement on visa liberalization for Kosovo starting by 1 January 2024¹⁸ puts an encouraging future EU prospects for these countries. After the 1999 NATO military intervention in Kosovo, no military efforts were in place to overthrow the Milosevic dictatorship. ‘This is a reasonable approach as we look back on the unforeseen costs and balance future interests against declining resources.’¹⁹ At the time of the fall of Milosevic it was not known that Kosovo would declare independence and it was just a later punishment for the Serbian political establishment. It can be observed that territorial losses pose a threat to every country that is hesitant to align its policies with a major UN Security Council state member in its region. Whereas the leaning of the Ukrainian government towards the West was the main cause of the Russian aggression and also a similar Western prospects as sought in Armenia have produced an instant resolution of The Nagorno-Karabakh conflict by granting full control over this territory to Azerbaijan. While Russians are making quick and many times painful clear cuts in their foreign policy, the EU is more careful in implementing and building the rule of law in Kosovo for almost two decades now. ‘Sovereignty costs are at their highest when international arrangements impinge on the relations between a state and its citizens or territory, the traditional hallmarks of (Westphalian) sovereignty.’²⁰ Apart from the partial recognition of its independence in 2008, Kosovo has not gained guarantees regarding its potential EU or even UN membership. ‘The EU Office plays a key role in the implementa-

¹⁷ Bootle, R., *The Trouble with Europe*, (Third edition, Nicholas Brealey Publishing, 2016, p. 254.

¹⁸ European Union External Action, Annual Activity Report 2022, [<https://www.eeas.europa.eu/sites/default/files/documents/2023/2022%20EEAS%20Annual%20Activity%20Report.pdf>], Accessed 4 April 2024.

¹⁹ Schulte, G. L., *Regime Change Without Military Force: Lessons from Overthrowing Milosevic*, Vol. 4 No.2, Prism, 2013, pp. 45-56.

²⁰ Abbott, K. W.; Snidal, D., *Hard and Soft Law in International Governance*, 2000, 54 International Organization, pp. 421-456.

tion of the EU's substantial financial assistance to Kosovo.²¹ This new challenge of building and to some extent financing a post-conflict state is a challenge for the EU as well, considering improvements of human rights and state building efforts. The EU is learning as well, but unfortunately mainly on its own mistakes. Still the EU stays as an important regional and global stakeholder with the aim of investing overwhelmingly in the rule of law and democracy. The European Neighbourhood Policy overall allocation is set at EUR 79.462 billion out of which EUR 19.3 billion are earmarked for its Neighbourhood.²² Also, states that do not fall under the enlargement area are receiving funds, especially in the Mediterranean area. While the question can be raised why after all the experience we have in conflict prevention conflicts still occur with the same cruelty and in such an inhuman way, in Israel after Syria or also after the Donbas region on the whole territory of Ukraine. 'The science of comparative law has a key role in the process of conflict resolution in a legal way, because it can make comparison among the pre-conflict, the current and the required legal outcomes.'²³ As the pre-conflict environment is differently presented by the media and influenced by the foreign policies of some EU member states, we usually do not know the whole story behind. E.g. was Gaddafi's Libya better before or now after the intervention or what will happen when Assad is gone from Syria or Putin from Russia? Can we expect the rise of human rights and at what costs? 'From an exclusively western point of view, we cannot decide what is important and what is not so important for the local people involved in the conflict.'²⁴ We cannot treat everyone like they are an average EU citizen or a nation with the same cultural mindset as in the EU. On the other hand, the way to implement foreign missions is also often questionable. So was the recent case of the involvement in Afghanistan where it is now hard to measure what democratic, rule of law or human rights norms have remained after the Taliban have taken over the country again. As in every conflict the human factor plays one of the most important roles, as we will also see later in the case of Kosovo. 'The human capacities are limited and, due to the budgetary restraints, it remains a major challenge to create and to staff all national authorities that are necessary for the successful enforcement of EU law.'²⁵ Various human rights can cost different amounts of

²¹ European Union Office in Kosovo/European Union Special Representative in Kosovo, Who we are, [https://www.eeas.europa.eu/kosovo/who-we-are_en?s=321], Accessed 4 April 2024.

²² European Neighbourhood Policy and Enlargement Negotiations, European Neighbourhood Policy, [https://neighbourhood-enlargement.ec.europa.eu/european-neighbourhood-policy_en], Accessed 4 April 2024.

²³ Spindler, Zs., *International conflicts and the Export of Democracy*, in: Smuk, P. (ed.), *Costs of Democracy*, Gondolat, Budapest 2016, pp. 195-209.

²⁴ *Ibid.*

²⁵ Lazowski, A.; Blockmans, S., *op. cit.*, note 12, pp. 108-133.

monetary efforts and the time necessary for their implementation in every single conflict that is happening is different.

4. EULEX MISSION IN KOSOVO

The EULEX mission is a special mission supporting the building of institutions in Kosovo. The initial work of the UNMIK (United Nations Interim Administration Mission in Kosovo) was partially taken over by EULEX and it is now dealing with the most important problems present today in Kosovo. ‘The European Union Rule of Law Mission in Kosovo (EULEX) was launched in 2008 as the largest civilian mission under the Common Security and Defence Policy of the European Union.’²⁶ EULEX is in some way limiting the sovereignty and full independence of the Republic of Kosovo, for which it actually has full support from both the Kosovo and Serbian governments. One of the arguments Serbia has regarding Kosovo’s independence is that it is not independent, since it is under EU administration. The idea of having an independent state with an administration coming from outside is really interesting from the perspective of sovereignty. ‘EULEX has been accorded immunity against local legal and administrative processes.’²⁷ If we know that Kosovo laws are made in The Kosovo Parliament by elected representatives and that they are enforced by the administration, which is under the everyday influence and control of the EU, we really cannot blame the Kosovo government for any possible failure and rule of law shortcomings. Even if Kosovo is lagging behind with reforms it is really not solely a Kosovo problem and the EU should take responsibility for that as well. Initially, EULEX was not planned to last that long or cost that much. In the Council decision founding EULEX and its article 16. about financial arrangements, it says: ‘The financial reference amount intended to cover the expenditure related to a period of 16 months starting from the approval of the OPLAN shall be EUR 205 000 000.’²⁸ The mission has overrun by many months this timeframe and the prescribed budget as well. Similarly Article 20. about entry into force and duration: ‘It shall expire 28 months from the date of approval of the OPLAN.’²⁹ Now, almost 20 years later the EU is approving the EULEX mission and supporting its work as a keystone for the democratic development and the enforcement of the rule of law in Kosovo. ‘The financial reference

²⁶ European Union Rule of Law Mission, What is EULEX?, [https://www.eulex-kosovo.eu/?page=2,16], Accessed 4 April 2024.

²⁷ European Union Rule of Law Mission, EULEX Accountability, [http://www.eulex-kosovo.eu/?page=2,23], Accessed 4 April 2024.

²⁸ Council Joint Action 2008/124/CFSP of 4 February 2008 on the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO [2024] OJ L 042 16.2.2008, p. 92.

²⁹ *Ibid.*

amount intended to cover the expenditure of EULEX KOSOVO from 15 June 2023 until 14 June 2025 shall be EUR 165 310 000.³⁰ As compared to the previous efforts by EULEX and the International Criminal Tribunal for the Former Yugoslavia (ICTY) judiciary system which was dealing with war crime cases, the formation of the new Kosovo Specialist Chambers (KSC) really came as a surprise. It is also one of the preconditions for the integration of the Kosovo Serb population into the Kosovo run administration, especially in North Kosovo. Previous efforts to do so have failed and among the critics was also the fact that the government in Prishtina is traditionally made up of ex-KLA members who allegedly committed war crimes. ‘The Mission also assists the Kosovo Specialist Chambers and Specialist Prosecutor’s Office by providing logistic and operational support in line with relevant Kosovo legislation.’³¹ The incapacity of Kosovo institutions and courts to process the war crimes cases that happened some decades ago is an alarming situation in both terms of the time and problem matter which both get such a late identification. In the end we will note that the EULEX has decreased in recent years, especially considering its staff. Right now the numbers show an authorized strength of 396 staff members of EULEX.³² The focus of the EULEX will now be mainly on North Kosovo, where the addition of the four Serbian municipalities with a huge Kosovo Serb population into the Kosovo governmental system will be an additional burden on the Kosovo state, its democracy, budget but mostly the rule of law.

5. HUMAN RIGHTS IN KOSOVO – TO WHAT LEVEL DO THEY EXIST AND AT WHAT COST?

If we try to look at Kosovo from a financial perspective, we really cannot expect much success from such a young post-conflict society. The Yugoslav era in Kosovo was dominated by a huge number of rights, among which were the very high employment, family support, social and health care. Even minority issues in Yugoslavia were not such an issue and among others Kosovo also had its administration, prior to the 1990 dissolution of Yugoslavia and the start of the conflicts in its republics. The EU support for Kosovo is very evident but still not producing as many results considering economic development as in, e.g. Serbia. ‘In the context of the Stabilization and Association Process (SAP, see above) that is seeking to bring Kosovo in line with European norms, the EU has several mechanisms to promote economic development on top of our financial assistance, such as trade concessions, and treaties (Stabilisation and Association

³⁰ *Ibid.*

³¹ European Union Rule of Law Mission, *op. cit.*, note 26.

³² *Ibid.*

Agreements).³³ Financial assistance is a great tool for development, but it has to be targeted at some kind of business development and trade potentials. Kosovo is not a country where many foreign investors endeavour and is also lacking local production facilities and thus heavily depending on imports. ‘Kosovo made limited progress on its overall track record on fighting organized crime and should step up its efforts on proactive investigations, convictions and confiscations of criminal assets, which remain very low.’³⁴ Also it has been reported that there is money laundering in Kosovo³⁵ which is a present threat for every post-conflict society but a surprise concerning the presence of the EU mission in Kosovo. Opportunities regarding regional cooperation are not fully used in Kosovo. Apart from not respecting CEFTA standards, Kosovo is also refusing to join the Open Balkan initiative, which is encouraged by the EU and USA respectively. ‘From Belgrade’s perspective, what makes Open Balkan stand out in comparison with other initiatives is that it is “locally owned”; representing the region’s answer to the apparent deadlock in the European accession process.’³⁶ The Open Balkan Initiative is clearly opening the door for better regional cooperation and connectedness, it can also connect more Serbia and Kosovo and their respective minorities across the borders.

The somewhat stabilized situation of the Serbian minority in enclaves in the south, and the four municipalities in the north of Kosovo is not even close to the standards of living and rights before the conflict in 1999 or during the Yugoslav era before 1990. ‘Given the nature of ethno-territorial divisions in Kosovo, it is unsurprising that work on minority rights and inter-ethnic cooperation takes precedence.’³⁷ The extremely large number of various organizations, NGOs both local and international and donations from the EU are still far from reaching the level of any EU member state as related to human rights standards. The completely non-existing system of any kind of state administration created by the Kosovo Albanians in 1999 has demanded extraordinary efforts, training and support to build its state administration in Kosovo. Still, the Kosovo administration is not yet able to cope with most of the challenges a state could have and has additionally become a

³³ The European Union and Kosovo, An overview of relations between the EU and Kosovo (*), [https://www.eeas.europa.eu/kosovo/eu-and-kosovo_en?s=321], Accessed 4 April 2024.

³⁴ European commission, 2023 Communication on EU Enlargement Policy, [https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/COM_2023_690%20Communication%20on%20EU%20Enlargement%20Policy_and_Annex.pdf], Accessed 4 April 2024.

³⁵ *Ibid.*

³⁶ Savković, M.; Nikaj, B., *Opportunity Costs of the Kosovo-Serbia Stalemate*, 2021, Sbunker [<https://sbunker.net/uploads/sbunker.net/files/2022/October/28/Opportunity-Cost-of-the-Dialogue-Between-Kosovo-and-Serbia1666958448.pdf>], Accessed 4 April 2024.

³⁷ Fagan, A., *op. cit.*, note 11, pp. 115–135.

source of corruption, which is a symbol of every poor society nowadays. ‘Whereas large multilaterals still deploy their resources through short-term projects, smaller foundations provide institutional support for civil society organizations not tied to specific projects.’³⁸ The very big disharmony of donations and various goals and targets they have made cause a chaos on the donation market, obviously the existing human rights from the EU cannot be easily projected on Kosovo. For instance, the empowerment of women is falling behind since the society can’t offer jobs for women and in rural areas still follow the old patriarchal lifestyle. The right to work is disregarded following the very poor economic conditions and is just frustrating the youngsters, who usually see and plan their future outside of Kosovo, especially after the visa liberalization starting now in 2024.

5.1. Human Rights in the Republic of Kosovo-South of River Ibar

Considering the status of Kosovo, its partial recognition, the UN Security Council Resolution 1244 and the 25th anniversary of the NATO bombing in 1999, we will aim to look at its sustainability from democratic, human rights and especially the rule of law perspectives. No one in the EU or even in the Western Balkans doubts that Kosovo should and will become an EU member state, even Serbia has agreed in the BA of 2013 that it will not block³⁹ its integration into the EU. In order to achieve the EU accession Kosovo needs to improve its lagging human rights prospects which are now at a very low level and also have a certain level of economic development, which is an even more troublesome case. ‘Kosovo data are available only for government debt to 2020 and not for its annual deficit or surplus.’⁴⁰ In 2020, Kosovo’s debt ratio was 21.8% of GDP, the lowest among the Western Balkans and Türkiye⁴¹ which shows that while it has no debts, it also does not maintain an infrastructure investment friendly policy, which should be necessary to catch up with other regional infrastructure developments. On the other side, big infrastructure projects are financed from outside, as it was also outlined in the WA.⁴² While Kosovo wants to benefit from its EU integration, it should start depending less on donations and more on income, although at

³⁸ *Ibid.*

³⁹ First agreement of principles governing the normalization of relations., *op. cit.*, note 4.

⁴⁰ Eurostat, Enlargement countries - finance statistics, [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Enlargement_countries_-_finance_statistics#Foreign_direct_investment], Accessed 4 April 2024.

⁴¹ *Ibid.*

⁴² Washington Agreement, Economic Normalization, 2020 [<https://www.new-perspektiva.com/wp-content/uploads/2020/09/Washington-Agreement-Kosova-Serbia.pdf>], Accessed 4 April 2024.

this moment its development cannot be imagined without foreign investments, which actually have not even started. ‘Regional cooperation should be treated as an opportunity, not a threat.’⁴³ Contrary to other Western Balkan countries, investors do not invest in Kosovo, again due to its poor legal system and lack of law enforcement mechanisms. ‘In the short term, the Government intends to finance the resulting budget deficits from accumulated savings and borrowing, as well as through the sale of assets and donor budget support.’⁴⁴ It looks like every effort to invest in Kosovo is doomed to end up in a corruption scandal, not that other neighboring countries do not have similar problems. One of the examples was also the company supplying temporary accommodation to returnees, which was embroiled in a corruption scandal and lost its contract with the ministry of internal affairs.⁴⁵ Investments or aid of large amounts of money on the Balkans are always connected to scandals and corruption, in some way, and it is also hard to prevent the money leaking from such big funds which do not have a thoroughly regulated control mechanism as, e.g. corporations do have. In the following paragraphs we will examine the responsibility on the part of EULEX and its international staff regarding some corruption scandals that have seriously undermined the mission and its presence in Kosovo.

5.2. Human Rights on North Kosovo in Four Serbian Municipalities- North of the Ibar River

After the 2008 Kosovo Proclamation of Independence the Serbian community from the North has chosen a completely different way of life that is outside of the newly established Kosovo ‘state’ system. Now some 20 years later the situation is changing which is due to the influence from the EU on to the Serbian government. As an outcome of the BA in 2013 Serbs from North Kosovo have to take part in Kosovo institutions, elections and all this is supported and encouraged by the Serbian government. The ‘Independence’ of North Kosovo was until The Brussels Agreement from 2013 financed by Belgrade and its help will continue but in a different way, which will now be controlled by Kosovo institutions. The financing of Serbian institutions in Kosovo was a very big issue in Serbia and

⁴³ Savković, M.; Nikaj, B., *op. cit.*, note 31.

⁴⁴ The World Bank, Kosovo - Public expenditure review (English), [<https://documents.worldbank.org/en/publication/documents-reports/documentdetail/252491468047082839/kosovo-public-expenditure-review>], Accessed 4 April 2024

⁴⁵ Report from the Commission to the European Parliament and the Council on progress by Kosovo* in fulfilling the requirements of the visa liberalisation roadmap, Brussels, 8.2.2013 COM(2013) 66 final, [<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52013DC0066>], Accessed 4 April 2024.

a source of money laundering and financial machinations as many journalists have pointed out, but full investigation has never been carried out. After 2013 many financial mechanisms are changing and money has to be directed through the Kosovo financial system, which also does not recognize the Serbian Dinar as a means of payment in Kosovo. The Development Fund, a special fund made to finance projects in North Kosovo, derives its revenues from taxes collected at crossing points and is used to support the socio-economic development of the four northern Kosovo municipalities⁴⁶ which in turn serves as a tool to lower the smuggling attractiveness in North Kosovo and encourage payments into this special budget line of the Kosovo customs system. A very large amount of goods and fuel in particular has been imported or smuggled into Kosovo and sold without paying taxes to either Serbian or Kosovo. The need to establish control over such activities and also to take control over the border crossings in North Kosovo by Kosovo border forces came as an obvious outcome of the Brussels agreements. This very interesting trade-off is an example of compromise and also an example how similar problems can be solved to make citizens benefit the most, obviously Kosovo would never allow bigger investments from its budget into a region outside of its control. This step was one of the initial moves to make and form the future special status of the North municipalities, they will soon probably get more rights when the A/C⁴⁷ will be formed and which would be some kind of a hybrid autonomous entity. As many years have passed since the signing of the BA in 2013 it is very interesting to follow the steps of forming the A/C in a context of mutual demands from both the Serbian and Kosovo governments. On a local level the political life is not any less turbulent. In January 2018 Oliver Ivanović⁴⁸ a founder of the political party of Srbija, Demokratija, Pravda (SDP) who also ran for the position of mayor of North Mitrovica was killed. He was at that time the biggest opposition leader among Kosovo Serbs and in opposition to the ruling Serbian government supported 'Srpska Lista'. A similar previous case of a political party leader Dimitrije Janićijević⁴⁹ of a Kosovo Independent Liberal Party was also assassinated in North Mitrovica, his work was also not supported by the Belgrade government as he was taking part in the work of Kosovo institutions which at that time was contrary to the interests and

⁴⁶ European Union External Action, 700,000 euro awarded to two projects in northern Kosovo municipalities from Development Fund [https://www.eeas.europa.eu/node/7235_en], Accessed 4 April 2024.

⁴⁷ First agreement of principles governing the normalization of relations., *op. cit.*, note 4.

⁴⁸ EULEX, EULEX strongly condemns the murder of Oliver Ivanovic, 16 January 2018, [<http://www.eulex-kosovo.eu/?page=2,10,762>], Accessed 4 April 2024.

⁴⁹ European integration process of Kosovo, European Parliament resolution of 16 January 2014 on the European integration process of Kosovo (2013/2881(RSP)), P7_TA(2014)0040, [<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+TA+P7-TA-2014-0040+0+DOC+PDF+V0//EN>], Accessed 4 April 2024.

instructions of the government in Belgrade. Even today, Serbs in North Kosovo do not participate in the government neither they take part in the administration of the four Serbian municipalities, which can be seen as a democratic deficit of the whole Kosovo system. Obviously Kosovo is not able and competent to ensure the participation of the Serbian minority for which also EULEX takes part in the responsibility as a guarantor of human rights standards. Still there are some development projects and the investment does not stop in North Kosovo. ‘Since 2013, the Fund has collected over 16.2 million EUR, of which 14.5 million have been allocated towards the socio-economic development of the four municipalities in northern Kosovo.’⁵⁰ Such investments are not made into local infrastructure and business development, which are truly a precondition for the overall economic development.

6. LESSONS FOR FUTURE HUMAN RIGHTS INVOLVEMENTS IN SIMILAR POST-CONFLICT SITUATIONS

The EU involvement in Kosovo is tremendous and we can just imagine what the needs and expectations could be if the EU deployed a mission in countries like Ukraine, Palestine or Syria, which are much bigger and more complex. Also the EU will have to deal with stakeholders such as Russia which does not suffer as much as expected due to the recent EU sanctions. The problems that the EU is facing are numerous and it is hard to expect that they could be solved more effectively in Kosovo than in any other member state. Some analysis suggests rather chaotic or, at least, comparatively unsystematic coverage of corruption and misuse of EU funds.⁵¹ As we have outlined earlier and will discuss later, corruption is more of a trend than an exception on all levels of governance today. Due to the specific way democracy functions and the open requests of political parties for various donations and sponsorships. ‘Private interests find an easy way to influence potential candidates and parties, which is to be controlled in order to prevent these interests from corrupting future governing parties.’⁵² To come back to Kosovo, we can see that it is trying to find its foundations on grounds that are not stable enough. Also the EULEX mission had some issues with corruption which will be the topic

⁵⁰ European Union Office in Kosovo European Union Special Representative in Kosovo, Management Board to Development Fund awards 3.5 million EUR for construction of Culture Centre in Mitrovica North, [https://www.eeas.europa.eu/delegations/kosovo/management-board-development-fund-awards-35-million-eur-construction-culture_en], Accessed 4 April 2024.

⁵¹ Školokay, A., *Media's Controversial Roles/Impact on/in Examples of (Un)Covering Fraud with EU Funds*, in: Smuk, P. (ed.), *Costs of Democracy*, Gondolat, Budapest, 2016, pp. 151-178.

⁵² Smuk, P., *Constitutional Approach to Public Financing of Political Parties and Election Campaigns*, in: Smuk, P. (ed.), *Costs of Democracy*, Gondolat, Budapest, 2016, pp. 178-195.

of our next chapter. ‘Just as the feasibility and cost of a residential construction project would depend on its architectural plan, so the feasibility and cost of a state-building mission can depend crucially on the constitutional structure of the state that is being established.’⁵³ Kosovo state building has so far caused more misunderstandings in both the UN and EU and therefore it has a path that is hard to follow from a usual state-building perspective. ‘The case of Kosovo is of particular importance in the context of post- conflict reconstruction because that case has been understood to be both exceptional and exemplary.’⁵⁴ Huge efforts were made into the most important aspect of stability, rule of law while all is still at a very low level of development in Kosovo. It is not a surprise since various organizations had different targets and invested without harmonizing their activities and consulting the local stakeholders. ‘Only one of the donors interviewed (Kosovo Foundation for Open Society [KFOS]) reported that they have no consultation with civil society organizations.’⁵⁵ This huge imbalance of finances has widely opened the door for fund misuse on both a local and state level. As the crown of the whole problem with corruption, as we will deal with it in the next chapter, the EULEX and its officials have taken a role in a corruption case that has shaken the whole mission. Jaroslava Novotna⁵⁶ the Chief EULEX Prosecutor and Francesco Florit the former chairman of EULEX’s Assembly of Judges⁵⁷, were accused of bribery. Florit allegedly received a bribe of some €300,000 to cover up evidence and ensure the insufficient protection of witnesses against individuals suspected of organized crime, among whom are well-known businessmen and politicians.⁵⁸ This was a turning point in the work of EULEX and came at the worst possible time, just before the very important tool in the Kosovo rule of law system was being formed, the foundation of the Kosovo Specialist Chambers. What are the chances that this court will succeed? It solely depends again on the EULEX whose capacity and preconditions we will examine in the following chapter.

⁵³ Myerson, R., *How to Prepare for State-Building*, Vol. 7, No. 1, Prism, 2017, p. 2.

⁵⁴ Herscher, A., *Reconstruction Constructing Reconstruction: Building Kosovo’s Post-conflict Environment*, in: Monk, D. B.; Mundy, J., (eds.), *The Post-Conflict Environment*, University of Michigan Press, 2014, pp. 158-187.

⁵⁵ Fagan, A., *op. cit.*, note 11, pp. 115–135.

⁵⁶ EULEX, Jaroslava Novotna – Lady Prosecutor, 30 December 2013, [<http://www.eulex-kosovo.eu/?page=2,26,89>], Accessed 4 April 2024.

⁵⁷ Republic of Kosovo, Law on the jurisdiction, case selection and case allocation of EULEX judges and prosecutors in Kosovo, 2008, Law No. 03/L-053, 13 March 2008.

⁵⁸ EURACTIV, EU to appoint legal expert to investigate Kosovo mission, 5 November 2014, [<https://www.euractiv.com/section/global-europe/news/eu-to-appoint-legal-expert-to-investigate-kosovo-mission/>], Accessed 4 April 2024.

7. LESSONS FOR FUTURE HUMAN RIGHTS ENFORCEMENT ORGANIZATIONS LIKE EULEX IN POST-CONFLICT SOCIETIES

The work and future success of the EULEX mission in Kosovo was never very straight forward, it had more or less turbulent times. ‘The high turnover rate among EULEX staff causes a number of complications, preventing the formation of trust and strong ties between EULEX staff and the staff of local institutions.’⁵⁹ EULEX has been present in Kosovo since it declared independence and it is hard to say who is to blame for anything wrong that has happened so far. For Serbia, it is easy to criticize since both the Kosovo government and EULEX have constantly failed to maintain the rights of the Serbian minority and its peaceful return and possible re-integration. The biggest shock regarding EULEX was still a recent allegation of an internal whistle blower who has claimed that some EULEX officials misused their mandate. ‘Elmar Brok (EPP, DE), chair of the Foreign Affairs Committee, underlined the importance and urgency of shedding light on the recent allegations of corruption within the EULEX Kosovo mission.’⁶⁰ Such a small and important institution as EULEX cannot be easily suspended, and this is one of the biggest threats to independent investigation. In order to find out what has happened Federica Mogherini, at the time the EU High Representative for common foreign and security policy, appointed a sole person to investigate this case, a law professor Mr. Jean Paul Jacqué. An investigation of a law professor is unclear since investigating corruption requires police techniques, for which EULEX is specially formed and also employs many experts in this field. The professor’s task was the following: Review of the EULEX Kosovo Mission’s Implementation of the Mandate with a Particular Focus on the Handling of the Recent Allegations⁶¹, although as said before, we are of the opinion that the first part of the task is indeed a work for a law professor but the investigation of corruption can’t be done by someone who does not have the necessary expertise. The report has in the end found some mistakes in the work of EULEX but has not maintained the EULEX staff allegations of corruption. ‘Further, the corruption scandals affecting EULEX itself that resonated

⁵⁹ Cierco, T.; Reis, L., *Eulex’s Impact on the Rule of Law in Kosovo*, Vol. 34, No 3, Revista de Ciencia Política, 2014, pp. 645-663.

⁶⁰ European Parliament Press Release, EULEX Kosovo allegations: MEPs demand transparent investigations, 4 November 2014, [<http://www.europarl.europa.eu/news/en/press-room/20141104IPR77202/eulex-kosovo-allegations-meps-demand-transparent-investigations>], Accessed 4 April 2024.

⁶¹ Review of the EULEX Kosovo Mission’s Implementation of the Mandate with a Particular Focus on the Handling of the Recent Allegations, Prof. Jean-Paul Jacque, 31 March 2015, [https://www.eulex-kosovo.eu/eul/repository/docs/150331_jacque-report_en.pdf], Accessed 4 April 2024.

widely in post-conflict Kosovo, leading to vigorous reactions of the locals who once believed EULEX could also heal society from other problems—not just those covered by its mandate.⁶² The various forms of control and a particular organization that deals with questions regarding the integrity and independence of EULEX is The European Union Human Rights Review Panel (HRRP)⁶³. This panel needs to be further explained and its role more accurate with all the problems EULEX may face in its everyday tasks and mission implementation. ‘Although HRRP claims to be an independent, which performs its functions with impartiality and integrity, the financial dependency on the EULEX and the appointment of HRRP members by the EULEX raises legitimate concerns on the institutional independence and the efficiency of performing the mandate.’⁶⁴ The control of EULEX, which is an institution partially out of control (from EU and Kosovo citizens), requests that we approach such problems from a more serious perspective and be more prepared for similar future challenges. In this regard, the loopholes have been filled by some soft law agreements such as The Brussels Agreement and The Washington Agreement. ‘As this example demonstrates, soft law provides a means to lessen sovereignty costs by expanding the range of available institutional arrangements along a more extensive and finely differentiated tradeoff curve.’⁶⁵ There is also an evident and clear need that the EU by means of EULEX should do more to implement, and when necessary enforce the soft law agreements in order to advance the developments regarding democracy, human rights and the rule of law accordingly.

8. CONCLUSION

As we have outlined it from the beginning, the costs of human rights implementations are various and the mere amount of money does not mean much considering the special background a certain post-conflict society might have. The level and success of democracy, human rights and the implementation of the rule of law can’t be guaranteed, nor can their form of implementation be pre-planned. The very specific case of Kosovo, with all its legal ambiguities and by now crucial partial UN and EU recognition has served as a very good example of peace building efforts from which many have learned a lesson. It is hard to find a state or international organization that has not seen its stake in

⁶² Zupančič, R.; Pejić, N., *Limits to the European Union’s Normative Power in a Post-conflict Society: EULEX and Peacebuilding in Kosovo*, Springer Briefs in Population Studies, Cham, 2018, p. 2.

⁶³ Human Rights Review Panel, European Union Human Rights Review Panel, [<http://www.hrrp.eu/index.php>], Accessed 4 April 2024.

⁶⁴ Visoka, G., *The EULEX Accountability in Kosovo*, 2013, Brief Study, no. 2, Kosovo Institute of Peace, p. 11.

⁶⁵ Abbott, K. W.; *op. cit.*, note 20, pp. 421-456.

the Kosovo peace-building process. While the most important role in Kosovo belongs to EULEX, and it is even more powerful than the Kosovo government itself. EULEX together with the EU, can contrary to some democratic principles force the Kosovo government to make laws and apply them in a manner they would never normally do. The EU has forced the establishment of the Kosovo Specialist Chambers and the obligation to form the Association/Community of Serbian Municipalities which is right now contrary to Kosovo laws. Therefore the influence of the EU in its neighbourhood and the agreements it makes with governments are seen as more demanding and taking pieces of sovereignty from its potential member states even before EU accession happens. In all the work, the EU made many mistakes and the EULEX corruption scandals urge us to change the way of controlling the EU and give a better understanding of how it works to both its citizens and the outside world. The burden on the EU is very heavy and it is hardly coping with all the challenges it faces from both inside and outside. For this reason, Kosovo is a great place to test its ability, institutions and personnel for the possible upcoming challenges. The work of EULEX is now limited again, but as it has been active for more than 10 years and the situation is not changing so rapidly, we could expect its presence in Kosovo for a longer period of time, with a limited re-shaping of its mandate and influence. The presence and slow penetration of the Serbian minority into Kosovo institutions is a precondition for a successful EULEX mission and Kosovo state-building, but considering the initial and completely different viewpoints regarding the future Kosovo state, we cannot expect much at this point. This case study has served us with many very important facts from which we could see how the EU will and could cope with its future challenges, in particular the costs related to democracy, human rights and the rule of law in post-conflict societies.

REFERENCES

BOOKS AND ARTICLES

1. Abbott, K. W.; Snidal, D., *Hard and Soft Law in International Governance*, 2000, 54 International Organization, pp. 421-456
2. Bootle, R., *The Trouble with Europe*, Third edition, Nicholas Brealey Publishing, 2016,
3. Cierco, T.; Reis, L., *Eulex's Impact on the Rule of Law in Kosovo*, Vol. 34, No 3, Revista de Ciencia Política, 2014, pp. 645-663
4. Cornell, S., *The Impact of the Ukraine and Syria Conflicts on the Geopolitics of the South Caucasus*, in: Kakachia, K.; Meister, S.; Fricke, B. (eds.), *Geopolitics and Security: A New Strategy for the South Caucasus*, Konrad-Adenauer-Stiftung, 2018, pp. 231-266

5. Fagan, A., *Democracy promotion in Kosovo: mapping the substance of donor assistance and a comparative analysis of strategies*, Cambridge Review of International Affairs, Vol. 28, No 1, 2015, pp. 115–135
6. German, T., *Russia and the South Caucasus: The China Challenge*, 74 Europe-Asia Studies, 2022, pp. 1596–1615
7. Herscher, A., *Reconstruction Constructing Reconstruction: Building Kosovo's Post-conflict Environment*, in: Monk, D. B.; Mundy, J., (eds.), *The Post-Conflict Environment*, University of Michigan Press, 2014, pp. 158-187
8. Kardos Kaponyi, E., *Cost of Human Rights*, in: Smuk, P. (ed.), *Costs of Democracy*, Gondolat Budapest 2016, pp. 11-33
9. Larrabee, S. F., *NATO's Eastern Agenda in a New Strategic Era*, RAND Corporation, 2003, p. 27
10. Lazowski, A.; Blockmans, S., *Between dream and reality: challenges to the legal rapprochement of the Western Balkans*, in: Elsuwege, P. Van.; Petrov, R. (eds.), *Legislative Approximation and Application of EU Law in the Eastern Neighbourhood of the European Union, Towards a Common Regulatory space?*, Routledge, 2014, pp. 108-133
11. Myerson, R., *How to Prepare for State-Building*, Vol. 7, No. 1, Prism, 2017, p. 2
12. Schulte, G. L., *Regime Change Without Military Force: Lessons from Overthrowing Milosevic*, Vol. 4 No.2, Prism, 2013, pp. 45-56
13. Smuk, P., *Constitutional Approach to Public Financing of Political Parties and Election Campaigns*, in: Smuk, P. (ed.), *Costs of Democracy*, Gondolat, Budapest, 2016, pp. 178-195
14. Spindler, Zs., *International conflicts and the Export of Democracy*, in: Smuk, P. (ed.), *Costs of Democracy*, Gondolat, Budapest 2016, pp. 195-209
15. Tohidipur, T., *The European Union and the constitution-making Processes in the Arab World*, in: Grote, R.; Roder, T. (eds.), *Constitutionalism, Human rights, and Islam after the Arab Spring*, Oxford University Press, 2016, pp. 879-905
16. Visoka, G., *The EULEX Accountability in Kosovo*, 2013, Brief Study, No. 2, Kosovo Institute of Peace, p. 11
17. Zupančič, R.; Pejič, N., *Limits to the European Union's Normative Power in a Post-conflict Society: EULEX and Peacebuilding in Kosovo*, Springer Briefs in Population Studies, Cham, 2018, p. 2
18. Školkay, A., *Media's Controversial Roles/Impact on/in Examples of (Un)Covering Fraud with EU Funds*, in: Smuk, P. (ed.), *Costs of Democracy*, Gondolat, Budapest, 2016, pp. 151-178

UN RESOLUTIONS

1. UNMIK, Resolution 1244 (1999), [<https://unmik.unmissions.org/united-nations-resolution-1244>], Accessed 4 April 2024

EU LAW

1. Council Joint Action 2008/124/CFSP of 4 February 2008 on the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO [2024] OJ L 042 16.2.2008, p. 92

LIST OF NATIONAL REGULATIONS, ACTS AND COURT DECISIONS

1. Republic of Kosovo, Law on the jurisdiction, case selection and case allocation of EULEX judges and prosecutors in Kosovo, 2008, Law No. 03/L-053, 13 March 2008

WEBSITE REFERENCES

1. EULEX, EULEX strongly condemns the murder of Oliver Ivanovic, 16 January 2018, [<http://www.eulex-kosovo.eu/?page=2,10,762>], Accessed 4 April 2024
2. EULEX, Jaroslava Novotna – Lady Prosecutor, 30 December 2013, [<http://www.eulex-kosovo.eu/?page=2,26,89>], Accessed 4 April 2024
3. EURACTIV, EU to appoint legal expert to investigate Kosovo mission, 5 November 2014, [<https://www.euractiv.com/section/global-europe/news/eu-to-appoint-legal-expert-to-investigate-kosovo-mission/>], Accessed 4 April 2024
4. European commission, 2023 Communication on EU Enlargement Policy, [https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/COM_2023_690%20Communication%20on%20EU%20Enlargement%20Policy_and_Annex.pdf], Accessed 4 April 2024
5. European integration process of Kosovo, European Parliament resolution of 16 January 2014 on the European integration process of Kosovo (2013/2881(RSP)), P7_TA(2014)0040, [<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+TA+P7-TA-2014-0040+0+DOC+PDF+V0//EN>], Accessed 4 April 2024
6. European Neighbourhood Policy and Enlargement Negotiations, European Neighbourhood Policy, [https://neighbourhood-enlargement.ec.europa.eu/european-neighbourhood-policy_en], Accessed 4 April 2024
7. European Parliament Press Release, EULEX Kosovo allegations: MEPs demand transparent investigations, 4 November 2014, [<http://www.europarl.europa.eu/news/en/press-room/20141104IPR77202/eulex-kosovo-allegations-meps-demand-transparent-investigations>], Accessed 4 April 2024
8. European Union External Action, 700,000 euro awarded to two projects in northern Kosovo municipalities from Development Fund [https://www.eeas.europa.eu/node/7235_en], Accessed 4 April 2024
9. European Union External Action, Annual Activity Report 2022, [<https://www.eeas.europa.eu/sites/default/files/documents/2023/2022%20EEAS%20Annual%20Activity%20Report.pdf>], Accessed 4 April 2024
10. European Union Office in Kosovo European Union Special Representative in Kosovo, Management Board to Development Fund awards 3.5 million EUR for construction of Culture Centre in Mitrovica North, [https://www.eeas.europa.eu/delegations/kosovo/management-board-development-fund-awards-35-million-eur-construction-culture_en], Accessed on 4 April 2024
11. European Union Office in Kosovo/European Union Special Representative in Kosovo, Who we are, [https://www.eeas.europa.eu/kosovo/who-we-are_en?s=321], Accessed 4 April 2024

12. European Union Rule of Law Mission, EULEX Accountability, [http://www.eulex-kosovo.eu/?page=2,23], Accessed on 4 April 2024
13. European Union Rule of Law Mission, What is EULEX?, [http://www.eulex-kosovo.eu/?page=2,16], Accessed 4 April 2024
14. Eurostat, Enlargement countries - finance statistics, [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Enlargement_countries_-_finance_statistics#Foreign_direct_investment], Accessed 4 April 2024
15. First agreement of principles governing the normalization of relations is better known as The Brussels agreement from 2013, In Kosovo it is Law, No. 04/L-199, on Ratification of the First International Agreement of Principles Governing the Normalization of Relations between the Republic of Kosovo and the Republic of Serbia, [https://www.peaceagreements.org/viewmasterdocument/2022] also available at [https://www.srbija.gov.rs/cinjenice/en/120394] and [http://old.kuvendikosoves.org/common/docs/ligjet/Law%20on%20ratification%20of%20agreement%20-normalization%20of%20relations%20between%20Kosovo%20and%20Serbia.pdf], Accessed 4 April 2024
16. Human Rights Review Panel, European Union Human Rights Review Panel, [http://www.hrrp.eu/index.php], Accessed 4 April 2024
17. Khachatryan, H., *The Nagorno-Karabakh War: A New Reality in the South Caucasus and Its Implications for the EU*, 2020, Institute of European Democrats, [https://www.iedonline.eu/download/geopolitics-values/36-Khachatryan_The_Nagorno-Karabakh_war_A_new_reality_in_the_South_Caucasus_and_its_implications.pdf] Accessed 4 April 2024
18. Report from the Commission to the European Parliament and the Council on progress by Kosovo* in fulfilling the requirements of the visa liberalisation roadmap, Brussels, 8.2.2013 COM(2013) 66 final, [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52013DC0066], Accessed 4 April 2024
19. Review of the EULEX Kosovo Mission's Implementation of the Mandate with a Particular Focus on the Handling of the Recent Allegations, Prof. Jean-Paul Jacque, 31 March 2015, [https://www.eulex-kosovo.eu/eul/repository/docs/150331_jacque-report_en.pdf], Accessed 4 April 2024
20. Savković, M.; Nikaj, B., *Opportunity Costs of the Kosovo-Serbia Stalemate*, 2021, Sbunker [https://sbunker.net/uploads/sbunker.net/files/2022/October/28/Opportunity-Cost-of-the-Dialogue-Between-Kosovo-and-Serbia1666958448.pdf], Accessed 4 April 2024
21. The Delegation of the European Union to the Republic of Serbia, EU and Serbia at work, [http://europa.rs/eu-assistance-to-serbia/eu-and-serbia-15-years-of-partnership/?lang=en], Accessed on 4 April 2024
22. The Diplomatic Service of the European Union, European Neighbourhood Policy, [https://www.eeas.europa.eu/eeas/european-neighbourhood-policy_en#7120], Accessed 4 April 2024
23. The European Union and Kosovo, An overview of relations between the EU and Kosovo (*), [https://www.eeas.europa.eu/kosovo/eu-and-kosovo_en?s=321], Accessed 4 April 2024
24. The World Bank, Kosovo - Public expenditure review (English),

- [<https://documents.worldbank.org/en/publication/documents-reports/documentdetail/252491468047082839/kosovo-public-expenditure-review>], Accessed 4 April 2024
25. Washington Agreement, Economic Normalization, 2020
[<https://www.new-perspektiva.com/wp-content/uploads/2020/09/Washington-Agreement-Kosova-Serbia.pdf>], Accessed 4 April 2024
26. Yıldız, G., Turkish-Russian Adversarial Collaboration in Syria, Libya, and Nagorno-Karabakh, 2021, SWP Comment,
[https://www.swp-berlin.org/publications/products/comments/2021C22_Turkish-Russian_Collaboration.pdf], Accessed 4 April 2024