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Eulex in Kosovo: a shining symbol of incompetence

The costly EU mission in Kosovo has betrayed its mandate – it must be audited and reformed



Kosovans protest against Eulex in Pristina.
Photograph: Armend Nimani/AFP/Getty Images

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Comment

The EU's largest civilian mission, [Eulex-Kosovo](#), was meant to prove the possibility of an effective common foreign policy. An excessive expectation, perhaps, because the EU has always been divided on Kosovo – five member states did not recognise its [controversial independence](#), declared in 2008, and this mission became the substitute for a common policy.

Still, Eulex – which costs about €100m a year and fields almost one policeman, judge or prosecutor for every 1,000 residents of this small territory – could strengthen the rule of law in Kosovo and the stability of the Balkans, and be a

powerful symbol of the EU as a peaceful, rule-based force.

In three years it has achieved little. Few prominent investigations have been opened, and the local judiciary has not improved appreciably. The difficult context partly explains this failure, but the main causes are internal – incompetence, weak management and possibly even disloyalty to the mission's mandate.

Accused of corruption, Hashim Rexhepi, the [governor of Kosovo's central bank](#), was arrested, detained for four months and released, and has now been awaiting trial for almost five months. The rulings issued in his case never discuss the evidence, as court decisions should, but merely evoke its existence.

This is perhaps because part of the evidence is indefensible: until the governor's lawyer finally objected, EU prosecutors used – and EU judges accepted – anonymous letters as the sole pieces of evidence supporting some of the most serious charges. In fact, when the pre-trial judge asked for better evidence prosecutors delivered it, and it was accepted outside the courtroom without being shown to the defence.

These rulings display a shocking level of negligence and incompetence, and highlight serious failures in the management and selection of Eulex's staff. This could even be too generous a conclusion, because credible information suggests that the arrest of the governor was perhaps unwarranted. If so, those breaches of Rexhepi's right to a fair trial could imply a cover-up.

The story takes on an even darker shade when one considers that the few other

prominent corruption investigations opened by Eulex are all languishing, that, by jailing him, Eulex has removed from the scene a man who had fallen foul of the political elite, and that the head of Eulex has recently requested prior information on all "legal actions of any significant importance" (an instruction which, taken literally, covers investigations, arrests and judgments, and is incompatible with the independence of the judiciary).

The real question, then, may be not so much whether but rather which political considerations influence the choice of cases to be investigated.

Stability might be one of them. When the constitutional court annulled the election as president of Begjet Pacolli, a controversial tycoon, it opened a political crisis that doesn't seem to have been solved by the election on 8 April of a compromise candidate – the relatively unknown deputy director of the Kosovo police, Atifete Jahjaga – agreed among the governing coalition and the main opposition party with the mediation of the US ambassador.

High Eulex officials have repeatedly announced that "big fish" would be caught, but in this context such actions are even less likely because they could wreck political stability. (I might have been a lesser victim of this seemingly overriding priority when I was fired only three hours before the end of my mandate for raising a matter that others evidently preferred to ignore.)

The political elite has become adept at using the absence of Eulex investigations as a certificate of its "cleanliness", as a recent episode demonstrates well.

According to a [report on organ-trafficking in Kosovo](#) – written by Swiss MP Dick Marty for the Council of Europe – a group of ethnic Albanian fighters, led by the current prime minister, Hashim Thaci, committed unspeakable crimes during the 1999 conflict, later acquired political and economic power, and still exercises "violent control" over the drugs trade.

Eulex, seized by panic over its obligation to act on these allegations, at first said that it knew nothing of them, and challenged Marty to show his evidence. Only when pressed hard by Marty, Brussels and the foreign media did Eulex announce an investigation into the matter.

However, when asked whether Thaci (named 26 times in the report) was being investigated, Eulex officials immediately backtracked by saying that no "formal" investigation had been opened. These confused statements were used by Thaci to pronounce himself innocent and to decry the fecklessness of the EU mission: with sublime, if perhaps unintended, irony he repeatedly resisted proposals to transfer the investigation from Eulex to an ad hoc international body.

Eulex has become a symbol of incompetence, not of European values, and a costly veil that hides the shenanigans of the elite from the eyes of Kosovo's citizens. The EU should audit and reform Eulex, replace its senior management and give this mission the guidance and political support it needs to perform its mandate.

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