

MILITARY PRESENCE IN KOSOVO SINCE 1999

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***Abstract:** NATO/KFOR troops are being deployed to Kosovo in a relatively short time, and the first to enter Kosovo were British troops, the formation of the Gurkha elite warriors. The mission was initially called Operation Joint Guardian, later to be changed to Operation Joint Enterprise. KFOR units were from the very first deployment grouped into five multinational brigades with a nation-leader assigned to each multinational brigade, or as it was practically the territorial zone of the authority. All national contingents pursued the same goal of maintaining a secure environment in Kosovo and included units from different armies.*

***Keywords:** NATO, KFOR, Kosovo, Brigade, Operation.*

Introduction

Contrary to the stand of most of the Western countries towards intervention in Kosovo, Russia condemns NATO's operations in Kosovo and Serbia. This stand toward intervention and in general, about international military presence in Kosovo is very sharply dividing the West and Russia. The NATO mission provided a force that contained the resurgence of hostilities and threats to peace in Bosnia and Herzegovina. In addition to removing the possibility of internal armed conflict in Bosnia and Herzegovina, the SFOR Mission saw the possibility of a re-emergence of armed conflict between Belgrade and Zagreb over the territories of Bosnia and Herzegovina

inhabited by Serbs and Croats. The SFOR mission ended at the end of 2004 when the ESDP Peace Mission, EUFOR, came to power.

The fall of Rambouillet political process in the early 1999 and the Reçak massacre following days, marked a turning point in the war as the international community lost patience with Milosevic's aggressive policies and decided to intervene militarily to prevent further escalation of violence in the Balkans.

U.S. Secretary of Defense William Cohen gave a speech in which he said that this was a fight for justice over the impending genocide. In fact, the western war for Kosovo is a unique case of such a massive military intervention, especially such a unique commitment of the democratic world.

After the persistent rejections of the political establishment in Belgrade, NATO officials then threatened to launch military intervention if the Yugoslav Army and other Serbian troops did not withdraw from Kosovo and allow peacekeepers to be deployed there. Madeleine Albright also strongly advocated a deal and put a strong diplomatic pressure on both sides to accept a compromise that would end the conflict. Milosevic again refused any political compromise and truce, leading to the 78-day NATO bombing of the FRY from March 22 to June 11, 1999. The fighter jets mostly operated from bases in Italy and the Adriatic. However, generally seen, NATO used almost all air space around FRY, as it was allowed by the most government in the region to use and operate above their territory. During the 10 weeks of bombing, NATO planes conducted 38,000 combat missions, mostly attacking Yugoslav/Serbian military facilities and weapons depots in the three main Serbian cities of Belgrade, Nis and Novi Sad but also in vital military facilities used by Yugoslav troops, both in Serbia and in Kosovo.

There were no Allied combat fatalities and this NATO considered a remarkable achievement.¹ At the same time, the Serbian army has stepped up attacks on Kosovo, escalating the conflict and taking revenge on the civilian population. After several weeks of military campaigning, the Yugoslav Army continued to refuse to withdraw from Kosovo at any cost, so Tony Blair flew to Washington on May 28 and consulted with U.S. President Bill Clinton about a possible ground offensive against Yugoslavia/Serbia, although he warned that it would take

¹ *NATO Report*. 2000. <<https://www.nato.int/kosovo/repo2000/conduct.htm>>.

months until enough troops are gathered for this purpose. Although Yugoslav soldiers set up mock-ups of tanks to deceive NATO, the damage was growing, and in the end energy stations in Belgrade began to be bombed, so Milosevic eventually accepted the condition of withdrawing the Yugoslav Army and KFOR entering Kosovo.

Thus, on June 11, the NATO campaign and war officially ended. About 900 thousand expelled Albanians could then return to Kosovo, many found their houses burned as a part of Serbian effort to make the return of the deportees impassible. With the intervention of NATO forces, the Yugoslav Army and other Serbian armed formations finally withdrew from Kosovo. NATO deployment in Kosovo was challengeable. Roads were broken and there were minefields everywhere. Most of the civilian infrastructure such as energy, food and water supply was not functional, and telecommunications did not work. The civilian government was totally dysfunctional or not present, since the new one was yet to be established/recognized, and the previous one mostly withdrew together with the armed formations of Yugoslavia/Serbia.

NATO/KFOR troops are being deployed to Kosovo in a relatively short time, and the first to enter Kosovo were British troops, the formation of the Gurkha elite warriors. The mission was initially called Operation Joint Guardian, later to be changed to Operation Joint Enterprise.

KFOR units were from the very first deployment grouped into five multinational brigades with a nation-leader assigned to each multinational brigade, or as it was practically the territorial zone of the authority. All national contingents pursued the same goal of maintaining a secure environment in Kosovo and were including units from different armies. As it is mentioned briefly in the Introduction of this dissertation, Kosovo was divided in 5 Multi-National Brigades (MNB). This MNB were under the command of the nation-leader (MNB Center: United Kingdom; MNB North: France; MNB West: Italy; MNB South: Germany; MNB East: USA). Despite there was no single MNB commanded by Spain, the role of this country was very large. Same was during the intervention prior to June 1999. Around 22,000 Spanish soldiers contributed between June 1999 and September 2009 to the pacification of Kosovo.

The successive contingents, framed in the Multinational West Brigade, under Italian command, facilitated the return to their homes of 800,000 refugees of all ethnic groups and guaranteed their security with more than 60,000 patrols by vehicle or on foot, in addition to

carrying out around 250 missions of deactivation of explosives. One year after the unilateral declaration of independence of Kosovo, the Government decided to end the mission of the Spanish troops.²

Previously, between March and June 1999, the Air Force had participated in the Allied Force operation, the NATO air campaign over Kosovo and Serbia to force the Belgrade regime to sign a peace agreement. Twenty-nine F-18 combat aircraft and eight KC-130 Hercules tankers from the Icarus detachment, from the Aviano air base (Italy), performed more than 1,100 flight hours and around 300 sorties in ground attack, air defense and in-flight refueling.

The biggest challenge during this period when KFOR was established was the issue of northern Kosovo. The Serbian security forces there expelled the Albanians from their homes in Mitrovica and with the support of the Serbian Government, the Serbian community in Kosovo established its own parallel structures in the fields of security, education, health and other social-political and social issues. economic.

The French KFOR troops, which were located in the north of Mitrovica, immediately placed a cordon on the bridge over the river Ibar, thus limiting the freedom of movement of citizens between the south and the north of Kosovo.

KFOR was initially in 1999 composed of more than 40,000 troops from various NATO countries. In total more than 39 armies contributed to the KFOR Mission. But the contingent has been steadily declining from year to year, due to the improved security situation in Kosovo.

When the independence of Kosovo was declared in 2008, a total 14,000 soldiers from 34 different countries were part of the Mission. With the establishment of more stable security capacities in Kosovo, after 2008 KFOR capacities have been reduced in terms of the presence of soldiers. This was in line with the real need to support Kosovo's security and the low probability of someone attacking Kosovo openly those years.

In August 2005, the North Atlantic Council decided to restructure KFOR, replacing the existing five multinational brigades with five operational groups, to allow more flexibility by removing restrictions on the cross-border movement of units located in different sectors of Kosovo.

² Ministerio de Defensa. *Participación de España*. 2023.

Then, in February 2010, Multinational Task Forces became Multinational Battlegroups, and in March 2011, KFOR was restructured again, into just two multinational battlegroups; one based in U.S. Army Camp Bondsteel near Ferizaj, not far from the Kosovo's triangle border with North Macedonia and Serbia; and the other one based in Peja in the west of the country. According to data of early 2022, approximately 3,600 troops provided by 28 countries were part of the KFOR Mission.³ As security has improved, NATO has gradually adapted KFOR's stance toward a smaller flexible armed force.

As imposed by the nature of its engagement in Kosovo, KFOR, responsible for security, has provided support to the UNMIK Mission in Kosovo since the very start of its mission in Kosovo, as well as to the international police forces subordinated to this civilian mission. The mission in Kosovo in fact had a unique character because it was understood as a joint mission of two essentially independent structures, one of military-security character, the other one mostly civilian but with some security responsibilities as well. KFOR and UNMIK have been partners since the beginning of the international presence in Kosovo, but not included in each other's structure. This in itself has posed a challenge in their efficient communication. In terms of territorial coverage there has also been an asymmetry in how KFOR has viewed its areas of responsibility, while UNMIK has strictly traced municipal administrative boundaries that existed in Kosovo previously, with some minor changes regarding the Municipality of Gora. But again, also in this case of previous Municipality, the intention was to unify all the former Municipality of Dragash, no matter of the ethnic lines there between the inhabited settlements.

Some parts of deciding which military troops to be sent where, are handled very carefully. KFOR has thus tried from the beginning to maintain an interethnic balance and harmony on the ground. For example, in the area covered by German troops in the territory of the MNB in Prizren, Turkish troops are also stationed. This is due to the ethnic heterogeneity of the population structure in Prizren and in some nearby municipalities inhabited by non-Albanian Muslim populations, like Bosniacs, Turks or Gorani. The Headquarters of Turkish KFOR troops were the most of time in

³ *NATO MISSION IN KOSOVO (KFOR)*. 2022. <<https://shape.nato.int/ongoingoperations/nato-mission-in-kosovo-kfor->>.

Dragash in a base named symbolically “Bayazid,”⁴ Clearly the name of the base is intentionally according to the name one of the Ottoman Empires Sultans which according to historical sources was present in the medieval Battle of Kosovo.

In general, the international presence, both military and civilian, in Kosovo, has been well received by the majority of the population, which is finally being able to lead a normal life. Of course, due to its many specifics, KFOR is seen as more sympathetic than the UNMIK Mission. In the collective memory of many Kosovars, KFOR has always been perceived as a military force that has liberated Kosovo from prolonged Serb repression. For most Kosovars the presence of KFOR was a strong commitment over their freedom.

Also, KFOR members were mainly soldiers of a NATO member country, later in the night there will be exceptions with mostly small contingents. On the other hand, UNMIK personnel, as well as police officers, came from countries, many of which did not associate with any support given to Kosovo, or were in most cases not informed enough for the country where they will practice their profession temporarily during the mission.

Hence the political battle of Kosovo institutions for more competencies and responsibilities, often related to the inability of UNMIK to see the creation of a new reality in Kosovo that culminated in the declaration of independence.

Such a clash through statements occurred during the recent application of the Kosovo authorities for membership in Interpol. It seems that despite the arguments of the Government of Kosovo, UNMIK, which is represented in Interpol as an observer, tried to justify its liaison role with UNMIK, although the Kosovo Police is no longer subordinated to UNMIK, since the declaration of the independence and the full functionality is established in the Ministry of Interior. Because the liaison through UNMIK was not enough for Kosovo Police to combat the international crime, Kosovo established in 2011 the Directorate for International Cooperation in the Field of the Law Enforcement. Kosovo’s Ministry of Interior Chief of Cabinet, declared that Kosovo Police is forced to communicate with other countries through other non-UNMIK channels in the 60% of the cases.⁵

⁴ Kahl, Thede and Michael Metzeltin. *Balkanismen heute*. Münster: Lit, 2012, p.350.

⁵ RFE. *Tahiri: Saradnja sa UNMIK-om nastavljena u oblasti sigurnosti*. 07 02 2019. Al Jazeera

Such a high percentage of the communication channels without UNMIK to be involved at all, was an very clear indication that the membership in Interpol has not only the symbolism of representation as a independent country, but also has serious effects in the functional fight against international crime, and consequently in the fight against the risks that Kosovo may come from outside in the field of security.

While during the voting held in Interpol during 2018, Kosovo didn't succeed to gain enough positive Yes votes, the membership application of Kosovo in Interpol again failed and Kosovo institutions unable to find a suitable moment for lobbying, withdrew from the 2019 application because of the previous information's about the prediction of the final votes against and pro, which seemed to have the same faith as one year earlier.

Since then, cooperation with UNMIK in the field of international communication with other countries law-enforced agencies has not been interrupted, but has developed very coldly. and only in conditions where it has been unavoidable for the needs of the fight against international crime. Kosovo Police in other hand is reaching the various bilateral and multilateral agreements with other their co-partners in other countries, including countries that formally never didn't react positively to the Kosovo's statehood.

In essence, the very legal framework that defines a cohabitation between the Constitution of the Republic of Kosovo and the functioning of the UNMIK Mission does not exist. This has made the UNMIK Mission in Kosovo extremely isolated and with a more representative and informative role, or the communication channel with the various agencies of the UN present in Kosovo.

Military and Security legal framework

The international military presence in Kosovo often arouses controversy among geopolitical actors on a global scale. This is due to the fact that the international military presence, led by NATO, has also changed the civilian control over the country, and in a way, by removing Kosovo from the Serbian police-military control, it has made it possible for the Kosovar representatives to declare the independence of the state.

Resolution 1244 of the Security Council was adopted on June 10, 1999, after the agreement on the withdrawal of Serbian troops from Kosovo. This resolution defines the political status of Kosovo

as a protectorate of the UN, and gives the administration of Kosovo to this international organization.

One of the main parts of the Resolution in this regard is point 9, paragraph 1, which prevents the renewal of hostilities, maintaining and, where necessary, imposing a cease-fire, ensuring the withdrawal and preventing the return to Kosovo of military, police and paramilitary forces of Serbia excluding only specific cases mentioned above in point 6 of complaint 2.

According to this resolution, the UN is responsible for the civil administration, while NATO is responsible for security in Kosovo. Further a Military Technical Agreement came in to force, firmly affirming the NATO authority over Kosovo.

The Military Technical Agreement -MTA is one of the primary documents governing KFOR's authority in Kosovo. Many of the framework operations and organizations that we currently recognize have their genesis in the MTA. Signed on 9 June 1999, a day before the passage of United Nations Security Council Resolution 1244, the MTA was an agreement between the International Security Force (KFOR) and the Governments of the Federal Republic of Yugoslavia and the Republic of Serbia.

Its purpose was to establish KFOR's authority in Kosovo and to ensure that the governments of FRY and Serbia recognized the legitimacy of KFOR's authority and its presence within Kosovo. Both UNSCR 1244 and the MTA establish KFOR as a legitimate security force, under international law, for the protection of the people of Kosovo.

The MTA sought to achieve several important objectives.

- First, it ensured that the governments of FRY and Serbia recognized KFOR's legitimate presence and authority in Kosovo.
- It defined the scope of KFOR's authority, which included the power to "take all necessary action to establish and maintain a secure environment for all citizens of Kosovo or otherwise carry out [KFOR's] mission."
- It required Serbian forces to cease all hostilities and, as a prerequisite for the cessation of the NATO bombing campaign, set out a specific timetable for the withdrawal of FRY Forces from Kosovo.

- It established the Air and Ground Safety Zones, which act as "buffers" between the Kosovo boundaries and FRY forces in Serbia.
- It also called for the establishment of the Joint Implementation Commission (JIC).
- Finally, it broadly defined KFOR's mission and the authority invested in the Commander, International Security Force (COMKFOR). This includes the "authority, without interference or permission, to do all that he judges necessary and proper, including the use of military force, to protect the international security force, the international civil implementation presence, and to carry out the responsibilities inherent in this [MTA] and the Peace Settlement which it supports." Thus, along with UNSCR 1244, the MTA is an important document in providing the legal basis for COMKFOR's authority.

Because there were no agreements between the governments of FRY and Serbia and KFOR regarding the status of KFOR personnel within Kosovo, the MTA acted as a temporary Status of Forces Agreement (SOFA).

Thus, members of KFOR were protected from being liable for damages caused to public or private property when performing duties associated with the implementation of the MTA. That, in effect, provides extensive protection for KFOR soldiers during the conduct of a wide variety of missions and tasks.

While the MTA called for FRY and KFOR to enter into a SOFA as "soon as possible," a SOFA still does not exist between KFOR and the Governments of FRY or Serbia. Rather, KFOR personnel remain protected from liability through the MTA, as well as UNMIK Regulation 2000/47, "On the Status, Privileges, and Immunities of KFOR and UNMIK and their Personnel in Kosovo," dated 18 August 2000.

The MTA will remain a primary tool for KFOR, its commanders, and forces. Along with UNSCR 1244, the MTA provides the legal authority for KFOR's presence and its mission and operations. Further, in conjunction with 1244, the MTA provides the means for KFOR to establish and maintain a safe and secure environment in Kosovo in order to allow for the formation of civil institutions of self-government for the people of Kosovo.

The political environment created in Kosovo has made it impossible to consider the return of a small military contingent from Belgrade. The new reality created in Kosovo, now also makes

it difficult for the existence of a Kosovar armed force, extinguishing the hopes of someone in Belgrade for the possible hypothetical return of the Serbian army and police. The declaration of Kosovo's independence in 2008 seems to have finally completed the sealing stage of the new reality.

Regardless of this, KFOR and the Serbian military-police forces maintain regular contact to ensure the stability of Kosovo and to eliminate any involvement on the part of Serbia. KFOR supports these mechanisms by establishing control over Kosovo and it this reason is clearly known to the commanders of the Serbian armed forces or police in the vicinity of border with Kosovo.

The presence of German troops in KFOR Mission

German troops in Kosovo as part of the KFOR mission have been present since June 1999. German troops are generally among the first troops to enter Kosovo, ending Serbia's authority over Kosovo. Since they took control over the city of Prizren and the surrounding region, the German KFOR mission was in a firm authoritative role. Germany has contributed constantly to security and rule of legal system and institutions of the Kosovo.⁶

As it is generally a question of the KFOR mission, after the establishment of international control over Kosovo, German troops were engaged in maintaining public order and security, in coordinating humanitarian actions in Kosovo, in the construction of the KSF, as well as in the construction of a democratic environment in Kosovo. Food from Germany allocated to the UN World Food Program was transferred to Kosovo under the coordination of the German military to be used in German military bakeries that produced bread for Kosovo civilians with the help of German NGOs.⁷

Due to the fact that one of the primary goals of KFOR in Kosovo is the maintenance of political stability and security, the German Federal Government in May 2021 made the decision to continue the mandate of the German military presence in Kosovo. Of course, this should be seen

⁶ Lika, Liridon. *Kosovo's Foreign Policy and Bilateral Relations*. Taylor & Francis, 2023.

⁷ Wentz, Larry, ed. *Lessons from Kosovo: The KFOR experience*. DoD Command and Control Research Program. 2002. CCRP.

as a decision in line with German strategic interests on security in Europe. The decision means that up to 400 German soldiers can continue serving in Kosovo.⁸

Same decision by the German Federal Government was approved later in May 2023. The Government's announcement emphasizes that the situation in Kosovo and the Western Balkans has "clearly stabilized", that is why NATO was able to gradually reduce the number of its soldiers in the region.

It is indicated that the dialogue on the normalization of relations between Serbia and Kosovo is ongoing, and that the two sides are slowly getting closer, but there is still a potential for escalation.

Old tensions, warns the German government, may erupt again, especially in the north of Kosovo. According to the observes of the German Federal Government, the presence of the German soldiers in KFOR mission is therefore still necessary for the purposes of the maintaining peace in the region, as a armed guarantor of security and as support for security structures itself.

According to the decision that is the reason why Germany decides to continue to support the military security of peace in the Balkans. This is a prerequisite for the further political, social and economic development of Kosovo, until the normalization of relations", the announcement states, noting that Serbia and Kosovo can open their European perspective by normalizing relations.⁹

Also, the Prime Minister of Kosovo, Albin Kurti, requested an increase in KFOR forces in Kosovo. In an interview with the German "Die Welt", Kurti said that an increase in NATO soldiers and military equipment would help peace in the entire Western Balkans.

For Kosovo's Prime Minister, a significant increase in the number of NATO soldiers and military equipment in our country would improve security and peace in Kosovo and the entire Western Balkans. The situation in Kosovo has been tense for a few weeks, when the Serbs in the North set up barricades, blocking the roads leading to the Jarinje and Brnjak crossings, which were removed after almost two weeks last week.

⁸ Bundesregierung. *Bundeswehr to continue engagement in Kosovo*. 12 May 2021

⁹ Kosovo Online. *Zbog moguće eskalacije tenzija, nemački vojnici ostaju na Kosovu*. 2023

During the Interview Prime Minister Kurti reminded the public opinion that with masks and insignia of the mercenary forces 'Wagner' and 'Night Wolves' in black uniforms are present in the northern part of the country.¹⁰

Kosovo Protection Corps

The Kosovo Protection Corps (TMK) were officially formed through the appointment of its 46 main leaders on January 21, 2000. The TMK consisted of active forces numbering 3,000 members and an auxiliary force of 2,000 members. Ten percent of their members were to be recruited from among minority communities as a clear determination toward an inclusive multiethnic structure.

Establishment of TMK was regulated through the regulation issued by Special Representative of UN for Kosovo.¹¹ The Special Representative also had the final authority over the selection and appointment of members of the Kosovo Protection Corps and the authority to dismiss such members on appropriate grounds.

After the Kumanovo Agreement, between the North Atlantic military pact, NATO and the Yugoslav Army and in accordance with the Rambuje agreement, the disarmament of the KLA soldiers and the transformation of this people's army into the Kosovo Protection Corps was foreseen. With the entry of NATO military troops (KFOR) in Kosovo in 1999, the transformation of the KLA began and ended in 2000. The first leader of the KLA was appointed Lieutenant General Agim Çeku. According to Constitution, TMK was a civil intervention organization, established by law, which in case of natural disasters in Kosovo undertakes tasks for rapid intervention for public security in emergency and humanitarian aid cases. But indeed, the members of TMK were uniformed with a clearly military style uniform.

The TMK, during its existence, fully implemented its mandate according to the Constitutional Framework of Kosovo. This framework defined the TMK as a civil organization for rapid intervention which, in cases of natural disasters and emergencies in Kosovo, undertook tasks for rapid intervention for public safety and humanitarian aid. TMK operated in a transparent,

¹⁰ Kossev. *Kurti želi veće prisustvo KFOR-a na Kosovu*. 2023

¹¹ UNMIK. *REG/1999/8 on the Establishment of Kosovo Protection Corps*. 1999.

responsible, disciplined, professional manner and represented all citizens of Kosovo. As such, TMK counted members of non-Albanian communities and cooperated with all communities on the ground.

During its operation, TMK has cooperated with various organizations and offered its help in the realization of various projects both in majority and minority communities. The TMK was also able to implement disciplinary measures and was fully transparently funded.

In addition to legal regulations, the Government of Kosovo, together with NATO, have prepared programs for the resettlement and reintegration of members of the TMK in adequate positions and places. After the dissolution of TMK, within the Government of the Republic of Kosovo, there is an office that preserves memories and cultivates the history of TMK. It is named the Division for Heritage Affairs of TMK.

The Legacy Affairs Division can consider the unique needs of women and men ex-combatants in resettlement programs and communication strategies. Today it serves as the sole mechanism to maintain any institutional continuity with TMK. This Division also maintains the database for former members of the TMK. Law no. 03/L-100 on the pensions of TMK members regulates the right to pension for active members of TMK and their heirs after the dissolution of TMK. Persons entitled to this pension include dependent relatives of TMK pensioners who have died (spouse at the time of his/her death, children under 18 years of age at the time of his/her death, and relatives of other dependents).

The pension of TMK obliges the relevant authority of Kosovo to issue monthly payments to former members of TMK throughout their life. The payment is based on the position that the TMK member has held during the years of service, no matter of the age, but only if the former member of TMK is unemployed. Seen from legal aspect, there is no clear institutional continuity between TMK and newly formed KSF, but regardless of it, in the public opinion its hardly to believe that KSF (later transformed in the Military) would exist without a prior institutional force like it was TMK.

At least, TMK after the war was very proudly wearing the weight of KLA heritage, as an act of satisfaction toward the values of the liberation war against Serbian forces. TMK enabled this continuity to be visible despite all the improvisations with insignia. This kind of improvisation

are emotionally very important in the post-war societies because of the sense of proud, both individually and as a collective.

In other case, the hypothetical non-existence of TMK will probably reflected with rise of animosities in the relation between the majority of the population in on side, and the international political and military-police presence in the other side. TMK somehow unintentionally served as a bridge to bring together the national and international mechanisms in the post-war Kosovo.

Seen from today's perspective, the performance of the TMK is good, but it is overshadowed by the creation of the new force, KSF, eliminating possible unnecessary deficiencies for the stability of Kosovo. Indeed, some authors are directly linking TMK and KSF, like Janssens, according to whom the TMK was successfully transformed into the new Kosovo Security Force in January 2009.¹²

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