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From Stabilization to Accountability

Reforming EULEX in Kosovo

By Ama Lotlana

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Cover Image: Crowds in Pristina, Kosovo, celebrating Independence Day. 17 February 2008.

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The analysis and findings, as well as any errors or omissions remain solely the responsibility of the author.

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Executive Summary

The European Union Rule of Law Mission in Kosovo remains necessary, but its current form no longer adequately reflects Kosovo's rule-of-law challenges or the European Union's strategic interests in the Western Balkans. Kosovo continues to face corruption, weak judicial accountability, political interference, slow progress in sensitive cases, and limited public confidence in courts and prosecution services. The EU should therefore reform EULEX rather than terminate it. The mission should move away from its residual post-conflict stabilisation role and be redesigned as a narrower democratic-accountability mechanism focused on judicial performance, institutional transparency, and credible rule-of-law conditionality.

This reform should centre on systematic performance monitoring. EULEX should publish clearer public assessments of high-level corruption, organised crime, war crimes, inter-ethnic violence, and politically sensitive cases, identifying procedural delays, prosecutorial weaknesses, judicial interference, and failures of institutional follow-through. This would not replace Kosovo's domestic institutions, but would make institutional failure more visible, measurable, and politically costly. To strengthen local legitimacy, EULEX should also deepen structured engagement with Kosovo's civil society, legal professionals, investigative journalists, minority representatives, and victims' groups.

Brussels should conduct a strategic review with Kosovo's institutions and local stakeholders, clarify which functions should be retained or transferred, and reduce EULEX's executive profile wherever domestic capacity permits. Limited operational support should remain only in areas where Kosovo's institutions remain politically or security vulnerable, including witness protection, correctional monitoring, support for the Specialist Chambers, police coordination, and crisis support in northern Kosovo.

EULEX monitoring should also be linked more directly to Kosovo's European pathway. Its findings should feed into the EU Growth Plan for the Western Balkans, the Reform and Growth Facility, Commission enlargement assessments, and rule-of-law benchmarks. Measurable progress in judicial efficiency, high-level corruption prosecutions, minority-rights protection, and institutional independence should be

tied to practical EU benefits, including technical assistance, access to EU programmes, financial support, and clearer accession-related incentives.

A reformed EULEX would be smaller, clearer, and more locally legitimate, while preserving EU leverage in areas where Kosovo's institutions remain vulnerable. Without reform, EULEX risks becoming a symbol of managed stagnation in the Western Balkans. With reform, it can become a targeted instrument for democratic accountability, regional stability, and renewed EU credibility in Kosovo.

Keywords: Kosovo, EULEX, Western Balkans, European Union, Rule of Law

Chapter 1

What is EULEX and Why Does it Matter?

EULEX was launched in 2008 after Kosovo's declaration of independence, following the 1998-99 Kosovo war, NATO intervention and the period of UNMIK governance under UNSC Resolution 1244. It became the EU's largest civilian mission under the CSDP and represented one of the Union's most ambitious attempts to turn foreign-policy principles into state-building. Its purpose was to assist Kosovo's police, judiciary and customs institutions in a newly independent and contested political environment, where domestic institutions remained fragile, disputed and affected by crime, corruption and unresolved ethnic tensions. This reflected both a security and democratic concern: without credible courts or accountable policing nor functioning legal institutions, Kosovo would struggle to consolidate its state-building and democracy, attract investment, protect minority rights or progress towards European integration.

EULEX's original role combined two functions. First, it was intended to monitor, mentor and advise Kosovo's rule-of-law institutions. Second, it held limited executive powers, meaning that EULEX judges, prosecutors and police could become directly involved in sensitive cases, including organised crime, corruption, war crimes and inter-ethnic conflict. Since 2018, however, the mission has moved away from broad executive judicial powers and now focuses mainly on monitoring selected criminal and civil cases, supporting the Kosovo Correctional Service, providing operational support to Kosovo's police, and maintaining a limited security role when required. The Council's renewal of EULEX's mandate until June 2027 shows that the EU still considers the mission relevant to Kosovo's stability.

Kosovo's question is not only a domestic governance issue, but a regional and geopolitical one. Five EU member states still do not recognise Kosovo's independence, while Serbia continues to contest its statehood. Tensions in northern Kosovo, including the 2023 Banjska attack, the unresolved Serbia-Kosovo dialogue and the influence of external actors such as Russia make Kosovo a stress test for EU credibility in the Balkans. EULEX therefore sits at the intersection of democracy promotion, conflict management, enlargement policy and EU foreign policy. The future of the

mission matters not only because of Kosovo's rule-of-law requirements but because it reveals whether the EU is still capable of acting effectively as a stabilising and democratic force in its immediate neighbourhood.

Chapter 2

What is Wrong with EULEX?

The mission's central problem is that its achievements no longer match the scale of Kosovo's rule-of-law challenges, creating a risk that EULEX is perceived domestically as a residual, unclear or obsolete international presence rather than a driver of reform. While EULEX helped prevent a post-independence institutional vacuum and supported policing, customs, corrections and sensitive judicial processes, Kosovo's judiciary and anti-corruption systems remain politically vulnerable, under-resourced and weakly trusted despite more than fifteen years of EU involvement (UNDP, USAID, 2024). This creates a credibility problem for both EULEX and the wider EU enlargement strategy.

First, EULEX has struggled to produce durable rule-of-law outcomes. A European Court of Auditors report found that as early as 2012 EU rule-of-law-assistance had *"not been sufficiently effective"*, despite major investment (European Court of Auditors, 2012). Between 2007-2011, the EU budget funded approximately €680 million in rule-of-law support, while EULEX had roughly 2,500 staff working on capacity-building and executive functions (European Court of Auditors, 2012). Yet the auditors concluded that progress remained slow, especially against organised crime and corruption, and that the judiciary continued to suffer from political interference, inefficiency and weak transparency. The report also warned that the sustainability of achieved results was threatened by weak political will, limited fiscal capacity and the limited influence of civil society, suggesting that EULEX's early gains were not easily converted into durable institutional reform.

Recent monitoring suggests that similar weaknesses persist. EULEX's 2025 Justice Monitoring Report found that many high-profile cases, including former EULEX cases, had shown slow progress during investigations and court proceedings, sometimes involving repeated retrials, and that numerous high-profile cases had still not reached a final judgment (EULEX, 2025). Similarly, OSCE found persistent concerns including high acquittal rates, case delays and poor case management (OSCE Mission in Kosovo, 2024). This suggests that EULEX's later gains were also not easily converted into durable institutional reform.

Second, Kosovo's domestic rule-of-law indicators still show significant structural weaknesses. The European Commission's 2024 Kosovo Report judged Kosovo to be only "*between an early stage of preparation and having some level of preparation*" regarding EU standards on the judiciary and corruption – it noted limited progress overall (European Commission, 2024). Anti-corruption results were still affected by shortages of resources and capacity, plus a lack of impartiality and accountability in the prosecution service and judiciary (POLITICO, 2017). UNDP Kosovo's 2024 Public Pulse report found satisfaction with courts at only 29.4% and satisfaction with the Prosecutor's Office at 30.2%, while 36.5% of respondents perceived large-scale corruption in the courts and 25.3% perceived it in the Prosecutor's Office (UNDP, USAID, 2024). In 2025, Transparency International gives Kosovo a Corruption Perceptions Index score of 43/100, ranking it 76th out of 182 countries and territories, indicating that corruption remains a serious public-sector problem (Transparency International, 2025). Freedom House similarly describes Kosovo as electorally competitive while stating that public institutions are undermined by corruption and that the rule-of-law is weakened by "*interference and dysfunction in the judiciary*" (Freedom House, 2025).

Third, EULEX's legitimacy has weakened because its role has become less clear. In 2018, the Council ended the mission's judicial executive mandate, transferring responsibility for investigations, prosecutions and trials to Kosovo authorities (European Council of the European Union, 2018). Since then, EULEX has focused mainly on monitoring selected cases, advising the correctional service, supporting dialogue implementation and retaining limited executive functions such as witness protection and support for the Specialist Chambers (EULEX, 2021). This shift strengthened local ownership, but it also reduced EULEX's direct leverage; after 2018, the mission could no longer directly investigate, prosecute or adjudicate transferred cases.

Finally, EULEX operates inside a wider geopolitical problem. Kosovo's unresolved status, Serbia's non-recognition, tensions in the north and enlargement fatigue reduce the EU's leverage. The Council renewed EULEX until 14 June 2027, calling it a crucial tool for democracy, security, rule-of-law and reconciliation. However, renewal alone does not solve the problem. Without a clearer link between EULEX monitoring, domestic accountability and Kosovo's EU path, the mission risks becoming a symbol of managed stagnation rather than democratic recovery.

This does not mean that Kosovo's weak rule-of-law environment is solely or even primarily the product of EULEX's failure. The mission operates within domestic and structural constraints that no external actor can fully control: weak political will, limited fiscal capacity, party-political interference, judicial under-resourcing, and the unresolved Serbia-Kosovo dispute. EULEX's weaknesses are therefore better understood as problems of limited transformation rather than that of direct causation. It has been present for more than fifteen years, but it has not been able to convert external supervision, technical assistance and monitoring into self-sustaining domestic accountability.

Chapter 3

Policy Recommendations

The EU should not end EULEX; it should redefine the political function the mission performs. The problem is not simply that EULEX has remained in Kosovo for too long, but that its purpose has not evolved sufficiently with Kosovo's own political development. Originally designed for post-independence stabilisation, it should now be reorganised around democratic accountability, judicial performance and credible European integration. The transition should be from broad international stabilisation to a narrower architecture of a democratic model.

First, EULEX should become a more explicit performance-monitoring and accountability mission. Its current mandate places case monitoring at the centre of its work, covering select cases across the police, prosecutorial and judicial chain, as well as parts of civil justice. The EU should make this role more visible by publishing clear annual assessments of high-level corruption, organised crime, war crimes and inter-ethnic violence cases. These reports should identify procedural delays, political interference, weak prosecutorial follow-through and failures of judicial independence. The purpose of this would not be to replace Kosovo's institutions but to make institutional failure more measurable, harder to obscure and politically costly.

Second, to incentivise this, EULEX monitoring should be tied more directly to Kosovo's European pathway through the EU Growth Plan for the Western Balkans and the Reform and Growth Facility. The Growth Plan already offers some benefits of EU membership before accession, while the Facility conditions financial support on the successful implementation of agreed reforms. Having assessed Problem 2, EULEX should therefore not operate as a separate accountability mechanism; its findings should feed into Kosovo's Reform Agenda, Commission enlargement assessments, funding decisions and rule-of-law benchmarks. Kosovo should receive phased benefits like technical assistance, access to EU programmes, financial support when measurable improvements occur in judicial efficiency, prosecution of high-level corruption and minority-rights protection. This would make EULEX monitoring politically useful rather than merely intrusive, because it would connect judicial accountability to tangible EU incentives.

Third, EULEX should deepen its relationship with Kosovo's civil society and legal community. The mission's legitimacy crisis cannot be solved only through Brussels-level diplomacy or technical reporting. Consequently, the mission should create structured consultation channels with NGOs, bar associations, investigative journalists, minority representatives and victims' groups which would make the mission less technocratic and more responsive to citizens affected by corruption, court delays and institutional weakness. A visible local advisory board could review EULEX's public findings and identify priority areas for monitoring.

Fourth, EULEX should retain limited operational capacity where Kosovo's institutions still face acute political or security risks, including witness protection, support for the Specialist Chambers, correctional monitoring, police coordination and crisis support in northern Kosovo. The aim should not be to restore intrusive executive control but to preserve EU leverage where domestic pressure, ethnic tension or security sensitivity can compromise institutional independence.

Lastly, the mission should be integrated within a wider EU strategy for Kosovo and Serbia. Rule-of-law reform cannot be separated from Kosovo's unrelated status, the EEAS-led-Serbia-Kosovo dialogue, KFOR, the Commission's enlargement instruments and EU anti-disinformation work. The policy objective should be clear: Kosovo's rule-of-law reform should not only be a domestic governance issue but a stress test of whether the EU can still stabilise its neighbourhood through democratic institutions rather than permanent crisis management.

Chapter 4

Implementation and Overcoming Opposition

EULEX reform should begin with a managed transition, not a sudden withdrawal or a return to the heavy executive control that defined its earlier years. The central contradiction in EU policy is that Kosovo must be treated as the owner of its own rule-of-law institutions, while the EU still needs enough presence to monitor sensitive cases, security risks and institutional vulnerabilities. The Council's extension of EULEX's mandate until June 2027 gives Brussels a narrow but usable window to redefine the mission before the next mandate decision. The next two years should resultantly be treated as a transitional period from post-conflict supervision towards a disciplined model of democratic accountability support.

The first step should be an EU-led strategic review that treats EULEX as an instrument that must be politically re-justified. The review should bring together the EEAS, the European Commission, EULEX, Kosovo's Ministry of Justice, its police, judicial councils, civil society organisations and minority representatives. This review should determine which functions EULEX should retain, reduce or transfer. The safest and clearest division of responsibility would be: Kosovo-led institutions should manage typical rule-of-law work; EULEX should monitor sensitive cases and provide technical assistance; and limited operational functions should remain only where local capacity or political pressure still creates serious risks including witness protection, corrections monitoring and support for the Specialist Chambers. This is consistent with EULEX's current mandate which already combines monitoring, mentoring, advising and limited executive functions.

The second step should be to convert scrutiny into leverage through positive conditionality. Kosovo's leaders are more likely to resist EULEX monitoring if it appears as only criticism, especially in a political environment where sovereignty remains sensitive. The Commission should therefore attach measurable rule-of-law progress to tangible EU benefits: technical assistance, access to EU programmes, infrastructure funding, administrative support and clearer accession-related benchmarks. This would make EULEX monitoring politically useful for Kosovo's

government rather than merely intrusive. It would also align the mission with the Commission's own diagnosis that Kosovo has made some progress in corruption but still faces resource shortages, weak capacity and problems of impartiality in the judiciary and prosecution service (European Commission, 2024).

Opposition will come from three different directions that require a different political answer. In Kosovo, some political actors may present EULEX reform as an intrusion on sovereignty, especially because the mission's earlier executive powers remain associated with external supervision. The EU should answer this by reducing EULEX's executive profile, increasing Kosovar co-ownership of reform priorities, and presenting the mission as a tool for strengthening domestic institutions rather than substituting for them. This means giving Kosovo's Ministry of Justice, judicial councils, police and civil society a visible role in defining monitoring priorities.

In Serbia, officials may object to reforms that strengthen Kosovo's state institutions, the EEAS should therefore avoid accepting the framing the policy as a stealthy recognition, but as rule-of-law stabilisation linked to the wider Serbia-Kosovo dialogue. The argument should be that more credible policing, courts and minority-rights protection in Kosovo reduce the risk of escalation, especially in the north, and therefore serve regional stability rather than one side's status claim. This framing would not remove Serbian opposition, but it could make it harder to portray EULEX reform as a unilateral pro-Kosovo move.

Inside the EU, some member states may resist investing further political attention in Kosovo because of enlargement fatigue, budgetary pressures or non-recognition of Kosovo's independence. The response to this is strategic rather than moralistic as weak rule-of-law institutions are not only a domestic problem; they create wider European risks, including organised crime, irregular migration pressures, ethnic tension and openings for external influence in the Western Balkans. EULEX reform should therefore be presented not as another open-ended state-building project, but as a limited cost-conscious security and governance instrument that protects EU credibility in its immediate neighbourhood.

The aim should be to make EULEX smaller, clearer and harder to dismiss. By 2027, the EU should be able to show that the mission is no longer an open-ended protectorate-style presence, but a targeted instrument for judicial accountability, democratic recovery and regional stability.

Conclusion

Without institutional reform, EULEX risks becoming a symbol of stagnant EU policy in the Western Balkans. A transition toward accountable partnership and credible accession incentives would strengthen both Kosovo's democratic development and the EU's geopolitical credibility.

EULEX's problem is not that the mission has become irrelevant, but that its current form no longer matches the political and institutional environment it operates in. Kosovo still faces weak judicial accountability, corruption, limited public trust and unresolved tensions with Serbia, while the EU continues to rely on EULEX as one of its main rule-of-law instruments in the country. This creates a strategic dilemma: ending the mission too quickly would remove a remaining source of EU oversight yet without institutional reform, EULEX risks becoming a symbol of stagnant EU policy in the Western Balkans.

The EU should therefore use the current mandate period to redefine EULEX's purpose. A smaller and clearer mission, focused on performance monitoring, civil-society engagement, limited operational support and links to the Growth Plan and Reform and Growth Facility, would address the weaknesses identified in this briefing. It would preserve EU leverage where Kosovo's institutions remain vulnerable, while avoiding a return to intrusive executive supervision. It would also make EULEX more useful to Kosovo's own European pathway by connecting judicial accountability to practical incentives.

These recommendations are realistic because they build on EULEX's existing mandate rather than requiring a new institution or a major expansion of EU authority. They also respond to likely opposition. Without this reform, EULEX risks remaining present but politically ineffective. With reform, it can become a targeted instrument for democratic accountability, regional stability and renewed EU credibility in the Western Balkans.

Abbreviations, Acronyms and Initialisms

AIIA	Atlas Institute for International Affairs
CSDP	Common Security and Defence Policy
EEAS	European External Action Service
EU	European Union
EULEX (Kosovo)	European Union Rule of Law Mission in Kosovo
KFOR	Kosovo Force
NATO	North Atlantic Treaty Organisation
NGO	Non-Governmental Organisation
OSCE	Organization for Security and Co-operation in Europe
UNMIK	United Nations Interim Administration Mission in Kosovo
UNSC	United Nations Security Council

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