

Contents

Foreword by Prof. Dr. Ingolf Ahlers 1

Foreword by Prof. Dr. Wolfram Lamping 5

Abbreviations 9

List of Figures 15

1 Introduction 19

1.1 The problem: a definition . . . . . 19

1.2 Key questions and structure of the work . . . . . 22

1.3 Empirical approach . . . . . 25

2 Terms and basic concepts 27

2.1 Terms . . . . . 27

2.1.1 Security . . . . . 27

2.1.2 War . . . . . 29

2.1.3 Peace . . . . . 31

2.1.4 Police . . . . . 33

2.1.5 Criminality . . . . . 35

2.1.6 International Organizations . . . . . 36

2.1.6.1 Global and international organizations. . . . . 36

2.1.6.2 Supranational and intergovernmental organizations . . . . . 38

2.2 Foundations for the establishment and operation of new institutions . . . . . 40

3	The UN and NATO in the process of conflict resolution	45
3.1	Basic elements of the conflict resolution process of the UN . . .	45
3.1.1	Preamble of the UN Charter . . . . .	46
3.1.2	Peace under Articles 1 and 2 of the UN Charter . . . . .	47
3.2	Basic elements of the conflict resolution process of NATO. . . .	49
3.2.1	The founding objective of NATO and intervention powers according to the Preamble of the Atlantic Charter .	50
3.3	Summary. . . . .	52
4	The role of the international community in the removal of the Serbian government and security apparatus from Kosova	53
4.1	The Rambouillet Peace Conference . . . . .	53
4.2	Invasion of Kosova by NATO troops . . . . .	54
4.3	Withdrawal of Serbian military, police and paramilitary forces from Kosova . . . . .	57
4.4	Resolution 1244 of the UN Security Council. . . . .	58
4.5	Summary. . . . .	59
5	The role of the international community in building a new security structure in Kosova	61
5.1	The creation of a new police force in Kosova despite the lack of a government and a police law . . . . .	62
5.1.1	Test and selection of candidates . . . . .	65
5.1.2	Integration of the KLA freedom fighters and the inclusion of minorities. . . . .	68
5.1.3	The role of the Police Academy . . . . .	76
5.1.4	The Police hierarchy four years after the founding of the Police Force . . . . .	77
5.2	The creation of the Kosovan Defense Corps (TMK) . . . . .	77
5.2.1	Integration of the KLA freedom fighters and the inclusion of minorities. . . . .	79
5.2.2	The role of the TMK/KPC in the preservation of peace in Kosova . . . . .	79
5.2.2.1	Dissolution of the TMK . . . . .	80

5.3	Summary. . . . .	81
6	The role of the international community in the creation of Kosovan institutions . . . . .	85
6.1	Formation of a Kosovan Interim Government . . . . .	88
6.1.1	Government without competencies . . . . .	88
6.2	The relationship between the Kosovan Interim Government and the international community . . . . .	89
6.3	The role of the President and the Parliament of Kosova . . . . .	91
6.4	The powers of the newly formed Interim Government in security issues . . . . .	91
6.5	Illegal Serbian parallel structures and secret service activities intended to destabilize Kosova . . . . .	92
6.6	The Police hierarchy before the establishment of the Kosovan Ministry of Internal Affairs and six years after the founding of the Police Force . . . . .	92
6.7	The establishment of the Kosovan Ministry of Justice . . . . .	97
6.8	Immunity . . . . .	101
6.9	Summary. . . . .	102
7	The Police as the only security institution in Kosova after nine years as a UN protectorate . . . . .	105
7.1	Establishment of the Ministry of Internal Affairs. . . . .	105
7.1.1	The power of the Minister of Internal Affairs . . . . .	105
7.2	The power of the newly established Police Inspectorate . . . . .	107
7.2.1	Recruitment and employment of Police Inspectorate Staff . . . . .	108
7.2.1.1	Processes for dealing with complaints and requests from applicants . . . . .	109
7.2.1.2	Action against Police personnel in the case of violation of the chain of command . . . . .	110
7.3	Influence of the Ministry of Internal Affairs and the Police Inspectorate . . . . .	112

7.4	Statistics of Police staff . . . . .	113
7.4.1	Data for Kosova . . . . .	113
7.4.2	Comparison with the police forces in selected countries . . . . .	115
7.4.3	Funding and salaries of the Police . . . . .	116
7.5	Police hierarchy after the creation of the Kosovan Ministry of Internal Affairs – nine years after the founding of the Police Force. . . . .	120
8	Critical analysis of the work of the international community in police and security issues . . . . .	123
8.1	Influence from within Kosova and from abroad . . . . .	123
8.2	Disregard of the Police chain of command by the Serbian minority and the role of politics . . . . .	125
8.3	Balance of power between the Kosovan and the UNMIK Police . . . . .	127
8.4	Underpayment of the Kosova Police Service and the lack of health insurance . . . . .	129
8.5	The Serbian Government and illegal Serbian parallel structures in Kosova . . . . .	131
8.5.1	The Serbian minority and their criminal development in the field of organized crime . . . . .	132
8.6	Actions of UNMIK . . . . .	133
8.6.1	The Merdare incident . . . . .	134
8.6.2	The Mitrovica incident and the riots of 17 and 18 March 2004. . . . .	135
8.6.3	The killing of Albanian demonstrators by the UN Police on 10 February 2007 and the obstacles during the investigation. . . . .	137
8.7	The prosecution of Serbian war criminals . . . . .	138
8.8	Cooperation between the state prosecution and the Police in the investigation and punishment of criminal acts . . . . .	141
8.8.1	Crime statistics . . . . .	142
8.8.2	The Police information system “Data Base”. . . . .	145
8.9	Summary. . . . .	146

9	Kosova and the international community during and after the resolution of the status question	149
9.1	Status negotiations . . . . .	149
9.2	The Kosovan Declaration of independence of 17 February 2008 and the role of the international community . . . . .	152
9.2.1	The recognition of the independence of Kosova . . . . .	154
9.3	The Kosovan Constitution and the founding of the Constitutional Court . . . . .	155
9.4	The role of the international community after the Kosovan Declaration of Independence . . . . .	158
9.4.1	UN/UNMIK . . . . .	158
9.4.2	KFOR . . . . .	159
9.4.3	International Civilian Representative . . . . .	160
9.5	The behavior of Serbia and the neighboring countries following the independence of Kosova . . . . .	164
9.6	Summary. . . . .	166
10	The new role of the EU	169
10.1	The Special Representative of the EU . . . . .	169
10.2	The EULEX mission . . . . .	171
10.2.1	The EULEX hierarchy in police and judicial matters . . .	173
10.3	The balance of power between the UN/UNMIK and the EU/EULEX missions . . . . .	182
10.4	Actions of EULEX. . . . .	184
10.5	Disunity of the EU countries in the independence question. . . .	187
10.6	Immunity . . . . .	189
10.7	Summary. . . . .	190
11	The creation of new security institutions following independence and the establishment of peace in Kosova	193
11.1	New security institutions . . . . .	194
11.1.1	Kosova Security Council . . . . .	194
11.1.2	Security Force of Kosova . . . . .	196
11.1.3	Kosova Intelligence Agency . . . . .	200

11.2 The EU and NATO future of Kosova . . . . .	203
11.2.1 Visa liberalization and EU membership . . . . .	203
11.2.2 NATO future . . . . .	205
11.3 Membership of international organizations . . . . .	206
11.3.1 World Bank and International Monetary Fund. . . . .	206
11.4 Social security . . . . .	207
11.5 Summary . . . . .	210
12 Conclusions: Did the mission of the international community “successfully fail”?	213
13 Bibliography	221
13.1 Primary sources . . . . .	221
13.2 Secondary literature . . . . .	228
14 Interview list	241