

## **The Role of the European Union in Conflict Management/Prevention in Kosovo with a Comparative Approach**

Özgür Ünal Eriş

Keywords: European Union, Kosovo, conflict, management, prevention

### *Abstract*

*The changing concept of security threats after the Cold War and their likely eruption in the neighbourhood of the European Union made the EU member states more aware of their global responsibilities. However, the difficulties that come along with the role of a global actor could be seen in the EU position in the events unfolding in the Western Balkans, specifically in the recent Kosovo case. Having learned from previous experience in Bosnia and Macedonia the way the EU deals with this case will be a good sign of its maturing foreign and security policy as well as its leadership qualities. This article looks at the EU's potential for having global leadership with a strong foreign and security policy and makes an analysis of its disadvantages and likely improvements.*

### **Introduction**

After the Cold War, the concept of security threats changed significantly. The risk of war between states had diminished, but that of conflict within them had increased. Specifically the ethno-political conflicts occurring in the European Union's (EU) new neighbourhood, the Western Balkans, seemed to be quite dangerous for the EU both in the short and long term as they had the potential not only to disturb the physical security of both individuals and the state, but they could have consequences for the socio-economic security of EU member states as well. The means of fighting these security threats changed as well; security policy was now shaped to face the problem of instability and insecurity in neighbouring regions. This specifically meant fighting threats not only through defence and deterrence as it was

during the Cold War, but through conflict prevention, management, peacekeeping and state-building.

Because of the changing concept of security threats and the fact of being close neighbours of the Western Balkans which produced this threat, the EU (the EC as it was called at that time) attempted to enact a pro-active policy of managing the ethno-political conflicts happening in the Western Balkans. When Yugoslavia started to disintegrate violently in the beginning of the 1990s, the confident statements of the EU leaders showed that they really believed the EU could solve this crisis. But soon enough it was revealed that the EU had in fact been conceived and developed primarily as an economic union with an impact on low security but not on high security issues, thus it could play a limited role in this newly emerging security structure (Wolff, 2007).

But the EU went through a serious learning process. In the early 1990s during the fighting in Bosnia the Balkans were considered to be outside of Europe; therefore the aim of the EU foreign policy was to erect a firewall that would prevent Balkan instability and insecurity from spilling over into Europe. During the Kosovo war in 1999, this kind of perception had changed to 'the Balkans can no longer be separated from Europe and the European Union would have to accept *responsibility* for decent governance in the region' (Pugh, 2004).

Following the Kosovo war in 1999 the EU became increasingly influential in the Western Balkans region. The Balkans provided both an important trigger and many of the prototypes for European Security and Defence Policy (ESDP), thus it was in the Balkans that the first civilian and military operations were launched. The 77-day long NATO air campaign against Yugoslavia was still underway as European leaders in Cologne on June 4, 1999, outlined the main elements of ESDP. By the time ESDP was up and running, however, international involvement in the Balkans was already at its peak. NATO missions were deployed to Kosovo, Bosnia and Herzegovina and the former Yugoslav Republic of Macedonia. It was therefore logical that the first ESDP missions followed on from existing operations.

The case of Macedonia was seen as a success story for conflict prevention and multi-ethnic peace throughout the 1990s. However, this did not last long as armed conflict began in February 2001 with the emergence of the National Liberation Army. The Ohrid Peace Agreement signed on August 13, 2001, stipulated a number of constitutional amendments such as the recognition of Albanian as an official language, decentralization of the

government and proportional representation of Albanians in the public administration. The aim was that through the Ohrid Framework Agreement and the process of implementing it, the norms pertaining to peaceful conflict resolution would strengthen and may contribute to overcoming the ethnic problems. To help implement the Ohrid Agreement the EU'S first *military operation*, Operation Concordia, was launched on March 31, 2003, taking over from the NATO operation Allied Harmony. As the EU at the time was looking for an opportunity to test its crisis management capacity and the Macedonian conflict provided an easy case, one may question whether deployment of Concordia was initiated by Macedonian request or by EU ambitions to test its new capacity (Björkdahl, 2005). Launched in December 2003, Operation Proxima became the second EU *police mission* in the Western Balkans after the police mission in Bosnia. Being completed on December 14, 2005, it was also designed to help implement the Ohrid Agreement.

On December 2, 2004, the EU took over from NATO's SFOR operation in Bosnia and launched the largest yet ESDP operation EUFOR Althea. Operation Althea was launched for securing the conditions for the implementation of the Dayton Peace Agreement in Bosnia. Apart from the short-term goal of ensuring a smooth hand-over period between the two forces, Operation Althea had two further political objectives. In the medium term, the operation was meant to support Bosnia's progress towards EU integration, initially with the aim of concluding a Stabilisation and Association Agreement (SAA). This in turn, was to contribute to the long-term objective of peace and stability in the country and its eventual accession to the European Union (Wolff, 2007).

Finally, the EU's currently largest ESDP mission, EULEX Kosovo, was launched on February 16, 2008, taking over a significant part of the responsibility of United Nations. EULEX Kosovo consisted of more than 1700 European and international staff and close to 1000 local staff deployed throughout Kosovo and is a symbol for how the EU came to have a strong presence in the Western Balkans through the ESDP in competition with NATO (Hallergard, 2009).

However, it would be too optimistic to say that the EU has become a very influential actor in this region without any deficiencies in its strategies for the prevention and management of the conflicts. In fact, the EU still has several problems which prevent it from being *the* most influential actor in the region. The identification and solution of these challenges now overlap with

the presence of the most important piece of unfinished business in the Balkans: the final status of Kosovo, the southern province of Serbia, which was under international trusteeship since NATO's intervention in 1999 until its unilateral declaration of independence on February 18, 2008.

Below there will be a detailed explanation about the conditions in Kosovo, followed by the arguments supporting Kosovo's independence and the EU role in it. The rest of the article will deal mainly with the weaknesses in the EU's Security and Defence Policy in general and specifically in the case of Kosovo making a comparison with the EU operations in Bosnia and Macedonia.

### **Solution of the Kosovo Problem: Independence**

Roughly, 90% of Kosovo's population of some two million is ethnic Albanian, and most of the rest of the population is Serbian. In Tito's Yugoslavia Kosovo's Albanians enjoyed a significant degree of autonomy but in the late 1980s Serbia's nationalist leader Slobodan Milosevic caused ethnic Albanians to suffer repression and political and economic exploitation. Ethnic Albanians living in the Serbian province of Kosovo recommenced their campaign for independence. The situation quickly degenerated into armed conflict between federal security forces and the guerrilla Kosovo Liberation Army (KLA). Milosevic counterstruck by ordering a program of ethnic cleansing of the Kosovo-Albanians and hundreds of thousands were forced to flee as refugees (Economist, April, 2006).

Despite international pressure Belgrade continued its military tactics which included systematic expulsion of the civilian population. Thus, there was no room for co-ordination and crisis management anymore and military intervention became necessary. On June 10, 1999, the UN Security Council (UNSC) accepted Resolution 1244 which envisioned the presence of an international peacekeeping troop presence as a guarantee of 'substantial autonomy' for Kosovo, the Kosovo Force (KFOR), without a deadline. The same day, NATO stopped its air strikes. On the basis of the UNSC 1244, United Nations Mission in Kosovo (UNMIK) was established in Kosovo as an international interim administration. The administration of the region was under the leadership of the United Nations (UN) and only the part of the process named Economic Construction, Recovery and Development was given as a responsibility to the EU.

Anxious to scale back its obligations in the region and confronted with growing impatience among Kosovo's population, the international community geared up for negotiations over Kosovo's political future, as provided for under UN Security Council (UNSC) Resolution 1244. Wanting to end this precarious status, the UN appointed former Finnish President Martti Ahtisaari to draw up a plan. Ahtisaari's plan was drafted in February 2007, with the name Comprehensive Proposal for the Kosovo Status Settlement (CSP), and put forward a conditional internationally-supervised independence for Kosovo. The Serbs rejected this plan and Russia threatened to veto it. The Western members of the UN Security Council then called for four more months of talks starting in August between Kosovo's Albanians and Serbia with the deadline of December 10, 2007. However, while the talks made possible extensive discussions between Belgrade and Pristina on status options, they revealed no prospect for mutual agreement.

Following this, Kosovo's parliament voted to adopt a declaration of the province's independence from Serbia on February 18, 2008. Independence was supposed to be internationally supervised, based on the detailed CSP drafted by Martti Ahtisaari. The government in Pristina pledged to implement it, and the 70 countries that have recognised the new state have done so largely based on that commitment.

A 120 day transition period was defined in the Ahtisaari plan, during which it was mainly envisaged that the Kosovo government would prepare the legal framework needed to govern, UNMIK would transfer all legislative and executive authority to it and the European Union Rule of Law Mission (EULEX) would deploy. EULEX Kosovo agreed by the EU General Affairs and External Relations Council through a Joint Action would be co-ordinated by an International Civilian Office (ICO) jointly led by the EU and the international community, which is represented in this case by those countries which endorsed the Ahtisaari Plan (ICG Europe Report No. 196).

The constitution that was based on CSP and adopted by the assembly of Kosovo on April 9 entered into force on June 15, 2008. The constitution envisaged a significant role of the European Union in Kosovo and provided the ICO as an ultimate supervisory authority as set out in the CSP. According to the CSP, at the end of the transition period UNMIK's mandate would expire and all legislative and executive authority vested in UNMIK would be transferred to the governing authorities of Kosovo; the ICO, EU and NATO. The European Union Mission reached its initial operational capability in early December 2008, and its full operational capability finally on April 5, 2009.

The gap between the time of the constitution and start of the mission's operational capability occurred because, soon after the independence declaration, Russia insisted that any change of UNMIK operations required a Security Council decision. Thus, the UN suspended the handover of responsibilities and assets it had agreed to with the EU. The northern Kosovo Serbs who live in the enclaves south of Ibar, under the instruction of Belgrade, also refused to co-operate with EULEX and ICO, which they saw as agents for Kosovo independence, while grudgingly accepting UNMIK and KFOR.

Another reason for the delay was that the international community had insufficient political will and failed to co-ordinate fully. In order to diminish this breakdown in international deployment and supervision, UN Secretary General Ban Ki-Moon circulated on June 12, 2008, a plan for UNMIK reconfiguration. The aim of Ban Ki-Moon's reconfiguration was to finally enable the European Union to enhance its operational role in the area of the rule of law, make the EU gradually assume responsibilities in international policing, justice and customs throughout Kosovo, while the UN's operational role was to shrink towards that of rapporteur, liaison and facilitator of dialogue. There was no timeframe for reconfiguration, though 120 days was informally understood for handover to EULEX. Finally on April 6, 2009, the EULEX achieved its operational capability with the central aim to assist and support the Kosovo authorities in the rule of law area, specifically in the police, judiciary, customs areas, the protection of minorities, and the fight against corruption and organized crime. It was a technical mission which will monitor, mentor and advise whilst retaining powers to investigate and prosecute serious and sensitive crimes; thus having full internationally recognized authority. With a mandate effective until June 14, 2012, the EULEX is today the largest civilian mission ever launched under the ESDP in comparison with Operation Concordia in Macedonia and Operation Althea in Bosnia.

### **Kosovo as an 'Independent' Country**

The US and its European allies have always defended the concept of multi-ethnic societies in the Balkans. The military interventions in Bosnia, Macedonia and Kosovo, the ongoing peacekeeping missions there, the hundreds of millions of dollars given annually in economic aid; these sacrifices have been made to preserve the individual states that once

constituted a federal Yugoslavia and to prevent bloodshed among the numerous ethnic groups that populate them. But in the case of Kosovo one should be realistic and let pragmatism triumph over principle: Kosovo should be independent from Serbia.

There are many arguments in support of this fact:

1. Independence for Kosovo is the only option based on the fact that there is a lack of realistic alternatives and the relations between the Albanian majority and the Serbian minority are extremely harsh. Throughout the area walls of hostility divided ordinary Albanians and Serbs; the atrocities and injustices of the past combined with the empowerment of the present made it all but impossible to envisage the continuation of Serbian sovereignty. The formal separation of Kosovo from Serbia, instead, offered the best hope for rebuilding moderation and tolerance among ethnic Albanians, making it far more likely that they will eventually live in peace with Serbs, Roma, and the other minority groups among them.

However, though this argument has found many supporters so far it is not a secret that Kosovo is still an emotional issue for the Serbian public. Based on their argument that 'UNSC 1244 blocks independence the Kosovo problem is actually Yugoslavia's internal affair' and ever since the declaration of independence it has evolved into a conspiratorial myth amongst Serbs of their mistreatment by the international powers, victimhood and blamelessness. One of the results of this widespread bitterness over the Kosovo issue is the increasingly negative attitude towards the EU, which is seen as part of the 'international community' which facilitated Kosovo independence. In that sense, it may be difficult to say that formal separation of Kosovo from Serbia is the best possibility for long-term peace.

2. Kosovo will need serious financial assistance for the foreseeable future. However, for that to take place Kosovo needs a clear legal status and reduction of perceived risks in order to attract investors, and the ability of the government to borrow for capital projects. However, one should be aware of the facts that one of the biggest economic powers, Russia, is totally against Kosovo independence and several of the EU members such as Greece, Spain, Cyprus, Slovakia, Bulgaria and Romania do not recognise this entity either. Thus, even if Kosovo has declared itself an independent state it may not be as easy as it seems to formulate sound economic relations with the outside world.

There are also several arguments against Kosovo independence. The details of these arguments are listed below:

1. *The plan to grant Kosovo a sort of 'supervised independence' is hard to reconcile with universal principles:* The big dilemma underpinning Kosovo's independence bid was whether or not to give precedence to the right to self-determination. The main opposition to this was based on the fact that the declaration of independence of 17 February, 2008, was a unilateral attempt to bring to an end the international presence established by the Security Council itself, a result which it is said could only be effectuated by a decision of the Security Council itself. It has also been argued that a permanent settlement for Kosovo could only be achieved either by agreement of all parties involved (notably including the consent of the Republic of Serbia) or by a specific Security Council resolution endorsing a specific final status for Kosovo.

In order to clarify the situation on October 8, 2008, the UN General Assembly passed a resolution requesting the advisory opinion of the International Court of Justice (ICJ) on the legality of the declaration of independence of Kosovo. The advisory opinion of the ICJ on the independence declaration of Kosovo put an end to this debate by saying:

...Security Council Resolution 1244 (1999) did not prevent or exclude the possibility of Kosovo's independence. It does not create obligations under international law prohibiting the issuance of a declaration of independence or making it invalid. Actually the references, in the annexes of Security Council resolution 1244 (1999), to the Rambouillet accords and thus indirectly to the 'will of people' (see chapter 8.3 of the Rambouillet accords) of Kosovo, support the view that Security Council resolution 1244 (1999) not only did not oppose the declaration of independence, but indeed *contemplated* it. ....the Court actually observes that Security Council resolution 1244 (1999) was essentially designed to create an interim regime for Kosovo, with a view to channelling the long-term political process to establish its final status. Thus Resolution 1244 (1999) does not preclude the issuance of the declaration of independence of 17 February, 2008, because the instruments operate on a different level: unlike resolution 1244 (1999), the declaration of independence is an attempt to determine finally the status of Kosovo.

2. *Albanians in Macedonia will want to join their brothers in Kosovo and so will Serbs in Bosnia.* Macedonia strongly supports independence and was one of the first countries to recognize it, so it is unlikely that Albanians in Macedonia will join Kosovo. In the case of Republika Srpska of Bosnia the difference between Kosovo and Bosnia being that Bosnia was created *through* ethnic cleansing and genocide while Kosovo underwent ethnic cleansing and an attempted genocide of its people *by the country that now*



wants to rule them thus making it unlikely for the Serbs in Bosnia to want to be integrated into Kosovo.

3. *Acknowledgment of Kosovo's right to independence may open a Pandora's box of secessionist claims within the EU and fifty other regions in Africa and the Caucasus.* This is an argument mostly supported by the Russian government. They see Kosovo as a potential precedent-setting case that could be applied to other secessionist entities in the post-Soviet space such as Transnistria, Abkhazia, South Ossetia and Nagorno Karabakh (Socor, 2007). This view is also shared by some EU member states with minorities who have the same concern about the potential violation of the established international norm of safeguarding state borders; which also lead to their hesitation in supporting Kosovo's independence. Though an important component of Kosovo independence being the will of people is supported by most of the great powers, no other region will be able to follow Kosovo if a considerable mass of countries are not willing to recognise it.

In the following section, the EU role for Kosovo's transition to independence and its conflict management strategies will be analysed in detail.

### **The EU 'Support' for Kosovo's Independence**

Just as the fact of new security threats in its neighbouring regions had prompted the EU to be more active in crisis management strategies for its own security and stability during the 1990s and right after the Kosovo crisis in 1999, the same logic still applies for the EU to be a leading actor to co-ordinate Kosovo's transition to independence.

Indeed, the EU initially demonstrated remarkable resolve and unity, when in December 2007, it explicitly pledged to 'play a leading role in strengthening stability in the region and in implementing a settlement defining Kosovo's status and assist Kosovo in the path towards sustainable stability'. In addition to this, despite some member states' hesitancy to recognise Kosovo, it committed to helping the new state and authorized EULEX. It was successful as major violence has been avoided, 1.2 billion euros in aid pledged and the first tentative measures to produce effective statehood taken. All member states showed support by attending and not opposing the large amount of money that was pledged to Kosovo from the EU budget.

Member states clearly underestimated the challenges. During the crucial transition period from mid-February to mid June 2008, the EU failed to make any significant statements on Kosovo and EU deployments and looked

to the UN to take the lead. It supported the plan to deploy the ICO and EULEX, but did little to push them through when they began to encounter obstacles in March, including the suspension of UN transfer of assets and responsibilities against Serb resistance to deployment in Serb-majority areas. The EU only reasserted its commitment to play a leading role in June, when welcoming the UN Secretary-General's intention to reconfigure the international civil presence.

The handover of governing authority from the UN to the Kosovo state, and to a lesser extent other international forces was supposed to be transition's key accomplishment. Since that transition took place later than planned, this cast doubt on the political will and unity of the EU and significant financial commitments to procure substitutes, if necessary, for assets not handed over by the UN. EU officials blamed others, especially the UN for their mission's plight and used the alleged lack of suitable alternative buildings in Pristine as an explanation for EULEX passivity. However, in reality the difficulties the EU was having in showing its leadership in the solution of the specific Kosovo case is a proof that its security and defence policy is still far from being complete and needs improvement (Balfour, 2007). Below there are some general challenges against the EU's ESDP which also appear in the specific Kosovo, Macedonia and Bosnia cases together with their possible solutions:

### **Analysis of the EU's Conflict Management Role**

1. For the post-conflict societies in the Balkans region one of the major incentives under conflict prevention may be the perspective of EU membership. Over the years the member states of the EU have come to share a number of norms relating to *non-violent* and *compromise-oriented* solutions to conflicts, democratic decision making processes and respect for human rights. A social constructivist perspective to develop the idea of the European Union as a 'norm-maker' can also lead to the exploration of the normative influence of the EU in its neighbourhood and how the EU can externalize these norms guiding the interaction among its member states and in its relations with other states. Inevitably this process will lead to countries incorporating liberal democratic practice, peaceful and compromise-oriented conflict resolution as well as practices of the rule of law in many states, and thus creating the potential for conflict *prevention* (Björkdahl, 2005).

The EU is in a strong position to exert a normative influence by way of its vast number of approaches, through its massive financial support and its capability to combine attractive positive incentives with harsh negative sanctions. A number of EU actors—the European Commission, the High Representative for the CFSP, the EU Special Representative (EUSR), the European Agency for Reconstruction (EAR), the EU presidency, the EU military crisis management missions, the EU police missions, as well as the European Union Monitoring Mission (EUMM) have been or are present in these countries. However, the prospect of eventual EU membership as an incentive for peace, legality and democracy is future-oriented and includes very long term plans. It is not certain how long the Balkan economies will have to wait, wounded by war, sanctions and corruption on top of the legacy of a non-performing command economy (Smith, 2002).

Initially when the promise of future membership was given by the EU's leaders at the Thessaloniki Summit in 2003, many had hoped that the transformative power which the Union exercised so effectively in its accession process with the countries of Central Europe would be equally successful in the Balkans. But experience has shown that success is much more difficult than expected; affairs in the Balkans are more complicated. Moreover in the Western Balkans we see the elements of both the EU's common foreign and security policy and enlargement policy have been following a dual track. On the one hand, the EU has been pursuing a strategy based on offering the prospect of accession, using the soft tools developed in previous enlargement rounds with the aim of transforming the countries of the region into potential EU member states. On the other hand, it has been addressing challenges specific to the region, which differ from those in post-1989 Central Europe. It has done this by deploying the harder tools of military and police intervention and by building protectorates specifically in Bosnia and most recently in Kosovo, revealing a security-driven logic based more on *Realpolitik* than on the aim of making the Balkan countries look more like EU member states. This dual strategy is mainly because countries in the region are still struggling with issues such as sovereignty, territorial integrity, and internal cohesion that are often perceived as more important than EU membership (Noutcheva, 2007). Also the most important tool available to the EU, the SAAs, conditioned by the achievement of co-operation and good neighbourly relations with other Balkan countries foresees that Balkan countries' prospect of membership are clearly tied to the pursuit of regional co-operation. At the EU level, this double strategy of stabilization and association has meant a set

of priorities and a jungle of conditionality that does not fair well for the clarity and determinacy of EU conditionality.

Specifically for Kosovo the disadvantages related with potential EU membership becomes a significant problem. In April 2005 the European Commission adopted the Communication on Kosovo under the title of 'A European Future for Kosovo' which reinforces the Commission's commitment to Kosovo. Furthermore in January 2006, the Council adopted a European Partnership for Serbia and Montenegro including Kosovo as defined by UNSCR 1244. The European Partnership is a contractual relation with the Western Balkan countries which, by identifying short and medium term priorities the countries need to address, help the Western Balkan countries for their reforms and preparations for future membership. The European Partnership formulates actions to help implementation of the Standards for Kosovo and the Stabilisation and Association Process Tracking Mechanism was turned into a specific forum to discuss Kosovo's progress in implementing the European Partnership specifically in the areas of the rule of law, the fight against corruption, good governance and public administration reform.

However, given the serious problems on Kosovo's status and future, the EU member states converge on the Kosovo question as securing stability on the European continent through embedding a final settlement of the conflict into the broader EU framework; a utility rationale that cannot be seriously challenged by the arguments of appropriateness or moral justification which the EU had used for the Central European states. Thus, the challenge for the EU in the next half decade which did not exist in its approach to the Central European states remains; to find a way of simultaneously reducing unrealistic expectations and meeting them sooner.

On the other hand, a comparative study on the influence of EU membership conditionality shows very striking cases in Macedonia and Bosnia. For example, in Macedonia the issue of EU membership conditionality has caused co-operation and compromise between different ethnic groups on matters of domestic reform, whereas in Bosnia it has coincided with a stark deterioration in ethnic relations and a virtual stagnation of reforms necessary to prepare the country for joining the EU. In other words, politicians in Macedonia adopted the policy and behavioural changes required by the EU because they perceived the *benefits* of doing so to outweigh the benefits of maintaining the status quo. That Macedonia's politicians would consider EU membership incentives beneficial stems from their perception

that accession enhances core collective goals relating to autonomy, in the case of Albanians, and security, in the case of Macedonians. Whereas in Bosnia, EU membership incentives are seen to negate core ethnic goals by impeding the realization of state unity, in the case of Bosnians and enhanced collective autonomy in the case of Croats and Serbs. Moreover, in the case of Bosnia there have actually been suspicions regarding the willingness of the EU to incorporate a state with a large Muslim population in addition to the uneasy relationship it has between Europe and part of the Bosnian population, in particular the Bosnian Muslims, owing to the absence of the role of the European countries during the war (Juncos, 2005).

The observed malleability of Macedonian beliefs about how to realize ethnic interest as a result of EU conditionality next to the rigidity of Bosnian ones is explained in terms of several factors: the alternative direction of proposed power shifts in each country, the alternative frames through which reforms were presented in each country's political debates, the lock-in effects produced through the incumbency of a reform-oriented party in Macedonia, and the alternative modes of influence exercised by external agents in each context (Vasilev, 2011).

However, this does not mean that Macedonian society is incorporating the norms of the EU fully as there are several challenges to the liberal democratic norm. One is the patriarchal norms of Albanian society and the close family ties. There is a widespread tendency, mainly among ethnic Albanians, towards family voting, which restrains women's right of expression and partaking in political life. Corruption is an enormous impediment to the institutionalization of the norms pertaining to liberal democracy, the rule of law and good governance as well as to the practice of democracy (Björkdahl, 2005).

2. In the Balkans, specifically in Bosnia and Kosovo, there are problems of fragile societies being flooded by internationals, both nongovernmental and intergovernmental organizations creating the risk of establishing a culture of *dependency* in a war-torn society. Getting that deeply engaged inevitably leads to the criticism that peace building becomes not only state-building but also social engineering and sometimes an attempt to build a culture of peace from the outside (Smith, 2002). In addition to this, the EU is using too many Westernized standards, specifically in terms of liberal market economy, on countries that are actually significantly different. For example in the economic sphere, these protectorates made macroeconomic stability a

priority. International financial institutions were involved in shaping the post-conflict peace processes in each territory and delegated themselves a free hand to foster free trade and a market economy. However, in the peace building and post-conflict transformation processes, the international institutions should be prepared to evaluate the legacies of the *war economies*, let alone debate the most appropriate economic systems for post-war construction.

In the Balkans region even when international forces took up residence, war entrepreneurs adapted well to the post-conflict period and international intervention. They perpetuated trafficking in weapons, goods and people in order to expand the shadow spaces still available. They were actually inadvertently assisted in this project by the priorities of peace building and post-conflict *protectorates* as they presented opportunities for the winners to reap further riches. So the adverse impact of the neo-liberal agenda (monetarism, privatization, deregulation and state withdrawal from the economy) in these war-torn societies has actually retarded peace building and development and led to flourishing of organized crime (Pugh, 2004). The case of Kosovo should be taken very seriously in this context because at the moment it is the poorest country in the region and specifically with respect to uncertainty over its future status is a serious impediment to economic development. It has gender inequalities, ethnic hatred, nationalism, human rights violations and criminality. Specifically Albanian criminal networks are very influential, conducting illicit cross-border activities, especially trafficking in drugs, weapons and human beings.

This condition can also be seen in the case of Macedonia and Bosnia. Normally in Macedonia the EU's preventive engagement was found to be successful as 'there was a coherent political-military approach, adequate resources to support preventive engagement and a plan for the restoration of the host country's authority' (Gounev, 2003, p.234). However the EU's conflict prevention strategies to build durable peace did little to address organized crime, continued ethnic tension, sporadic rebel violence, and rebel attempts to assert control over certain parts of the country. Some analysts have argued that the conflict in Macedonia is actually a criminalized spill-over of the war in Kosovo, that it was inspired more by Albanian criminal networks.

The shadow economy in Bosnia is also identified as criminal as well; meaning avoidance of audited revenue payments otherwise available for local authority and state distribution. In Bosnia major public industries, such as hydroelectricity, forestry, and metallurgy, fell into private hands. They were

commandeered and used to supply funds for the families of workers and combatants. Other kinds of shadow activity included diverting and even taxing the humanitarian aid that sustained an estimated 85% of the population, fuel smuggling, customs duty avoidance and money laundering along the long border with Croatia in the south. A new institution 'mafia welfare' trapped communities in a reciprocal relationship of intimidation and subsistence (Pugh, 2004).

Frances Stewart (2001) argues that 'individuals make rational, economic choices. The private calculus of costs and benefits depends on the gains from avoiding conflict in terms of potential economic rewards and state-provided services in a peaceful environment. If the gains are low, the calculation is more likely to come out in favour of conflict'. Unfortunately in the present environments specifically in Kosovo and Bosnia if more money and stability is to be gained from inciting ethnic violence, then criminals will seek to preserve or expand their interests by inciting ethnic conflict. The profits from organized crime are usually so large that it is unreasonable to think that regular jobs will be a likely alternative to organized criminal activities (Stewart, 2001).

The EU attempted to help this specific problem in the Balkans region by becoming the single largest donor providing assistance. The main instrument of its donor assistance was Community Assistance for Reconstruction, Development and Stabilisation (CARDS) which since 1999 totalled over € 1.1 billion. The European Agency of Reconstruction (EAR) contributed to managing the funds provided through the CARDS program. The initial aim was the reconstruction of conflict-affected areas and support to confidence building measures to bolster the implementation of the agreements established with these countries and to ensure the institutionalization of its core norms. But critics have argued that the link between development and conflict prevention is missing in these programs. Heather Grabbe and Kalypso Nicolaiadis (2000) suggest that programs like CARDS were not 'designed to achieve macroeconomic stabilization or development goals, but rather a set of advanced economic and structural reforms aimed at encouraging convergence towards key economic and social-political characteristics of the *EU*, and compatibility with its legal base'. In addition based on its awareness of the seriousness of organized crime in Kosovo, Macedonia and Bosnia one would have expected the EU to attempt to design CARDS in a way that emphasized development initiatives that were aimed at reducing the social, political and economic inequalities and

sustained organized crime. But this was not the case. CARDS did not envision development programs for regions with high levels of inter-ethnic inequalities. It did not aim at creating employment opportunities for municipalities with high levels of unemployed minorities. There were no specific programs aimed at measuring the police's ability neither to control remote Albanian mafia hotbeds nor to tackle organized crime networks. Instead its objectives focused only on general police training or improving police human rights records (Gounev, 2003).

From 2007, a new instrument, IPA (Instrument for Pre-Accession Assistance) has replaced all previously existing pre-accession instruments, including CARDS. IPA provides a general framework for financial support (11,5 billion euros between 2007-2013) for candidates and potential candidate countries. It has created an overall structure for pre-accession assistance, and found a form of differentiation based on the individual capacities of the countries concerned. A thorough and critical evaluation of IPA focuses on the following problems. First, differentiation is a major obstacle against the rapid progress of the potential candidates: due to the differentiation between candidates and potential candidates, the least developed countries have no direct access to assistance in the most important fields of development. Due to differences in management, there is no effective incentive for improving the functioning of the institutions of potential candidates. In addition, the amounts foreseen are not in line with the development needs of these countries (Szemler, 2008: 20-21).

The current financial assistance of the EU to the mentioned countries is the Pre-accession Assistance (IPA) within the Stabilization and Association Process for the years between 2007-2013. The new IPA replaced all so-far existing instruments, thus creating a single framework for assistance. Its overall objective is approximation to the European Union, with membership as a potential goal. Thus IPA beneficiary countries are divided into two categories as either candidate countries (Macedonia belongs to this group) or potential candidate countries (Bosnia belongs to this group). IPA focuses on institution building, regional and cross-border co-operation, regional development, human resources development and rural development.

Economic situations are not the only place where there are problems; there are problems in political conditions of these states as well. Creating a stable, liberal democracy where hitherto there was large-scale violence and monolithic Communist institutions is no easy feat, and the implementation of international strategies is slow and stymied by various factors:



Firstly, the structure of civil society is problematic. In a desire to jump-start the reconstruction process and get democracy under way, the international community has often made decisions in haste, pushing forward with initiatives even if these lacked domestic support or failed to produce intended outcomes. Despite good intentions, such extensive but unfocused involvement in the country's civil society has created perverse incentives for international and local organizations alike (McMahon, 2004).

The political parties also usually shared little more than a common interest in maintaining existing power structures and sustaining ethnic divisions. The power of these parties has been sustained to some degree by the international community's willingness to continue working with these individuals, on the mistaken assumption that elected nationalist elites are the exclusive conducts between the population and the international community. The unintended result of the EU's rushed, apolitical approach to political development was that moderate politicians were not given an opportunity to develop a constituency and nationalist politicians gained even more control over scarce jobs and housing.

Instead of recognizing the consequences of such contradictory policies, the international community has seemingly let the task of challenging nationalists and transforming society in the hands of groups with fewer resources; NGOs created to foster democracy from below. Eager for funding, local NGOs modelled themselves on groups in the West and as a result, some NGOs lack a domestic following and do not genuinely represent the interest of the societies in which they are established.

3. In fact, military influence is very limited as the EU has shown its preference for the promotion of long term structural approaches to conflict prevention, and has emphasized the importance of post-conflict reconstruction, undertaking economic, political and social building in the affected areas. However this does not mean that the EU has not attempted to improve its military structure. Nevertheless, even as Brussels has worked to build a military capacity, many remain sceptical of its value. The process of the CFSP/ESDP remains essentially intergovernmental, the instruments available to support collective EU action are fragile and not guaranteed and the lack of any well-defined European interest as opposed to convergent national interests can be seen as a major barrier to effective policy. Even if there are attempts to establish an explicit statement of EU interests applying to CFSP/ESDP, the national preferences of member states will remain a

crucial part of the equation when it comes to deciding positions and/or actions at the European level. This is also a problem for enforcement of the EU police forces on the ground. In the absence of a common EU-wide view on policing institutions and conduct, the ESDP police missions are faced with the spectre of implementing incoherent reforms which leads to long delays in working out a programmatic approach to mandate implementation (Smith, 2003).

Specifically regarding the future status of Kosovo and whether it should be taking the lead in supporting its independence, the EU is very much divided. Its member states have come to recognize that above all-for the sake of the EU's own future as a major political player on the global stage as well as Kosovo's good-they need to hold together and take responsibility for the crisis. However while they are increasingly united and committed to the deployment of EU missions, they have made much less progress in deciding, as they quickly must, what they want regarding Kosovo's status and its path to EU integration.

In the case of Bosnia the most noticeable change was the sense of security that most Bosnians feel and that foreigners require for continued involvement. Yet on closer inspection, the shortcomings of the military solution become apparent, especially when it comes to refugee returns and the arrest of war criminals. Refugees were reluctant to return because the house they left no longer exists or because of housing shortages, unemployment and the presence of enemy nationalists in positions of power. The solution was ultimately the introduction of programs to allow individuals to sell their pre-war homes easily and stay put indefinitely, instead of forcing people to return. The military mission's record is also mixed because of its failure to arrest more war criminals. In and of themselves the arrests are important but the apprehension of war criminals also affects refugee returns, economic development and respect for law and order.

As a solution to this problem the EU needs to devise solutions that can ensure that the ESDP has the in-built capacity to respond to a crisis not by lengthy deliberation, negotiation and preparation but by quick action on the ground (Merlingen & Ostrauskaite, 2005). Most importantly it should find a way to reach a more unified foreign policy.

## Conclusion

After the Cold War, concerns regarding security in the European security landscape were not related to potential attacks on EU member states but to insecurity and instability in the neighbouring regions. The problems that lie behind regional insecurity were in large part transitional problems of societies attempting to move from command to free market economies and from single party governments to democracies; most of them in the context of disintegrating federal state structures as in the case of the Western Balkans. These economic and political deficiencies produced insecurity with direct consequences on the neighbouring EU members. In response, the EU's strategic security philosophy emphasized *long-term responses* to these problems with the recipe of efficient peace building, peacekeeping and enforcement strategies.

These strategies did not become successful right away. In the beginning the EU mishandled its engagement in the Balkans. It endorsed an ill-formed peace process that created peace envoys who acted without the tools needed to compel peace, were forced to deal with too many parties, and were undercut at each stage as countries outside the region intervened to protect various warring parties. Only during the Kosovo crisis in 1999 when Europe transformed itself into a power resolute on assuming more political and military responsibility along with the transformed NATO geared to the new strategic environment, the EU could show some influence in the region.

Taking into account the complexity of the situation the EU had and has to deal with in the Western Balkans and the intensity of the crises it had to manage, in post-Dayton Bosnia and in Macedonia, the Union has demonstrated that it has developed an institutional framework and a set of policies that enable it to provide adequate funds and personnel, and to co-operate and co-ordinate activities with third parties in ways that enhance its capabilities and maximize the chances of successful crisis management.

However, as could be seen in the text this is not without problems. Specifically the solution of the Kosovo problem should be seen as showing the world the benefits of resolving ethnic and religious conflicts in a peaceful way without resorting to violence. This mainly implies that there has to be further improvement in the EU's ability to prevent and respond to humanitarian disasters at an early stage; conflict prevention. One of the most important lessons learned from the events in the Balkans is that the EU must

identify the causes of crises even earlier, adapt a preventive approach towards the management of crises and whenever this is not successful, also be capable of containing and terminating them. Otherwise, it runs the risk of allowing conflicts to spread and instability to spill over into other states and regions.

Throughout the text several factors were outlined which impede the success of the EU's role in conflict prevention and several tips were given which can influence its success positively. In summary, in order to take the leadership in the process towards Kosovo's full independence and in order to fulfil its role of transforming the Western Balkan states through its programs and establish itself as a truly influential actor in the region, the EU should improve its programs, approaches and tools, eliminate the other disadvantages that were mentioned throughout this text, formulate a strong foreign policy which makes it possible to speak with one voice, have close co-operation and harmony among its members and develop the political and military instruments needed to assure its own capacity to act.

## References

- Abramowitz, M., & Hurlburt, H. (2002). Can the EU Hack the Balkans? A Proving Ground for Brussels. *Foreign Affairs*, 81:5, 2-7.
- Balfour, R. (2008). Balkans in Europe: Containment or Transformation? Twelve Ideas for Action. *EPC Working Paper 31*, 1-32.
- Bechev, D. (2006). Carrots, Sticks and Norms: the EU and Regional Co-operation in Southeast Europe. *Journal of Southeastern Europe and the Balkans*, 8:1, 27-43.
- Björkdahl, A. (2005). Norm-maker and Norm-taker: Exploring the Normative Influence of the EU in Macedonia. *European Foreign Affairs Review*, 10, 257-278.
- Dombey, D., Macdonald, N., & Wagstyl, S. (2007). Europe Divided Over Kosovo. *Financial Times*, 23 January.
- Elbasani, A. (2008). The Stabilisation and Association Process in the Balkans: Overloaded Agenda and Weak Incentives? *EUI, Working Papers 03*, 1-31.
- Friedrich, W.U., Ischinger, W., & Scharping, R. (2000). The Legacy of Kosovo: German Politics and Policies in the Balkans. *AIGCS, German Issues* 22.
- Gounev, P. (2003). Stabilising Macedonia: Conflict Prevention, Development and Organised Crime. *Journal of International Affairs*, 57:1, 229-251.
- Grabbe, H. & Nicolaidis, K. (2000). Fostering Social Inclusion Through Institutional Transformation in Central and Eastern Europe: the Role of EU Accession Conditionality. *World Bank, Working Paper 39*.
- Hallergard, C. (2009). The ESDP has Developed in Response to Challenges in the Balkans. *European Security and Defence Policy, Issue 9*.
- Hilpold, P. (2009). The Kosovo Case and International Law: Looking for Applicable Theories. *Chinese Journal of International Law Advance Access*, January, 1-25.
- Hislope, R. (2001). The Calm before the Storm? The Influence of Cross-border Networks, Corruption, and Contraband on Macedonian Stability and Regional Security (paper presented at the 2001 annual meeting of the American Political Science Association, San Francisco, USA. March 2001).
- Kupchan, C. A. (2005). Independence for Kosovo. *Foreign Affairs*, 84: 6, 13-22.
- Merlingen, M., & Obstrauskaite, R. (2005). ESDP Police Missions: Meaning, Context and Operational Challenges. *European Foreign Affairs, Review* 10, 220-242.

- Noutcheva, G. (2007). Fake, Partial and Imposed Compliance: The Limits of the EU's Normative Power in the Western Balkans. *CEPS, Working Document 274*, 1-25.
- O'Brien, J. (2006). Brussels: Next Capital of the Balkans? *The Washington Quarterly* 29: 3, 71-87.
- Pugh, M. (2004). Rubbing Salt into War Wounds: Shadow Economies and Peacebuilding in Bosnia and Kosovo. *Problems of Post-Communism*, 51: 3, 53-60.
- Radan, P. (1999). Yugoslavia's Internal Borders as International Borders: A Question of Appropriateness. *East European Quarterly*, 33: 2, 137-155.
- Sjursen, H. (2004). Security and Defence. In C. Walter, H. Sjursen, & B. White (eds.), *Contemporary European Foreign Policy*. London: Sage Publications.
- Smith, D. (2002). Europe's Peace-building Hour? Past Failures, Future Challenges. *Journal of International Affairs*, 55:2, 441-460.
- Stewart, F. (2001). Horizontal Inequalities as a Source of Conflict. In F. Hampson, & D. Malone (eds.), *From Reaction to Prevention*. London: Lynne Rienner Publishing
- Smith, M. (2003). The Framing of European Foreign and Security Policy: Towards a Post-modern Policy Framework? *Journal of European Public Policy*, 10:4, 556-575.
- Szemler, T. (2008). EU Financial Support for the Western-Balkans: Well-Suited to Real Needs? Using IPA and Other EU Funds to Accelerate Convergence and Integration in the Western Balkans. Budapest: Centre for EU Enlargement Studies.
- Vasilev, G. (2011). EU Conditionality and Ethnic Coexistence in the Balkans: Macedonia and Bosnia in a Comparative Perspective. *Ethnopolitics* 10:1, 51-76.
- Welfens, P. (2001). The European Union in the Balkans: Stabilisation, Transformation, and Integration Perspectives. *AICGS, German Issues* 26.
- Wolff, S., & Peen, A. (2007). *The Reactive Crisis Management of the European Union in the Balkans and beyond: Policy Objectives, Capabilities and Effectiveness* (paper presented at the 57<sup>th</sup> Political Studies Association Annual Conference, University of Bath, UK, September 2007).

Journals, Newspapers and Reports:

*Commission Staff Working Document: Kosovo (under UNSCR 1244/99) 2008 Progress Report*, COM (2008)674.

*Economist*, June 28, 2003.

*Economist*, April 11, 2006.

Freedom House Report, Freedom in the World, 2010 Kosovo: May 3, 2010,  
Received from <http://www.unhcr.org/refworld/docid/4c0cea8c>.

*Herald Tribune*, August 12, 2007.

*Herald Tribune*, September 24, 2007.

International Court of Justice Advisory Opinion on Accordance with  
International Law of the Unilateral Declaration of Independence in Respect of  
Kosovo', July, 22, 2010.

International Crisis Group Europe Report 185: *Breaking the Kosovo  
Stalemate: Europe's Responsibility*, August 21, 2007.

International Crisis Group Europe Report 196: *Kosovo's Fragile Transition*,  
September 25, 2008.

Consensus Resolution adopted at the 120th meeting of the 64<sup>th</sup> UN General  
Assembly, September, 9, 2010.

Press Releases:

[www.consilium.europa.eu/eulex-kosovo](http://www.consilium.europa.eu/eulex-kosovo)

<http://waz.euobserver.com/887/30759>

<http://www.dailymail.co.uk/.../Europe-divided-Kosovos-independence.html>

[www.delprn.ec.europa](http://www.delprn.ec.europa)