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Local contestation against the European Union Rule of Law Mission in Kosovo

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ABSTRACT
This article examines local contestation against the European Union Rule of Law Mission in Kosovo (EULEX), manifesting itself in local actors publicly demanding a change in the mission’s mandate and/or its operations. The article investigates how EULEX’s actions and its effectiveness are perceived and reacted upon by the local actors. It shows that local contestation is mainly fueled by (1) conflicting sovereignty claims by the majority Albanians and the minority Serbs; (2) the understanding of sovereignty by parts of society as entailing exclusive authority; and (3) dissatisfaction with the mission’s effectiveness. By addressing EULEX from a bottom-up perspective—that of the local actors—the article underlines the limitations of EU policies in post-conflict Kosovo.

KEYWORDS Contestation; resistance; CSDP; peacebuilding; Western Balkans

At the launch of the European Union Rule of Law Mission in Kosovo (EULEX) in 2008, Javier Solana, the then European Union (EU) High Representative for the Common Foreign and Security Policy, raised high expectations among both the EU and Kosovar citizens:

The mission will be crucial for the consolidation of rule of law in Kosovo, and furthermore, the development of rule of law and strengthening of multi-ethnic institutions will be to the benefit of all communities in Kosovo. The mission is proof of the EU’s strong commitment towards the Western Balkans and it will contribute to the enhancement of stability in the whole region. (Council of the European Union, 2008b)

The invitation for the mission to deploy had been included in Kosovo’s Declaration of Independence from February 17, 2008.1 And following the decision to bring EULEX under the overall authority of the United Nations, the deployment of EULEX had also been accepted by Serbian government...
(United Nations Security Council, 2008). However, despite this endorsement at the highest political levels, from the very beginning EULEX met contestation by both Kosovo Albanians and Kosovo Serbs. To address this puzzle, this article explores the question: Why did a considerable part of the Kosovar society engage in contestation against EULEX?

As shown in the literature, the record of EU-supported reforms in post-conflict countries is mixed (e.g., Bieber, 2011; Keil, 2013). One of the reasons is the local resistance against them. Hence, in order to better understand why the EU fails or succeeds in peacebuilding, we need to better understand how and why EU initiatives trigger resistance. While the study of resistance has attracted much attention in the peacebuilding literature (see Ejdus & Juncos, 2018), it is less researched in the European Studies literature, and specifically when it comes to Common Security and Defense Policy (CSDP) operations (for exceptions see Rayroux & Wilén, 2014; Vandemoortele, 2012). This article contributes to this emergent literature by focusing on local contestation against EU missions—defined here as public activities carried out to demand a change in the missions’ mandate and/or operations—as a form of local resistance to the EU’s peacebuilding activities. By focusing on contestation the article also engages with the broader questions addressed by this special issue, focusing on the interactions between the local actors and EU policies, and, more generally, on the local (partly unintended) consequences of EU peacebuilding.

On the one hand, any reform process should allow the space for potential contestation, as by their nature “state-building, nation-building and democratization are contentious processes” (Keränen, 2013, p. 354). This extends to the peacebuilding activities of the EU, as they have a strong impact on the design of the countries’ institutions and potentially on the transformation of power relations (Björkdahl & Höglund, 2013). On the other hand, the EU’s proclaimed attachment to local ownership (Ejdus & Juncos, 2018) should result in the missions’ policies enjoying broad acceptance of the local actors. With the local actors “in the driving seat,” contestation ought to be minimal. To put it in another way, its appearance is a warning sign about the long-term sustainability of the reforms.

EULEX represents a case in point. As the biggest and most ambitious civilian mission deployed by the EU to date, it has wide-ranging goals in improving the rule of law in Kosovo. Arguably this exceptional commitment from the EU, together with the apparent alignment of the EU’s and Kosovo’s interests—with 87% of the Kosovar population strongly supporting the membership of the EU (Gallup & European Fund for the Balkans, 2010, p. 13)—should have resulted in high acceptance of EULEX by the Kosovar society. Given such wide societal support, one would have expected contestation to be minimal and isolated. This has, however, not been the case. On the contrary, EULEX has provoked high levels of contestation from a range of local actors. For instance, a
protest in August 2009 resulted in damage to 28 EULEX vehicles (Deutsche Presse-Agentur, 2009) and another one in March 2011 drew thousands of participants (Agence France Presse, 2011). Such levels of contestation and violence have been unanticipated by EU decision-makers and EULEX personnel, both of whom have long regarded the mission as “simply” technical and expertise-driven. This article investigates two possible reasons for contestation by a considerable part of the Kosovar society: EULEX’s perceived violation of sovereignty and its perceived lack of effectiveness.

The article starts with the notion of local contestation and its conceptual underpinnings. Successively it develops an analytical framework to analyze factors explaining contestation—EULEX’s perceived violation of sovereignty and its perceived lack of effectiveness. The next section presents EULEX. The analytical framework is subsequently applied to this case. The final section links the main findings to the broader questions addressed in this special issue.

Local contestation: Definition, characteristics, and driving factors

This article takes as a conceptual starting point the notion of local contestation. Local contestation is understood here as a form of local resistance. It is an (a) activity which is (b) oppositional (Hollander & Einwohner, as cited in Ejdus & Juncos, 2018). Thus contestation always denotes action and has a target which is opposed and challenged by it.

Contestation also has specific characteristics, which distinguish it from another form of resistance—everyday resistance (also known as hidden resistance). The aims of local contestation “are more clearly identifiable, tend to be collective in nature, … are generally politically articulated” and can encompass such activities as “public confrontations, civil wars, rebellions, riots, or demonstrations” (Ejdus & Juncos, 2018, p. 17). By contrast, everyday resistance is generally hidden and small in scale. Because of its public characteristics, contestation is recognized as such by both the actors it targets and by observers.

Contestation is used here to analyze a broad range of local demonstrations of public disagreement with policies carried out by EULEX. To encompass all the above characteristics of contestation—action, opposition, political articulation, and visibility/recognizability (Ejdus & Juncos, 2018)—this article defines contestation as public activities against EULEX carried out to demand a change in its mandate and/or its operations. These activities can be divided into two groups: organized collective events, such as protests, marches, demonstrations, and barricades (which can be peaceful or violent); and public criticism, such as public statements, reports, and press articles. This dichotomy is analytical, as the two can sometimes overlap, for instance, when public statements are given to the press during a protest.
This article starts from a social constructivist premise that “civil unrest, demands for comprehensive redistribution of political power and welfare, as well as political revolutions and major reforms often follow from identity-driven conceptions of appropriateness” (March & Olsen, 2005, p. 481). What should or should not be contested is not fixed a priori in a given society, but the meaning of contestation is constructed collectively by the local actors. Particularly in post-conflict societies the situation on the ground has been radically changed, often rendering the old understandings of values/interests obsolete. This forces the local actors to reconstruct what these are and if they should be defended through contestation.

This understanding of what should be contested is produced through framing, a collective process of interpretation, attribution, and social construction, producing shared definitions of what is happening (McAdam, Tarrow, & Tilly, 2001). These collective action frames are action-oriented sets of beliefs and meanings that inspire and legitimize the activities underpinning local contestation (Benford & Snow, 2000). In the context of peacebuilding, the frames determine which elements of the mission’s mandate or activities are perceived as going against the local values/interests, explaining why the local actors mobilize themselves against them. Thus, frames are analyzed here because they shape both the focus and the intensity of the contestation against EULEX.

Let us now turn to the potential reasons behind contestation against EU missions. The literature on the EU missions, including EULEX, is already substantial. However, so far local reactions to the mission’s deployment, in particular negative reactions, have received relatively little attention. Thus, this article took an exploratory approach, using pilot interviews with a small number of Kosovar actors to determine the potential reasons for local contestation. These interviews ascertained two potential reasons for contestation: EULEX’s violation of sovereignty and its lack of effectiveness (as perceived by those actors). As the explanatory potential of these factors is in line with the literature (discussed below), they are the main focus of this article.

The first potential reason for contestation (sovereignty) is one of the key pillars of international legal order. Because of its importance, the concept is intensely disputed (e.g., Glanville, 2013; Krasner, 1999; Thomson, 1995) as is its supremacy over other international norms, such as human rights or non-proliferation and non-use of weapons of mass destruction (e.g., Love, 2010). What is clear is that international peacebuilding activities have a direct impact on the ability of local authorities to exercise sovereignty in their country. Indeed, international peacebuilders often have to compromise a state’s sovereignty in order to build structures and institutions necessary for a sovereign state (“sovereignty paradox,” Zaum, 2007).

Such top-down approach has been criticized not only by academics as part of the “local turn” in peacebuilding (Chandler, 2000; Richmond & Franks,
2009; Visoka, 2011), but it has also been seen as potentially contentious by local actors. For instance, problems related to the lack of legitimacy for EU-driven reforms have been highlighted in the literature on Europeanization (Noutcheva, 2012) and on Security Sector Reform-related activities (Sahin, 2017). More specifically in relation to EULEX, one has to note that the EU’s rule of law activities are also intrinsically political in that they touch upon what Kosovar locals perceive as core attributes of their sovereignty. Because of these local perceptions, we can expect that EULEX might be subject to different forms of contestation.

Effectiveness is the second potential reason for local contestation. It can be defined as the ability to attain the goals of an organization (Etzioni, as cited in Price, 1972). For local actors, the international administration’s “effectiveness of government is one of the key sources of authority” (Zaum, 2007, p. 67). Conversely, if international missions are perceived as ineffective, it likely creates a sense of disappointment and frustration among the local society. Moreover, another conceivable problem is a potential circular effect of lack of effectiveness: If it leads to contestation it might in turn make the mission’s work more difficult, further hampering its effectiveness in the long run.

These two potential reasons for contestation—perceived violation of sovereignty and perceived lack of effectiveness—provide the starting point for this analysis of contestation. In line with the constructivist approach, this article investigates how the contestation against the perceived violation of sovereignty and the lack of effectiveness is framed. Local actors themselves—as an autonomous community—construct particular understandings of what sovereignty entails. The focus on framing helps explain which activities of a mission are seen as undermining the country’s sovereignty. Moreover, this article explores the concept of effectiveness and the way it has been framed by the Kosovar population. As the missions commonly deal with some of the countries’ most problematic, multi-faceted areas (such as rule of law), it might not be easy to determine what effectiveness entails. The mission’s effectiveness is based on the attainment of its goals, but the local actors’ understanding of what those goals are might not be the same as that of EU (Juncos, 2013). Since frames are the product of particular local circumstances, it is difficult to predetermine at the outset of the research what form precisely they will likely take.

The specific case study was chosen for several reasons. As already explained in the introduction, it is an example of unexpected contestation given broad popular support for EU integration. But it is also relevant for more practical reasons. Firstly, EULEX is one of the main instruments of the EU in Kosovo. Thus contestation, particularly if carried out and/or supported by many local actors, risks derailing broader reform process. Secondly, EULEX is the biggest and most ambitious EU civilian mission to date and therefore it constitutes a litmus test of EU’s actorness in international
affairs (Greiçevci, 2011). In other words, “(t)he stakes for the EU in terms of regional security and stability, internal development and international credibility are so high that the EU cannot afford to let its CSDP flagship fail” (Keu-keleire & Thiers, 2010, p. 354). Nonetheless, like any case study, this one also has some limitations. Firstly, the exceptionally ambitious mandate of EULEX makes it more difficult to generalize to other EU policies. In particular, it is unlikely that the EU will be willing and able to include executive functions in the mandates of future missions. Secondly, during some incidents of contestation EULEX was targeted jointly with other actors—namely the UN or Kosovar authorities. Thus, at times it is difficult to estimate the precise strength of the contestation directed particularly at the EU mission.

The data on contestation were obtained from three principal sources: written primary and secondary sources, and interviews. Primary sources included news items in local and international media; documents of actors contesting EULEX, reports of main Kosovar think tanks and NGOs monitoring public activities, and EU press releases and other documents. Secondary sources comprised relevant academic literature and reports of two international non-governmental organizations: International Crisis Group (ICG) and Saferworld. Both provide highly detailed factual information in their reports.

The data for this research were collected in two stages. Firstly, the pilot interviews were conducted and the primary and secondary sources collected, in order to identify (a) incidents of contestation, (b) participating actors, and (c) information about their reasons. A preliminary coding template was created to allow easy identification of this information. This stage highlighted both missing factual information and gave insights into possible reasons behind contestation to be further explored during the interviews. Secondly, the initial coding set was then completed with the information obtained during the rest of overall 33 semi-structured interviews, conducted over the period of June–October 2015. 27 Kosovar actors were interviewed. These included local leaders, civil society activists, journalists, staff from think tanks, bureaucrats, and regular citizens. In addition, the interviewees included four members of EULEX personnel and two Members of European Parliament engaged with Kosovo. In view of the wealth of gathered information and of the complex processes lying behind contestation, the process of refining codes was iterative, with several rounds of analysis. All the sources were analyzed with the help of qualitative data analysis software atlas.ti, which was used to store all the data sources, create coding template, and identify quotes related to the particular codes.

EULEX Kosovo: Background and deployment

EULEX is the biggest civilian mission so far deployed by the EU. It had almost 3,000 staff at the peak of its activities. The EU decided to deploy EULEX in
February 2008, days before Kosovo’s unilateral declaration of independence. Initially EULEX’s deployment was planned as a part of the so-called Ahtisaari Plan of Kosovo’s supervised independence. It would therefore replace United Nations Mission in Kosovo (UNMIK). However, after Russia’s and Serbia’s opposition to the Ahtisaari Plan and the disagreements among EU member states, the mission was eventually deployed under the UN umbrella. As a result, it is “status-neutral”: It does not take an official position on whether Kosovo is an independent country or a province of Serbia (see Dijkistra, 2011). Importantly, UNMIK also stayed in Kosovo, although it was de facto reduced to performing limited tasks in the north.

EULEX is a mentoring, monitoring, and advising (MMA) mission. It mostly works with the police, the customs, and the judiciary. Particularly the judiciary has since the beginning been perceived as the most complicated element of the three (Keukeleire & Thiers, 2010). In addition, one aspect of EULEX’s mandate is unique compared to other EU civilian missions—its executive functions. These allow it to reverse or annul decisions taken by Kosovar authorities and, importantly, to independently prosecute cases of war crimes, terrorism, organized crime, corruption, and other serious crimes (Council of the European Union, 2008a).

This article focuses on the initial period of EULEX’s operations—until June 2012. Three reasons justify the choice to treat this period as an entity: the nature of the mission itself, the amplitude of the contestation, and the changed political dynamics in the period afterward. Firstly, in June 2012, the mission underwent significant restructuring, also resulting in considerable downsizing of personnel (25%). Secondly, most of the contestation against EULEX took place in this initial period. Thirdly, the political environment of EULEX gradually started changing. Important factors included the end of Kosovo’s supervised independence in September 2012, insistence of the Kosovar government on transfer of authority from EULEX to the local institutions, high-level Belgrade-Pristina political dialogue leading to the Brussels agreement in 2013, and progress in the EU integration process of both Kosovo and Serbia (the last two having positive impact on the situation in the north of Kosovo).

EULEX was deployed in a post-conflict country with a deep ethnic divide between around 1.6 million Kosovo Albanians and around 120,000 Kosovo Serbs (around half in the north, bordering Serbia and separated from Albanians by the Ibar river; the rest spread throughout Kosovo) (Central Intelligence Agency, n.d.; International Crisis Group, 2011). In the research period these two ethnic groups to a large extent lived parallel lives with practically no contacts between them, particularly across the Ibar (International Crisis Group, 2008). The distrust between them can be clearly seen in the survey results. In November 2008, shortly before the deployment of EULEX, almost 95% of Kosovo Serbs saw inter-ethnic relations as tense
and not improving. Both ethnic groups were also pessimistic about the possibility to normalize the inter-ethnic relations—60% Serbs and 50% Albanians thought that they would normalize only in the distant future or never (United Nations Development Programme Kosovo, 2011, p. 25). Even more strikingly, 44% of the population (and 68% of Serbs) thought that another violent conflict in the next five years was “very likely” or “somewhat likely” (Saferworld, 2010, p. 11).

The commonality between the two groups, which influenced their perceptions of EULEX, was the feeling of weariness after a decade of the omnipresent presence of UNMIK (Hehir, 2006). UNMIK’s deployment in 1999 followed the NATO’s bombing of Yugoslavia, making it initially difficult for Kosovo Serbs to accept it (interview #18, Northern Mitrovica, July 23, 2015). Moreover, on the one hand UNMIK kept tight control over the political processes in Kosovo (it could override every decision of Kosovar elected self-government), but, on the other, despite its broad powers it had a mixed record in improving both the rule of law and the economic conditions (Van Willigen, 2012). This triggered the feeling of powerlessness, particularly on the Albanian side, and made the Kosovars blame UNMIK for Kosovo’s bleak situation. After a short post-independence period, this perception was also partly transposed onto EULEX despite its narrower mandate (Bislimi, 2012).

However, there were also strong differences between the two groups: Kosovo Albanians were generally pro-European (interview #1, Pristina, July 21, 2015; interview #4, Brussels, July 2, 2015; interview #11, Pristina, July 22, 2015; interview #12, Pristina, July 21, 2015), seeing EULEX as a part of the European perspective of Kosovo. Moreover, EULEX’s goal of fighting high-level corruption was very popular (Balkan Policy Institute, 2011). Kosovo Serbs, in contrast, were suspicious of EULEX and its links to Kosovo’s independence. While Serbs in the north of Kosovo were determined to isolate themselves from the newly established state, in the rest of the country they were mostly passive and not actively contesting either Kosovo’s independence or EULEX’s deployment (International Crisis Group, 2010).

**Contestation against EULEX Kosovo**

Contestation against EULEX should be set against the background of earlier contestation against UNMIK, particularly for social movement Vetëvendosje/Self-Determination, led by Albin Kurti (see Visoka, 2011). Contestation against UNMIK was rare, even though its rule often created dissatisfaction (Cocozzelli, 2013). The two notable exceptions were the riots in 2004 and the actions of Vetëvendosje. Firstly, the inter-ethnic riots on March 17–18, 2004, in which 19 people died and over 900 were
injured, were the outcome of growing frustration of Kosovo Albanians with the lack of progress towards political anticipation (Hehir, 2006). Secondly, starting in 2004 Vetëvendosje carried out regular protests against UNMIK, which it saw as undemocratic and blocking self-determination of Kosovars (Vardari-Kesler, 2012).

UNMIK’s lack of success in inter-ethnic reconciliation, followed by a unilateral declaration of independence rejected by Kosovo Serbs in February 2008, were two factors explaining the scarcity of contacts between Kosovo Albanians and Serbs. This scarcity was reflected in the fact that the episodes of contestation were organized along ethnic lines (and will be thus analyzed separately). This is not to undermine the historical links between the two communities or the single mandate of EULEX covering the whole Kosovo. However, the fieldwork carried out for this article did not uncover any instances of joint or coordinated contestation. On the contrary, the ethnic perspective was clearly predominant. In case of effectiveness inter-ethnic links could have existed as both ethnic groups should be interested in the improvements in the field of rule of law. Indeed, an interviewee (#14, Pristina, July 21, 2015) working on women’s rights reported some contacts across the river Ibar. Nonetheless, these contacts had not developed into joint contestation, in view of the general distrust between the two communities and opposing sovereignty-related claims.

**Contestation related to perceived violations of sovereignty**

The perceived violation of sovereignty, the first element analyzed in this article, was an important reason for contestation against EULEX. Interestingly, it was mostly a contestation of a particular kind—organized and collective (in form of protests and demonstrations). The tensions related to the sovereignty should probably not be surprising, in view of the opposing territorial claims of Albanian and Serbian populations, fueling bilateral conflict. These claims were built on the basis of strong nationalist frames: On the one side, following their declaration of independence, Kosovo Albanians saw themselves as finally free from Serbian occupation. On the other, Kosovo Serbs saw Kosovo as a historical, integral part of Serbia. This is reflected in the words of former Kosovo Serbian leader (interview #9, Gracanica, July 28, 2015)

> I don’t know a single serious Serb who would agree on Kosovo’s independence … . I am not ready to accept it as a sovereign state … . Kosovo is a place where Serbian state was originally founded … . One cannot live without its roots.

As the contestation was organized along the ethnic lines, the next subsections start with the analysis of Albanian contestation, followed by Serbian contestation.
Sovereignty-related contestation by Kosovo Albanians

The perception that EULEX violated Kosovo’s sovereignty triggered some of the biggest incidents of organized collective contestation on the Albanian side. They were mainly organized by Vetëvendosje and supported by a number of civil society organizations, including powerful war veterans. Vetëvendosje (2010) framed sovereignty as the complete authority of the local institutions over the country’s population and its territory. This understanding was culturally and historically grounded—the outcome of a decade of tight control of Kosovo by UNMIK, preceded by a long history of Kosovo’s lack of independence (Cocozzelli, 2013). As a result, Vetëvendosje was generally opposed to the presence of EULEX (and other international actors).

What were the reasons for the Kosovo Albanian contestation related to the sovereignty? One negative aspect of EULEX many interviewees emphasized was its lack of acknowledgement of Kosovo’s independence. In line with the sovereignty-related, nationalist frame Kosovo was independent; thus the agreement to deploy EULEX under the status-neutral UN umbrella (so not acknowledging this independence) triggered strong contestation. On November 19 and December 2, 2008, Vetëvendosje, together with almost 20 civil society organizations, brought over 40,000 participants on the streets (Visoka, 2011). These protests, the biggest in the postwar history of the country, were also publicly (although cautiously) supported by the government, other political parties and widely covered by sympathetic media. It should be mentioned that for these protests EULEX was not the main target of the popular anger, which was mostly directed at the UN (interview #2, Pristina, July 22, 2015). Therefore, the scale of the protests cannot be solely related to EULEX’s status. However, EULEX was clearly a target, which was illustrated by speeches of the organizers and the banners carried out by the protesters (such as “EULEX—Made in Serbia”).

Another reason behind sovereignty-related contestation was EULEX’s lack of success in the Serb-populated north of Kosovo, which Kosovo Albanians considered an integral part of their country. They also saw EULEX’s status neutrality as the main problem here. Its perceived reluctance first to deploy into the north and then to bring the area into Kosovo’s administrative structures was met with widespread contestation. This was not because it directly violated Kosovo’s sovereignty, but because EULEX did not do enough to stop its violation by Serbia and Kosovo Serbs. Initial concerns were triggered by the special status of northern Kosovo in the Six-point Plan7 potentially blocking EULEX’s deployment there. Later contestation against the “epic failure to properly establish in the north” (Kosovar Institute for Policy Research and Development, 2013, p. 25) mostly manifested itself in strong public criticism and calls urging EULEX to be more active. These calls came from the government and the opposition (Radio Television Kosovo, 2011), as well as the civil
society organizations including Vetëvendosje and think tanks (Kosovar Center for Security Studies et al., 2010).

The other reason behind the contestation against EULEX’s was its executive functions. Vetëvendosje saw them as restricting Kosovo’s ability to govern itself. As Kurti put it “supervised independence is independence of the supervisor, not of Kosovo” (Vetëvendosje, 2007). Vetëvendosje contested EULEX’s executive functions already in 2007, before the details of EU presence were even decided. The two most significant subsequent protests were triggered by EULEX’s signature of a protocol on police cooperation with Serbia in 2009 and its prosecution of ex-commanders of Kosovo Liberation Army (KLA) turned political leaders for war crimes.

The protocol on police cooperation was contested because in the local eyes it was the prerogative of the government to make agreements on behalf of Kosovo. Thus, EULEX was seen, both by the government and by a large part of the population, as violating Kosovo’s sovereignty because it had no authority to sign the protocol (interview #12). The distrust of Serbia again played a role here. While EULEX considered the protocol a technical matter, the government (and Vetëvendosje) framed it as an illegitimate back-door implementation of UN’s Six-point Plan (Greicëveci, 2011). The contestation against this protocol took several forms. The main government and opposition leaders publicly criticized the deal and Vetëvendosje held a small but highly publicized protest in August 2009 (which turned violent when the activists overturned 28 EULEX vehicles). It was followed by another protest with other civil society organizations and with around a thousand participants in September 2009 (Radio B92 website, 2009). They also covered EULEX and other buildings in Pristina with graffiti “EULEX—Made in Serbia” (Myrtaj, 2009). Moreover, unknown perpetrators hacked EULEX’s website and posted a message against it selling Kosovo to Serbia.

The second key cause of contestation was the war-crimes proceedings against ex-KLA commanders. The 1998–1999 conflict was seen by the Kosovo Albanians as the foundation of their country’s sovereignty, the “just war” in which they were the victims of the Serbian aggression. Therefore, EULEX’s prosecution of the military leaders of this war was deeply problematic for parts of society (Keukeleire & Thiers, 2010, confirmed by interview #4, interview #11 and interview #30 [Pristina, July 28, 2015]). Framed by the veteran organizations as “EULEX (being) just there to punish [Kosovo war] heroes” instead of the real criminals on the Serbian side (Van der Borgh, Le Roy, & Zweerink, 2016, p. 37), it triggered sovereignty-related contestation on several occasions. In March 2011 veteran organizations held large protests simultaneously in 26 locations in Kosovo, followed by several smaller protests after particular arrests. Students also organized two protests in Pristina with hundreds of participants (interview #26, Pristina, July 21, 2015).
Unsurprisingly, as the leading government figures were ex-KLA commanders, they also publicly denounced the prosecutions.

Overall, sovereignty-related contestation was a prominent reaction to the activities of EULEX. It can be explained by strong nationalist frames related to the newly gained independence: the need for a complete authority of the local institutions and the belief in just war and Kosovar heroes, freeing Kosovo from Serbia. However, this contestation should be put into perspective as even the biggest protests gathered only a minority of a population. The important factor here is that, as mentioned before, Kosovo Albanian society is generally pro-European and the majority did not accept Vetëvendosje’s complete rejection of EULEX (interview #4; interview #11). On the contrary, the mission’s deployment was generally supported because of its anti-corruption mandate – 76% of the population thought in 2010 that the process of EU integration would help Kosovo fight corruption (UBO Consulting, 2012, p. 24). This weakened the perceived violation of sovereignty as a reason for contestation: Although it was still important for some groups, as demonstrated above, its effect was moderated for the general society by other aspects of the mission.

Sovereignty-related contestation by Kosovo Serbs

EULEX’s activities triggered, mostly in the north, strong and occasionally violent contestation linked to the nationalist sovereignty frame. Kosovo Serbs in the north demanded EULEX’s support for Serbia’s sovereignty. In other areas of Kosovo, they mostly wanted EULEX to be truly neutral, in line with its mandate. However, the Serbs believed that EULEX supported Kosovo’s sovereignty instead and that it worked with Kosovar authorities to this end. In particular, in the eyes of the Serbian population living in the north, EULEX’s perceived attempts to bring the north under Albanian control constituted a direct violation of Serbia’s sovereignty (Radin, 2014). Protests took place regularly. They mostly concerned EULEX’s general support to Kosovo’s sovereignty, although the particular issue of war crime prosecutions was also contentious.

The main reason for Kosovo Serbs’ hostility and ensuing contestation towards EULEX was its support for Kosovo’s sovereignty. Already in 2007 they contested a potential deployment of an EU mission as a part of Ahtisaari Plan (RTS Radio Belgrade, 2007). The protests flared up again in February 2008, mostly in the north, following the independence declaration and the EU’s decision to deploy the mission. These protests gathered up to 2,000 people in several locations. In view of a very tense situation and a risk of violence, the EU even had to withdraw temporarily from the north.

The belief that EULEX supported Kosovo’s independence was persistent, fueling contestation on several occasions. The formal status neutral mandate was not enough to convince the Kosovo Serbs, nor was the decision
of the Government of Serbia to actually accept EULEX’s deployment (Papadimitriou & Petrov, 2012). This can be linked to two factors. Firstly, lack of the information about the EULEX’s mandate led to Serbian hostility toward it (interview #24, Northern Mitrovica, July 24, 2015; interview #25, Northern Mitrovica, July 23, 2015; interview #28, Northern Mitrovica, July 23, 2015). Secondly, the agendas of the government in Belgrade and the parties in power in the north differed considerably—those parties found it beneficial to maintain this belief among the population in order to uphold their political influence in the area.

EULEX’s status neutrality should have assuaged Serbian concerns as it officially prevented it from supporting Kosovo’s sovereignty. Yet, the widespread belief that status neutrality was only declarative and the frame that the mission was Albanian-friendly remained persistent. Indeed, the agreement on EULEX’s status neutrality (paving the way for its deployment in the north of Kosovo) triggered a petition “Stop EULEX,” signed by over 70,000 people in Kosovo and Serbia, as well as several protests on October 2, 2008 (Kontakt Plus radio, 2008). Moreover, EULEX was criticized by Kosovo Serb officials as pro-Albanian because of insufficiently protecting the Kosovo Serbs against the Kosovo Albanian attacks and inadequately investigating such attacks (Radomirovic, 2009). Finally, immediately after EULEX’s deployment in 2008 the personnel of the local court in the north in Mitrovica refused to work with it, as they perceived the mission as helping “the Albanian occupation” by forcing them to implicitly recognize Kosovo’s sovereignty through the use of the Kosovar law (interview #18).

The biggest wave of sovereignty-related protests started in July 2011 after the Kosovar authorities decided to send special forces to regain the control of the custom gates in the north. Kosovo Serbs responded by barricading access to the border crossings. Here, EULEX was not the main target of the protests, which were directed at Kosovar authorities, but it was targeted because it helped transport the Kosovar customs officers to the gates. Thus, for Kosovo Serbs it broke its status neutrality and this was an important reason for them to make EULEX an additional target of their contestation. As a result, EULEX’s cars were blocked from crossing the barricades, significantly reducing its ability to move in the north (Radin, 2014).

Besides EULEX’s support to Kosovo’s sovereignty, another factor which was problematic for Kosovo Serbs was its prosecution of the war crimes. As mentioned above, EULEX’s mandate included the crimes committed both by Kosovo Serbs and Albanians during 1998–1999 conflict. These investigations triggered Serbian contestation on several occasions. The general frame of EULEX’s pro-Albanian bias was also visible here, as Kosovo Serbs perceived the prosecutions as EULEX unfairly and illegitimately targeting their ethnicity (interview #8, Northern Mitrovica, July 24, 2015; interview #9; interview #24; interview #25; interview #28). They generally did not
believe in the guilt of the accused and in their view EULEX should instead investigate Kosovo Albanians who had committed crimes against Serbian civilians. The protests against prosecutions were mostly local and relatively small (see, for example, TV Pink, 2009). Protesters also had modest demands: They mainly requested that the accused be freed from jail during the investigation period (interview #8; interview #10, Pristina, July 22, 2015).

Overall, the Serbian contestation, like the Albanian one, can be explained by strong nationalist frames. Specifically, the frame of EULEX’s support to Kosovo’s sovereignty (rejected as illegitimate as it violated the sovereignty of Serbia) and related frame of EULEX exhibiting pro-Albanian bias made Kosovo Serbs contest both its activities in the north and its war crime-related investigations. The importance of these issues was qualitatively higher for Kosovo Serbs than for Albanians—at times almost the entire Serbian population in the north was mobilized, particularly during the initial period of the barricades. In general, Kosovo Serbs were hostile towards EULEX, predominantly deciding to ignore or contest it.

Contestation related to the perceived lack of effectiveness

So far this article discussed the importance of sovereignty-related factors in triggering the local contestation. Let us now move to the lack of effectiveness on part of EULEX’s, which also turned out to play an important role in the Kosovar contestation. Overall, it triggered a different kind of contestation than that related to the sovereignty, inasmuch it did not lead to collective protests but rather to public criticism. Such contestation was again organized along ethnic lines. Thus, the next subsections again start with the analysis of Kosovo Albanian contestation, followed by Kosovo Serbian contestation.

Effectiveness-related contestation by Kosovo Albanians

What were the reasons behind the effectiveness-related contestation against EULEX? Kosovo Albanians mostly focused on two factors—the fight against high-level corruption and, related, the mission’s “wrong” choice of priorities. Lack of results in the fight against high-level corruption was deeply problematic for Kosovo Albanians. This is unsurprising as the corruption/rule of law were identified by Kosovars as the most important problem facing their country (UBO Consulting, 2012). The expectations before the launch of EULEX were inordinately high and they were combined with a general lack of understanding of its mandate (interview #32, Ghent, June 23, 2015). In a very pro-European society, the mission was framed as the EU deploying its best experts to reform the functioning of Kosovo’s rule of law field. As one reputable journalist (interview #11) sums it up:
Everybody thought that now we would have elite of people coming here [sic], teaching us what to do. I mean having some teachers, well-educated, good people…. And we thought, majority of people thought, … that now we would have different standards. It’s EULEX meaning European Union. We thought Berlin, London, Paris, Rome, they will rule us.

This frame was reinforced by EULEX itself, promising to take decisive actions to deal with corrupt politicians, to “hunt the big fish” (Radin, 2014). Therefore, when the mission did not start showing results in this field, a widespread and massive contestation in the form of public criticism followed. In the words of a chairperson of a Kosovar NGO (interview #14):

They lost completely the image in Kosovo because they had this media campaign we are after big fishes and then next day nothing. …. So that’s why I am saying it was a total failure because we had expectations, hoping that when they came on media, we hoped that crime will [sic] be punished.

The calls on EULEX to intensify its work were voiced by the government, the opposition, the civil society organizations (Koha Ditore, 2012), the think tanks in their reports (Balkan Policy Institute, 2011; Group for Legal and Political Studies, 2013), and the press—both through extensive reporting on the criticism of the others and through its editorials (Palokaj, 2010).

A long list of problems concerning EULEX’s personnel emerged. Firstly, its lack of competence was reinforced by the fact that personnel often came to Kosovo on short contracts (a year or in some cases even half a year). Such short time periods harmed EULEX’s effectiveness as they did not allow for transfer of knowledge and building of trust (interview #4; interview #14; interview #19, Pristina, July 21, 2015; interview #20, Pristina, July 20, 2015; interview #23; see also the Special Report 18/2012 of the European Court of Auditors). Secondly, a top-down and closed approach resulted in not treating the local actors as partners (interview #1; interview #12; interview #14; interview #19; interview #20). This was complemented by a self-centered approach. As Van der Borgh et al. (2016) put it, “people … saw huge numbers of very well earning expatriates drinking coffee in cafés” (p. 38). All these points led to the local actors drawing parallels between the work of EULEX and UNMIK, generally seen as incompetent. In the words of a senior police officer: “They didn’t start a new practice, a new experience, new attitude but they continued” (interview #23, Pristina, July 27, 2015). Thirdly, lack of accountability was also highlighted as a problem (interview #2; interview #19; interview #27, Pristina, July 22, 2015) as well as lack of interest in achieving results requiring effort or taking risks (interview #10). Particularly in the north it was complemented by excessive caution; the words of senior ministry advisor (interview #12) aptly summarize the general thinking: “EULEX were cautious …. If you try or if there is a chance for them to cooperate in small project let’s do this, but to implement
the rule of law, no. I mean, they were not keen.” Finally, corruption within EULEX was also an issue. Almost all the interviewees raised this topic, although mostly for the period after 2012.

Moreover, the criticism of EULEX was further fueled by its focus on other activities. In the local eyes it was unnecessary, as it hampered the effectiveness in the fight against corruption, which should have been EULEX’s main activity. Firstly, the set-up of the mission, influenced by outdated security concerns, led to a disproportionately large police component (Keukeleire & Thiers, 2010; Radin, 2014). Secondly, the issue of war crime prosecutions was also present here. Many Kosovo Albanians, even if they did not share the sovereignty-related concerns analyzed in the previous section, saw the prosecutions as a factor diverting EULEX’s resources from its anti-corruption activities (interview #2; interview #4; interview #11; interview #12; interview #32).

Overall, lack of effectiveness on part of EULEX’s, defined mostly as its lack of success in fighting high-level corruption, was the most important reason for Albanian contestation. This was explained by high local expectations, based on two frames: that EULEX was an expert mission which was able to achieve extraordinary success in fighting corruption, and that achieving this success was its most important goal. Therefore, although effectiveness-related contestation did not lead to any large-scale gatherings, it should not be underestimated. In fact, lack of effectiveness ruined the mission’s reputation to the extent that it was broadly seen as a failure (almost all Albanian interviewees mentioned it).

**Effectiveness-related contestation by Kosovo Serbs**

For Kosovo Serbs lack of effectiveness on part of EULEX’s was a less important reason for contestation than for Kosovo Albanians. This is related to the fact that no strong local frames existed in this field. As demonstrated above, Kosovo Serbs in the north primarily contested the presence of EULEX on sovereignty grounds. Therefore, the lack of effectiveness on its part was for them a secondary problem. The criticisms focused on two issues: firstly, EULEX’s insufficient allocation of resources to effectively protect Kosovo Serbs against Albanian attacks and secondly, the paralysis of the judiciary in the north due to the conflict in Mitrovica court (Novakovic, 2010).

Interestingly, there was no public contestation against EULEX’s lack of progress on an important grievance of Kosovo Serbs—regaining property taken over by Kosovo Albanians. Kosovo Serbs, particularly those not living in the north, expected that arrival of EULEX would improve very slow pace of restitution. Consequently, EULEX’s lack of progress was a major source of disappointment for them and undermined its already low legitimacy (interview #9; interview #10). This lack of progress was seen again as a result of EULEX’s bias towards Kosovo Albanians but also of its incompetence. The
list of criticisms addressed to the EULEX’s personnel is very similar to complaints of Kosovo Albanians listed above (interview #3, Northern Mitrovica, July 24, 2015; interview #10). Lack of contestation here could possibly be related to the feeling of hopelessness as a minority and a fear of Kosovo Albanians, who occupied the Serbian properties.

**Conclusion**

Coming back to the question posed by this article—why did a considerable part of the Kosovar society engage in contestation against EULEX?—the empirical material demonstrates that there were two important reasons: local actors’ perception that the mission was violating the country’s sovereignty, and that it was ineffective. Interestingly, the forms taken by the sovereignty- and effectiveness-related contestation differed. The perceived violation of sovereignty by EULEX was the main reason for collective, at times violent contestation. In contrast, the mission’s perceived lack of effectiveness was expressed mainly through public criticism.

Moreover, the importance of the two reasons for contestation was qualitatively different for the two ethnic groups. In the case of Kosovo Albanians, sovereignty-related contestation, based on the frames of complete authority for the local institutions and the just independence war, mobilized large groups led by the social movement Vetëvendosje. However, Vetëvendosje’s general opposition to EULEX was not supported by large parts of generally pro-European society, which decreased the scale of contestation. In contrast, for Kosovo Serbs, particularly in the north, EULEX’s activities were the main reason for contestation as they were framed as supporting Kosovo’s sovereignty and exhibiting pro-Albanian bias. What was particularly visible with war crime arrests was that both ethnic groups saw EULEX as biased against them. This could possibly be seen as EULEX striking the right balance (although the mission itself rejected the claims that ethnicity had any influence in its investigations). This assumption should, however, be qualified by rather a low number of cases EULEX managed to advance.

Concerning the lack of effectiveness on EULEX’s part, it triggered strong and widespread public criticism from Kosovo Albanians, as the mission had been framed as experts who would fight stifling corruption. However, for Kosovo Serbs in the north EULEX’s effectiveness was a secondary problem, in view of their preoccupation with sovereignty; Serbs in the rest of the country, although they were privately more concerned with it, did not engage in any contestation.

Overall, the choice of the constructivist approach was supported by the empirical data, which showed the importance of sovereignty- and effectiveness-related frames in the contestation processes against EULEX. While the investigation of alternative, rationalist explanations was out of scope of this...
article, it is possible that they might also have some influence in particular circumstances. The interviewees generally did not raise them as a factor driving contestation against EULEX, but some of them mentioned particularistic interests as intensifying contestation at certain specific protests. Hence future research could link the two theoretical perspectives to shed more light on the interactions between particularistic interests and the creation of normative frames in the processes of contestation. In particular, this research could look into how some key actors might influence the creation of particular frames for their own material/power-related purposes, and the conditions under which social groups might accept these frames as legitimate.

Linking the findings of this research with the key themes identified in this special issue, the case study revealed an interesting relationship between two of them—effectiveness and resistance. EULEX was based on the professed EU expertise, which should ensure effectiveness, in turn leading to local acceptance and lack of resistance. This dynamic could indeed be seen in the initial period of the mission’s deployment, when the Kosovo Albanian population’s (admittedly unrealistically) high expectations of EULEX’s effectiveness in the fight against corruption helped increase its legitimacy. However, the opposite effect was also observed in the later period, when these expectations of effectiveness were not fulfilled by the mission; this led to high level of resistance in the form of contestation (public criticism). Therefore, perceptions of EULEX’s effectiveness had a direct impact on the level of resistance—reducing it when perceptions were positive and triggering it when effectiveness was perceived as low.

Coming back to the broader questions addressed in this special issue, it is evident that resistance in the form of contestation is one of the ways in which local actors react to the EU’s peacebuilding efforts. In this case, this resistance took various forms depending on the nature of the issue at hand. Interestingly, this was mostly an unanticipated reaction and the EU was not very successful in responding to it. This was particularly so with the sovereignty-related protests which took EULEX by surprise, as it portrayed itself as technical and apolitical. This shows that the EU underestimated the importance of the local context, which clearly left EULEX insufficiently prepared to respond to resistance. The impact of lack of effectiveness in fighting corruption was similarly underestimated. Moreover, as the mission did not react to the public criticism and in the local eyes it did not improve its performance, this led to their perception that EULEX failed in its tasks.

Notes

1. Article 5 states: “We invite and welcome an international civilian presence to supervise our implementation of the Ahtisaari Plan, and a European Union-led rule of law mission” (Kosovo, 2008).
2. Altogether 6,294 news items were examined for information. Lexis Nexis Academic database was used, as it contains translated local Kosovar and Serbian news items (press articles from newspapers, articles from websites of TV stations, and transcripts of TV and radio programmes) and news from major international news agencies. Local news items were the main source of information, with international news agencies used to corroborate the information.

3. Kosovo Albanian interviewees included: journalists–interviews #4, #11, and #33; member of Kosovo’s administration–interview #12; members of judicial profession–interviews #13 and #31; organizers of protests–interviews #2, #14, #17, #19, #26, #27, and #30 (#2 and #27 senior members of Vetëvendosje); other member of civil society organizations–interview #20; politician–interview #1 (PD-opposition party); senior police officer–interview #23; think tank members–interviews #12 and #32. Kosovo Serb interviewees included: local residents (north)–interviews #8, #24, #25, #28; member of judicial profession–interview #18; politicians (north and south)–interviews #3, #7, #9, #21 (opposition, respectively, DSS, SRS, United Serbian List, SRS), and interview #10 (SLS-government party). All Serbs except for #3 and #10 participated in protests.

4. Interviews #5, #6, #15, and #29.

5. Interviews #16 and #22.

6. The situation has since improved, for instance, concerning Serbs’ participation in Kosovo’s political institutions.

7. It was a part of Six-point Plan proposed by Serbian President Boris Tadić including status-neutral arrangements on police, customs, justice, transportation and infrastructure, boundaries, and Serbian patrimony. The plan was rejected by Kosovo’s government but its principles were accepted by the UN Secretary-General (United Nations, 1999).

8. The top-down approach is probably the most common criticism concerning the international missions–see, for instance, Paris (2002) and Richmond and Franks (2009).

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