Assessing the Impact of the European Union in Kosovo Conflict Resolution

Building States and Societies upon *Tabula Rasa?*

Bilge Yabanci

Abstract

International relations have been marked by increased intra state ethnic conflicts which are able to cause huge humanitarian disasters and harbour instability and various threats for the international community. As a result, conflict resolution as a long-term process combining social, economic and political levels and activities concerning structural change has been advocated in recent years. In that sense, the post-Cold War era implies intensification in the attempts by the EU to become an actor in conflict resolution attempts in various war-torn parts of the world by employing various instruments. The disaster in Kosovo has been the renowned as the external stimuli for the rapid development of EU capabilities and convergence between member states at the policy level. From the very beginning the EU has been continuously expanding its engagement in Kosovo; which, today, has reached to the status of the main actor on the ground. Current situation sets forth the motivation for this study: despite the extensive involvement of the EU in Kosovo, the question of its impact. Which is shaped by many factors remains ambiguous. Thus, the main goal of the research is to inquire the policy impact of the EU in conflict resolution and the pattern which (re)shapes the impact given the comprehensive structures and capabilities employed by the EU. In that sense, the study conducts in-depth case study of Kosovo informed by comprehensive conflict resolution theory. Throughout the paper, the EU foreign policy and conflict resolution is put under constructivist lenses, i.e. structural foreign policy which acknowledges the co-existence of goal and norm-oriented foreign policy behavior. A comparison with Macedonia is also conducted in order to highlight the importance of conditioning factors and the EU engagement further. At the end, the paper discusses that the policy impact of the EU is shaped by the dynamic relationship between conditioning factors, EU conflict resolution engagement across political capacity building, economic reconstruction and local capacities developed as an outcome of EU engagement.

Key words: European Union, conflict resolution, policy impact, Kosovo, political capacity building, economic reconstruction, societal transformation
Words: 20 001

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List of Abbreviations

CFSP	Common Foreign and Security Policy
EAR	European Agency for Reconstruction
EC	European Communities
ECHO	European Commission Humanitarian Office
ESDP	European Security and Defence Policy
EU	European Union
EUFP	European Union Foreign Policy
EULEX	European Union Rule of Law Mission in Kosovo
EUMM	European Union Monitoring Mission
EUPOL	European Union Police Mission
EUSR	European Union Special Representative
ICJ	International Court of Justice
ICO	International Civilian Office
ICR	International Civilian Representative
IMF	International Monetary Fund
KFOR	NATO Kosovo Force
KLA	Kosovo Liberation Army
KPC	Kosovo Protection Corps
KPS	Kosovo Police Force
KTA	Kosovo Trust Agency
NATO	North Atlantic Treaty Organization
NGO	Non-Governmental Organization
NLA	Albanian National Liberation Army
OFA	Ohrid Framework Agreement
OSCE	Organization for Security and Co-operation in Europe
PISG	Provisional Self-Governance in Kosovo
SAA	Stabilization and Association Agreement
SAP	Stabilization and Association Process
SRSG	Special Representative of Secretary General
SSR	Security Sector Reform
UN	United Nations
UNDP	United Nations Development Program
UNMIK	United Nations Mission in Kosovo
UNSC	United Nations Security Council
UNSR	United Nations Special Representative

MAPS

The Balkans

Kosovo

KOSOVO REGION

The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

HUNGARY
CROATIA
ROMANIA
BOSNIA AND
HERZEGOVINA
SERBIA
AND
MONTENEGRO
Belgrade
BULGARIA
KOSOVO
THE FORMER
YUGOSLAV REPUBLIC OF
MACEDONIA
ITALY
ALBANIA
GREECE
ADRIATIC SEA

MONTENEGRO

SERBIA

ALBANIA

KOSOVO

THE FORMER
YUGOSLAV REPUBLIC OF
MACEDONIA

☆ National capital
◉ Regional capital
○ Town, village
✈ Airport
International boundary
Republic boundary
Autonomous province boundary
Major road
Secondary road
Railroad

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Ethnic Map of Kosovo

DISTRIBUTION OF ETHNIC ALBANIANS AND SERBS IN KOSOVO

SOURCE: OSCE
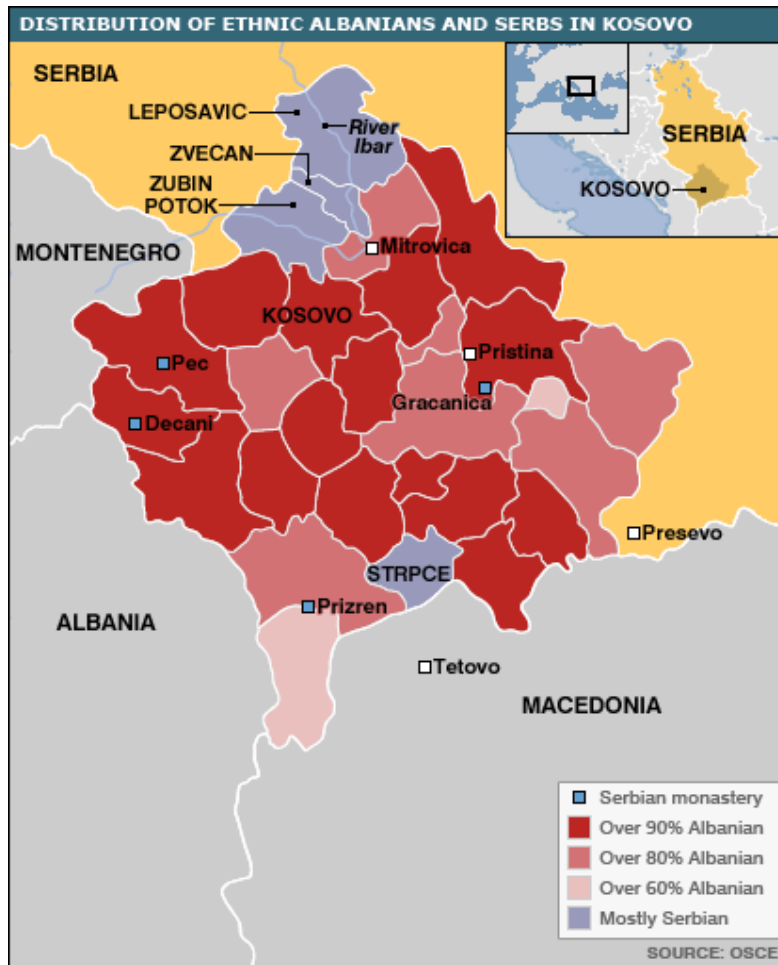
1   Introduction

-[Demaere Oiie]: "It did not matter who governed, or thought they governed, the Benbilis; the politics of reality concerned the power struggle between A-Io and Thu."

-"The politics of reality" Shevek repeated. He looked at Oiie and said "that's a curious phrase for a physicist to use."

-"Not at all. The politician and the physicist both deal with the things as they are, with real forces, the basic laws of the world."

-"You put your petty miserable 'laws' to protect wealth, your 'forces' of guns and bombs, in the same sentence with the law of entropy and the force of gravity? I had thought better of your mind, Demaere!"

Ursula LeGuin, The Dispossessed

The post-Cold War era has witnessed tremendous change in the conflicts erupted all over the world. The new conflicts are different from the traditional Clausewitzean wars, which are fought by organized power centres, *i.e.* the nation states, against each other in line with the so-called national interests. This type of conflict is generally planned at the state level, led by the professional armies and does not aim at the mass-killing of civilians. They are, broadly speaking, fought within "the international rules of the war" or *jus in bello*. However, especially after the disappearance of the East-West divide, today, most conflicts erupt between parties within the state borders over the access to economic resources or political power (Sisk, 2004: 250). Gurr argues that inter-ethnic conflicts have become "the major challenge to domestic and international security in most parts of the world" after the Cold War (Gurr, 1993:314).

Multi-ethnic countries in the Balkans, Caucasus, Africa, and Latin America have been dragged into increased mobilization along sub-identity lines and hatred has become an institutionalised feature of many societies. In that sense, identity conflict is considered to be the new type of war (Holsti, 1996; Singer, 1996), which are no longer about foreign policy, security or interests of a country but "about statehood governance, and the relative role and status of different nations and communities within states" (Holsti, 1996: 20-1; see Table 1.1 for a comparison). "Depending upon the nature of the group and contextual situation, this includes struggles for access, for autonomy, for secession or for control" (Miall, et. al. 2004: 31).

Features	Traditional Wars of 20th Century	Ethno-Political Wars
Political Goals	Foreign policy interests of states	Creation of new forms of power based on ethnic identities
Ideologies	East-West divide, democracy, fascism etc.	Tribalism/communalist ideologies
Mobilization	Professional armies, conscription based on patriotism	Fear, corruption, ethnic affiliations
External Support	Superpowers of Cold War, previous colonial powers	Diaspora, regional powers, international organized crime groups
Mode of Warfare	Organised warfare, clearly demarcated front-lines	Para-military/criminal groups, child soldiers, use of mass killing, rape, atrocity
War Economy	Taxation, state resources	Smuggling, drug-trafficking etc.

Table: 1.1 Traditional Wars and Ethno-Political Wars, Source: Kaldor, M., Vashee, B., 1997:7-19

Consequently, conflict resolution has been evolving in terms of efforts and actors in accordance with the changing character of conflict. Especially, actors operating at the regional level have become an "independent, and frequently powerful, factor in the security equation" (Buzan and Waever, 2003:481) in the post-Cold War period. The European Union (EU) has also risen as a foreign policy actor with continuously developing civilian and military tools of engagement in conflict resolution and has increasingly been suggested as an institutional role model to the other actors (cf. Buzan and Waever, 2003, Bretherton and Vogler, 2006, Salmon, 2002). In that sense, the Western Balkans has become both a learning process and test case for the EU as an actor of conflict resolution for various reasons, where the crisis in Kosovo is a turning point in EU policy (Bartlett & Samardzija, 2000).

Until the Kosovo crisis, conflict resolution had not taken the peculiarities of the region into consideration and turned out to be a "failure of the EU to handle the Yugoslav crisis and to come up with a coherent policy for the region" (Demetropolou, 2002:92). The Kosovo crisis has ignited the political will on the side of the EU for institutionalization of relations and longer-term commitment into the region[1]. The EU has operationalised multiple instruments linking the first and second pillar and has become an actor of conflict resolution with multi-dimensional instruments. Moreover, the EU has increasingly come to realise that assistance and state building are not enough for conflict resolution given the expanding socio-economic gap between the EU and its closest neighbourhood. The new approach has been supporting Europeanization[2] of the whole region and the possible future inclusion of countries into the EU as a part of conflict resolution.

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[1] Presidency Conclusions, Lisbon European Council, March 2000.

[2] There is not a commonly acknowledged meaning of Europeanization in the current literature. Since the aim of this research is not to discuss the definition and features of Europeanization, a broad definition of the concept is adopted here which states that Europeanization "encompasses the *penetration* of European rules, directives and norms into the otherwise differentiated domestic spheres" (Mair 2004:341, original italics). Here, the emphasis is on the domestic change on third parties caused by the Europeanization. The outcome of this process might or

Considering these developments together with institutional change and capacity development in the field of conflict resolution and expanding involvement of the EU in the neighbourhood, analysing the Union as a conflict resolution actor provides a fertile ground as a research enterprise. The main concern of this study is the policy impact of EU engagement in conflict resolution, how it is practiced, in other words how the EU contributes to conflict resolution in the countries that are emerging from violent ethno-political conflict. In that sense, Kosovo represents the deepest involvement of the EU with multiple instruments in conflict resolution and after the declaration of independence, the EU is now the most desired actor on the ground by Kosovar Albanians[3]. For this reason, conflict resolution in Kosovo has been chosen as a case study in order to analyze the impact of a "cross-pillarized" way of engagement and combination of stability, transition and prospect of integration within the framework of conflict resolution. At the end, a comparison between the EU's impact in Kosovo and Macedonia[4] is also conducted. The overall objective is to improve the understanding of how efforts by the EU contributes to conflict resolution through examining the implications, outcomes and effects of relevant EU policies and actions.

After some conceptual clarifications, the study proceeds with the explanation of the method used for the research, which will draw a framework for the case study. Then, a review of the existing literature and explanation of theories employed in this study follow. The individual analysis of the Kosovo case will empirically clarify the EU's impact on resolving the conflict. A short comparative study between Kosovo and Macedonia is deemed to enrich the understanding of the EU's policy impact, incremental process and trial-error path. The analysis part will discuss the policy impact of the EU in conflict resolution linking theory and empirical study. Lastly, the concluding chapter will provide an overall analysis and point to challenges and prospects of further research.

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might not be membership into the Union. For more detailed definition of Europeanization see Featherstone and Radaelli (eds), 2003; Mair, 2004; Risse, Cowles, and Caporaso, 2001 and Vink, M. P. 2003

[3] Bekim Sejdiu, Kosovo Chargé d'Affairs in Ankara, Turkey, author's interview, May, 2009.

[4] Macedonia, henceforward, refers to the constitutionally demarcated and internationally recognised boundaries of the Republic of Macedonia without any reference to the northern Greece.

2 Conceptual Clarifications

2.1 Conflict

Conceptualizing conflict is a necessary first step to analyse conflict resolution. Generally defined, conflict means the pursuit of incompatible goals by different parties. However, the concern of this study is armed or violent ethnic conflict, which includes direct physical violence against a group of people. As stated by Miall *et. al.*, in armed conflicts, the violence is generally mutual and unarmed civilians are targeted in a structured way, sometimes taking the form of ethnic cleansing (Miall *et. al.*, 2004). Furthermore, these are generally asymmetric conflicts arising "between dissimilar parties such as a majority and minority, an established government and a group of rebels" (*ibid*: 12).

Ethno-political conflicts arise when "at least one of the parties involved interprets the conflict, its causes, and potential remedies, along ethnic identities". Generally, there is a lack of recognition and claims for broader rights or equality status "to preserve, express and develop" the ethnic identity when the titular nation has monopolized the governance and institutions of the state and is unresponsive to the demands of ethnic communities (Wolff, 2004:1). At this point, the opportunity cost of intra-state armed conflict is low for the groups due to the lack of reach to economic resources and representation.

It is important to underline the causes or the sources of ethno-political conflicts in order to analyse them. The causes are neither purely international nor domestic. There are both global and regional sources of conflict, affecting the intra-state affairs either through supporting antagonistic social relations or spill-over of a conflict into the region. The role of the elites exploiting communal differences and triggering further mobilization and hatred is also an important factor in conflict (cf. Fouskas, 2007; Azar, 1990).

At the end of a violent conflict, there is often no central authority, legal or security order. The economic conditions are generally ravaged by the war and deep hatred within the society against 'the other groups' is common sense. Moreover, dynamics of conflict are constantly evolving even after the termination of violence. Players, issues and strategies change and new ones appear, accumulating as the conflict protract and making the task of conflict resolution more challenging (Oberschall, 2007).

2.2 Stages and Features of Ethno-political Conflict

There are different stages of ethno-political conflict. The lifecycle of a conflict is basically illustrated below.
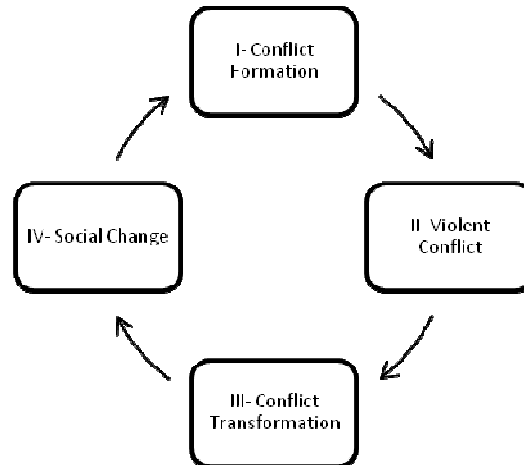
Figure 2.1 Stages of Ethno-political Conflict, Source: Miall et al., 2004: 15

The scope of this study comprises the post violent-conflict stage, which is conflict transformation and social change. However, there are no clear-cut boundaries between these phases as shown in the Figure 2.1. There are expected to be a lot of reversing and recycling over these stages until a sustainable peace is established (Oberschall, 2007). Since these stages are intertwined, eventually, the social change requires the termination of violence and sustainable elimination of the intentions to return to conflict. If the transformation of existing relationships and interests do not take place, there might be a return to conflict formation in the future.

2.3 Conflict Resolution

There are many definitions in the current literature about the meaning of conflict resolution and the relation between different concepts linked to conflict studies. Without going into the deeper discussion within the literature, the generally accepted definition is adopted in this study. In this sense, conflict resolution means all the efforts combining social, economic and political levels and activities concerning mediation, negotiation, peace-building, state building, reconciliation and structural change. It implies an overall change in the driving attitudes for violent behaviour through addressing the root causes of the conflict (Miall et al, 2004: 21). Hence, it is used interchangeably with conflict transformation, which is a comprehensive term used to imply a process of transformation at all levels of the society and state. Overall, it involves a process comprising various functions and activities after the cease-fire from refugee settlement to establishing democratic governance and economic reconstruction. It includes the challenging task of integration of the former adversaries into the new system without which stability cannot be achieved (Jeong, 2005). These terms differ from conflict management, which is used to denote immediate termination, mitigation or

containment of the conflict (Miall et al, 2004: 21), usually through military and civilian engagement by third parties. Thus, conflict resolution and transformation are the deepest level of change (*ibid.)* and "the process of introducing new ideas as a search for security at the individual, group, community, and national levels following the traumatic effects of civil war" (Morgan, 2005: 75).

Today, conflict resolution has widened to include state building, development cooperation, civilian and police tasks. An all-encompassing conflict resolution requires broader strategies and multi-level engagement with various instruments by multiple third parties. Thus, the main elements of conflict resolution are "establishing security, renewal of government institutions, possibly sowing the seeds of democracy, and socio-economic rehabilitation and development" (Voorhoeve, 2007: 23).

2.4 Third Party Involvement

"Most outsiders falsely believe that the date of their arrival is year zero for   the country, as if nothing had happened before them. In other words, we tend to function as if we could rebuild a society without first identifying and recognizing local existing resources." (Puoligny, 2004: 7)

Intra-state ethno-political conflicts are not isolated. As a result of large human causalities and interdependence of threats to security, it is hard to keep silent for the international community (Miall et. al, 2004). There are two reasons for third parties to get involved in ethno political disputes: Firstly, the parties to the conflict are unable to solve the dispute in a non-violent way, and secondly, the international community is not willing to support secessions tacitly by not taking action (Schneckener, 2008). The role of the external stakeholders in implementation, monitoring and reconstruction becomes crucial under the conditions of a post violence situation (Oberschall, 2007:187).

A third party is "an actor that is not a direct party to the crisis, that is designed to reduce or remove one or more of the problems of the bargaining relationship, and therefore to facilitate the termination of the crisis itself" (Young, 1967 cited in Mial et. al., 2004). Generally, third parties are considered to be neutral actors; however, in reality third parties are not neutral in "principles, procedures, and sometimes even outcomes (e.g. non-acceptance of secession)" (Schneckener, 2008). The third party may impose pressure on both sides including sanctions or use of force in order to get the desired outcome. Generally, there are multiplicities in third parties addressing different levels of the conflict, which can be termed as labour sharing depending on the capacities of each one. We generally see a mix of instruments with, sometimes, competing aims and agendas. They also have to deal with external spoilers or allies besides local parties to the conflict. The EU, in this sense, is an example of a third party engaging in conflict resolution.

The figure below represents the overall conflict process with a focus on third party involvement where conflict resolution has achieved, at least, the basic aim of establishing peace and intention for co-existence between the belligerents. As a result of third party intervention, the asymmetry in the relationship is targeted and conflict is expected to transform into peaceful relations and co-existence as shown in Figure 2.2.
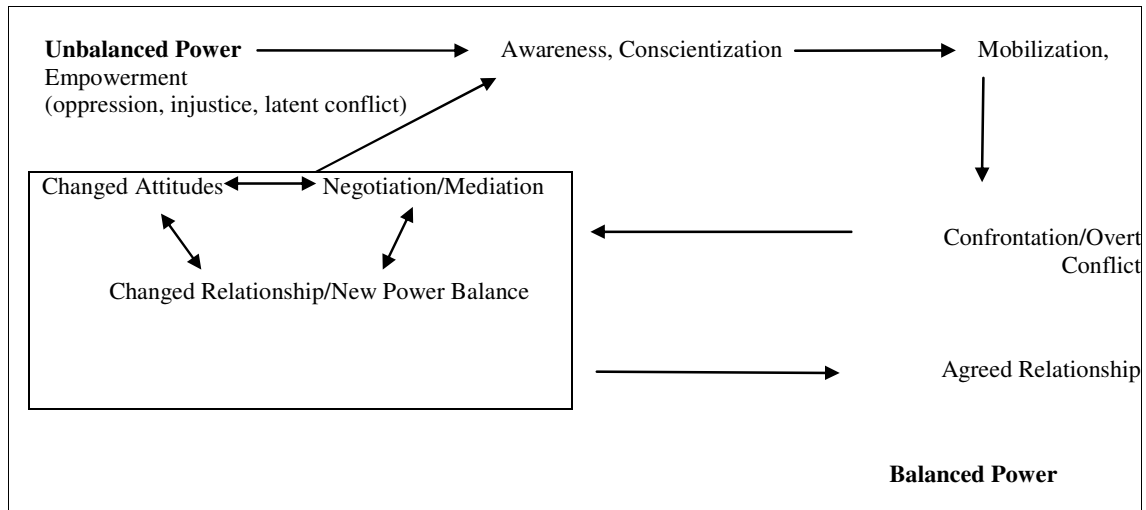
Figure 2.2 Third Party Involvement, Source: Miall et al., 2004: 17, cited from Francis, 1994.

2.5   European Union Foreign Policy

EU conflict resolution has been understood under the broad umbrella of European Union Foreign Policy (EUFP), which operates across the three pillars of the Union, where "functional indivisibility of foreign policy has led to the rise of cross-pillar politics" (Keukeleire and MacNaughtan, 2008:31). In other words, the foreign policy activities of the Union are "broadly defined to include the competence or purview of the EC, the EU, CFSP, or a mixture thereof- have expanded to cover nearly all areas and issues of international politics" (Ginsberg, 2001:3, see also White, 2001). Furthermore, EUFP constitutes "security governance" with the presence of multiple and separate authorities, public and private actors, formal and informal arrangements, structured by norms and discourse; and directed to particular policy outcomes (Webber, *et. al*., 2004:3). Thus, the approach adopted in this study sets EUFP within "a wider set of multi-level foreign policy".

3 Literature Review: EU Foreign Policy and Conflict Resolution

The literature on the EU in general and conflict resolution under CFSP and ESDP in particular evaluates EUFP from different angles. This part will summarize the main literature on CFSP and ESDP, which the study mainly relies on as the secondary sources.

The wide literature on EUFP has been focused on the "normative model" aspects of the EU in external relations (Manners, 2002:253). It gives priority to stating the distinctive character of the EU as a foreign policy actor. Variant concepts of "civilian power" have been introduced in order to capture the nature of the EU as a foreign policy actor; such as normative power (Manners, 2002; Sjursen, 2006; see Hyde-Price, 2006 and Merlingen; 2007 for critiques of the normative power argument), structural foreign policy actor (Keukelaire and Mac Naughtan, 2008), norm-maker (Bjorkdahl, 2005 and Checkel, 1999), soft power (Nye, 2004) and cosmopolitan polity (Eriksen, 2006). According to Manners, the EU is a normative power because of "its ability to shape conceptions of 'normal' in international relations" (2002:239). Its value-rational conduct embedded value of peace, democracy and rule of law or "what the EU is" rather than "what the EU does", i.e. substantive legitimacy, shapes its normative dimension. In the literature, norm is considered to be "a close conceptual affiliate of the term 'legitimacy'" (Merlingen, 2007:439).

However, with increasing autonomous military operations beyond the borders of the EU, the debates have shifted to discuss to what extent the benign character of EU normative power has been damaged or preserved (Smith, 2000; Manners, 2006). The main argument states that "strengthening the cosmopolitan dimension to international law would be a strong indicator for 'normative' or 'civilizing' power values of democracy and human rights" (Sjursen, 2006:249); and the developing military and security capabilities under ESDP will be used "in the name of norms and values which confer upon the EU project itself the legitimacy which alone allows it to continue its journey to an unknown destination" (Howarth, 2000: 90; see Manners, 2006 for a contrary discussion).Within this framework, the EU's international identity is described as another dimension of Europeans multi-faceted identities (Manners and Whitman, 2003).

The literature on conflict resolution, on the other hand, generally focuses on the role of the UN. The underemphasised nature of the EU in relation to conflict resolution is to some extent due to the fact that the EU is relatively new in this area. The tendency in the EU studies to overlook broader studies of peace and conflict research might be attributed to the fact that the literature relates policy outcomes to political decision-making of the EU and incoherence in relative processes. In other words, the literature has so far focused on the internal dynamics and problems of the EUFP, thus lacking a proper bridge between EU foreign policy studies and peace and conflict research. The literature on EU crisis management and conflict resolution together with the development of ESDP has mostly been descriptive, at best (e.g. Smith, 2002; White, 2001; Duke, 2002) and has evolved around the EU's *sui generis* nature (e.g. Tonra and Christiansen, 2004; Smith, 2003). It emphasizes the multi-dimensional

instruments employed abroad with an aim to extend the internal zone of peace to its neighbourhood. The debate has evolved around the EU's unique contribution with its cosmopolitan norms and multi-level governance. The comparison between the US and the EU has been conducted to support the "benign power" thesis. Although it reveals the distinct attitude of the EU (for instance, Berenskoetter, 2005), such comparisons are far from characterising the EU as an actor completely motivated with the norms.

Overall, at some point, the scholarly debate turned out to be a dilemma between norms vs. interests (constructivist vs. rationalist accounts) and "super-power in the making" vs. futile international actor without means to have an impact on the international stage. The former refers to the debate on the nature of EUFP and the latter is more related to the impact and 'actorness'. How and why the EU derives its actions and motivations from norms and whose norms (European or universal) are taken as the basis for conflict resolution actions remains unexplored. As a result, there are false perceptions of the EU such as an altruistic power without own interests and only willing to follow norms to promote democracy and human rights in order to transform existing conflicts.

Thus, bringing input from the field of broader peace and conflict studies is considered to be useful in order to assess the policy impact of the Union in Kosovo conflict resolution while social constructivist approach to EUFP is the main framework.

4   Theoretical Overview

"The time of absolute and exclusive sovereignty however, has passed; its theory was never matched by reality. It is the task of leaders of States today to understand this and to find a balance between the needs of good internal governance and the requirements of an ever more interdependent world."

<div align="right">

Boutros Boutros-Ghali, 1992, An Agenda for Peace

</div>

This section serves two main purposes: first, the theoretical approach towards EUFP, and second, drawing upon the theoretical discussions within peace and conflict studies, the need for a comprehensive conflict resolution approach and its components are clarified for the case study.

4.1   EU Foreign Policy through Social Constructivist Lenses

4.1.1   Theoretical Framework

Rational perspectives conceptualise the nature of EU foreign policy as inherently intergovernmental (cf. Nuttal, 2000; Rummel, 1997). Rational choice theorists[5] have come to the conclusion that CFSP, like every other international regime, is designed to realize common gains out of cooperation and it is no more than an instrument for member states to pursue their interests. The institutional design of CFSP and the nature of cooperation at the Council level have shown that the politics of scale CFSP provides, i.e. becoming influential in world politics, is the main drive (Regelsberger *et. al*, 1997). Moreover, CFSP does not only increase the effectiveness of foreign policy actions of member states, but also provides a clear framework for member states to "lock in" each other given the uncertainty of future action (Moravscik, 2000:226).

The rationalist framework is somehow reductionist in analysing the effect of institutions on the member states' behaviour. In contrast, a constructivist account provides a middle-ground between rationalist and reflectivist studies of the EU (Christiansen et. al, 1999). Growing social constructivist literature explains how constant interactions have fostered socialization

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[5] There are different factions within the rational choice framework: neoliberal institutionalism (Keohane, 1983); rational choice theory (Axelrod and Keohane, 1985); rational institutional choice (Pollack, 1997, Moravscik, 1998) and neorealism (Waltz, 1979) can be considered within this perspective.

and convergence at the EU level in the foreign policy domain (Glarbo, 2001; Smith, 2000; Tonra, 1997). In other words, interests are endogenously constituted as a result of social exchange. The proliferation of committees and meetings and the constant exchange between member states create a "tendency to develop a collective ethos of their own and to generate trans-European perspectives on CFSP and ESDP" (Webber, *et. al.*, 2004:17). For social constructivists, states' identities and interests are part of social constructions (Wendt, 1994:385) or in other words, 'institutions constitute' in the sense that "they can provide the agents with understandings of their interests and identities" (Checkel, 1998). Thus, contrary to the rationalist tendency to see structures as regulatory on behaviour as long as actors agree, social constructivism appreciates the gradual emergence of a common European security culture and that structure constitute actors' identities and interests through the process of social learning and socialisation (Checkel, 1998).

4.1.2 Norms versus Interest

The main implication of social constructivist school of thought for EUFP literature is in terms of the norms versus interest debate. Constructivists conceptualise norms as collective understandings and constituting elements of actor's identities and interests. Norms diffuse into the agents' identities and alter their preferences. The importance of shared norms in (re)shaping domestic politics has been the major focus in European studies. Thus, "the dynamic interaction between institutional norms and political action is an aspect of the integration process" (Christiansen et. al, 1999:539). The body of these shared rules and norms include formal treaties as well as unwritten procedures, rules and behaviour. In that sense, what is called as the logic of appropriateness assumes that actions are norm and rule based. "Action involves evoking an identity or role and matching the obligations of that identity or role to a specific situation" (March and Olsen, 1998:9). From the perspective of appropriateness, foreign policy is the application of rules and norms in certain actions.

On the other hand, interest focused explanations consider the rational calculations of actors. The logic of consequences conceptualizes the international system as being composed of interest maximizing actors who evaluate the likely positive or negative outcomes of actions (March and Olsen, 1998)[6]. Consequently, the international system reflects an area for bargaining and coalition-building between interest maximizers. Thus, the logic of consequences pays attention to power politics in EU external policies and also to the co-existence of "security oriented dynamics within parameters set by norms defining the EU's identity" (Youngs, 2004:415).

However, the two viewpoints are not mutually exclusive. Although norms are constructed through social interaction, how they affect decision making is not clear (Katzenstein et. al., 1998). Youngs states that "the way in which certain norms have been conceived and incorporated into external policy reveals a certain security-predicated rationalism" (Youngs, 2004:421). The complex coexistence of the constructivist and rationalist school creates a

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[6] The logic of appropriateness and the logic of consequences were first captured by Max Weber in his distinction between instrumental rationality and intrinsic rationality, which means the distinction between means/ends rationality and value rationality (Kaplan, 1976).

favourable framework in which broad instrumental choices can be made within common normative understandings (ibid: 431) and lead creation of "structural foreign policy".

4.1.3 Structural Foreign Policy

In line with the broad reading of EUFP covering cross-pillar structures and actions, the nature of EUFP can be conceptualised as "structural foreign policy" which, conducted over the long-term, seeks to influence or shape sustainable political, legal, socio-economic, security and mental structures. It necessitates multi-level and multi-structural constitution of foreign policy through a formal and informal institutional set-up. Within this conceptualization, the tools of structural foreign policy do not contradict with conventional foreign policy, but they give a broadened understanding in order to be able to address the new challenges of foreign policy. Thus, the EU is best understood as a foreign policy actor when its role is analysed within both "behaviourist explanations (EU as an autonomous entity capable of formulating goals, making decisions, and engaging in rationalised action)" and "structuralist accounts (numerous context-related factors providing the rationale for the EU's activism in the world)" (Papadimutriou, 2007:223).

This approach can be defined as "indifferent" to the normative values vs. rational calculations debate since promoting norms and acting in accordance with them does not prevent the EU from having political concerns and political impact when dealing with conflict resolution. In contrast, this creates the rationale behind studying the outcomes of EU foreign policy (see Ginsberg, 2001, Chapter 1 for further discussion). As stated by Börzel and Risse, "[t]he acquisition of military capabilities and the actual use of force do not *per se* disconfirm a civilian power identity. Rather, the issue becomes in what type of political strategy military means are embedded, how force is used, and whether the use of force is legitimized by the international community (2007:5). Put it differently, the EU is not conceptualised as an altruistic actor but a foreign policy actor with strong commitment to values and principles and also capable of and willing to "shape the collective behaviour of others […] [through] persuasion, convincing, coercion, shaming and blaming" (Bjorkdahl, 2002:45-6).

In accordance with this approach, the EU is conceptualised as an actor able to produce (in)effective and purposive action within the opportunities and constraints provided by the structures. Thus, the structure and available normative framework within which the EU operates when dealing with conflict resolution do not determine the outcome right away. The agency characteristics -the capabilities available to the EU in its dealings with conflict resolution, the ability to act in cohesion etc. - and the structural opportunities/constraints -the local conditions, presence of other international actors, the nature of the conflict in Kosovo- continuously shape each other and the role of the EU in conflict resolution and they define the outcome of this mutual relationship. This outcome is the external political impact that the EU creates when dealing with conflict resolution. Looking through constructivist lenses, the impact feeds back to the EU's foreign policy system and shapes the structure and agency relationship further[7].

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[7] See Appendix B for demonstration of this discussion.

4.1.4 Capabilities and Instruments of Structural Foreign Policy: Europeanization and Integration as a Tool of Conflict Resolution

From the very start, the development of EUFP and its capabilities has never been on a linear track. It is rather marked by leaps back and forward since the failure of EDC during the 1950s, the "paradigm shift" (Howorth, 2004:221) on European security followed by the establishment of the ESDP and the development of military and civilian crisis management since the beginning of the 21st century[8]. When we look at the institutional setting and historical development of EUFP, there is evidence that the capabilities-expectations gap (Hill, 1993) has been narrowed with the latest developments of civilian and military instruments at the EU-level. In a short period of time, the EU has become "a major player in post-conflict peace-building and reconstruction efforts including robust peacekeeping" linking missions to "larger political stabilization and peacebuilding efforts that include the promotion of democracy, human rights and the rule of law" (Börzel and Risse, 2007:26). Especially when the Community and ESDP instruments are considered together, the EU has 'a rich set of options' to employ in its neighbourhood[9].

Political will of the member states still matter but according to the important lesson Europe has learnt from the end of the East-West geopolitical order and the emergence of intra-state identity wars, especially since the devastating wars in the former Yugoslavia that they should not 'swim alone' in the deep waters of foreign policy. Considering the Western Balkans region, where geographic proximity is obvious, the EU is expected to have great leverage due to the incentive to take action against possible threats stemming from the region and greater cultural sensitivity (Coutts, 2002:1). As stated by Hardt, "on one hand, regional organizations respond to regional demands, thereby providing local legitimacy and cultural sensitivities that an international peace force cannot provide. On the other hand, regional organizations require effective partnerships with local leaders for the effects of operations to be sustainable" (2008:10).

In line with this logic, multi-dimensional, i.e. civilian and military, conflict resolution instruments have been employed in the Western Balkans After more than a decade of engagement in the Balkans, the EU approach towards post-conflict stabilization has been extended to cover principles of Europeanization, namely, "regionalism, regulated transnational markets, and democratic constitutionalism" (Schimmelfenning, 2007:9). Börzel and Risse also argue that "the type of third country (accession, association, partner, "circle of friends", and other third world countries)" matters, otherwise "the EU follows quite clearly a specific cultural script" (2007:6) in conflict resolution. Thus, the tools employed by the EU are multi-dimensional in all cases; the difference is the degree of commitment, effectiveness and consistency of the EU's approach in non-candidate countries, which supports Europeanization within the conflict resolution framework in the Western Balkans. The Stabilization and Association Process in the Balkans -Macedonia has candidate status, as discussed below- is the main framework of integration as a means of conflict resolution. It has introduced a remarkable return within the conflict resolution logic that a 'membership perspective' provides a carrot creating a better chance of compliance with conflict resolution.

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[8] See Appendix C for further discussion on EU decision-making and capabilities on conflict resolution.
[9] Nathalie Tocci, Research Fellow, CEPS, author's interview, May, 2009.

4.2   Why is a broad theory of conflict resolution important?

The EU is a latecomer in the field of conflict resolution. Core preoccupations of the international community when dealing with conflict resolution have already been highlighted especially after the end of the Cold War. The question what comprehensive conflict resolution is and how to achieve effective conflict resolution have been keeping students of peacebuilding and policy makers busy for a long time before the EU has engaged in the field[10]. When the initial steps of common foreign policy and conflict resolution were taken, the scholarly debate has generally been focused on the internal dynamics or policy implementation of EU practices. In other words, the studies of EUFP and conflict resolution are generally 'self-oriented' drawing upon integration theories and difficulties in realizing policy goals on the ground. While these concentrations are crucial in analyzing the impact of the EU in conflict resolution, a broader insight from peace and conflict studies is necessary in order to analyze the policy impact of the EU. General conflict resolution theories would provide a toolbox to assess the issue from a broader perspective taking the target countries and local concerns into account.

4.3   Towards a Comprehensive Theory of Conflict Resolution

What is the potential significance of comprehensive conflict resolution during the post conflict stage? Why does the EU need to adopt a comprehensive approach in order to establish a sustainable peace? In order to answer these questions, one needs to grasp the nature of new conflicts and the long journey of conflict resolution. Conflict resolution is not a linear process: there are setbacks, failures and adoptions to the initial efforts, and there exists no "marked milestones on a track towards a norm of peace" (Pugh, 2000: 2). This is why actors and approaches to conflict resolution can only be successful if the efforts are combined across different levels and addressed towards local needs in order to solve dilemmas. Table 5.1 summarizes the main dilemmas for the EU and other international actors face when dealing with conflict resolution[11].

Especially after the Cold War, the conflict resolution approach has shifted to long-term, multi-dimensional engagement facing with these dilemmas. An overall analysis of these dilemmas offers firstly, the increasing identification of the aim of conflict resolution with long-term development goals has undermined the role of a top-down approach. Secondly, the need for a bottom-up approach, namely building constituencies and capacities from within the

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[10] See Zartman, 2007, Chapter 1 for an overview of origins and development of peacebuilding.
[11] There is a wide literature on conflict resolution theory and its main challenges. More detailed discussions can be found in Oberschall, 2007; Jeong, 2005; Sisk, 2004; Miall *et. al.* 2004; Pugh, 2000.

target society, has been recognized by third parties, especially with increased intra-state conflicts. Lastly, the interdependence of actors in the international system has been widely appreciated. Thus, the international community today accepts that a successful conflict resolution practice must encompass all different policy areas and must be coherent at multiple levels, so that the same operation can perform multiple functions simultaneously or sequentially (Diehl et. al. 1998).

In that sense, multi-level efforts for conflict resolution as suggested by Lederach "is built on a conceptual framework composed of an interdependent set of perspectives and activities identified as *structure, process, reconciliation, resources and coordination*" (Lederach, 1997, emphasis added). This approach provides a comprehensive framework to assess the EU's practice including activities at the subsystem level, which embrace "middle range actors" at the local level. It emphasizes "the principle of indigenous empowerment" and that "the conflict transformation must actively envision, include, respect, and promote the human and cultural resources from within a given setting". It is a participatory process that "top-level bargaining bolsters the work of community-level mediators, and local level confidence reinforces the pressures for peace at the top" (Sisk, 2004: 260). That is the toolbox of conflict resolution needs to be wide enough in order to include "negotiation, mediation, facilitation, consultation, conciliation and communication" (Diehl et al, 1998: 36). In other words, conflict resolution has to embrace a dynamic relationship between third party efforts and local resources and commitment.

Dilemmas of Conflict Resolution		
Scope	**Light footprint:** "necessary to develop local political and civil capacities "to achieve a post- conflict equilibrium on its own terms, without the distorting effects that the presence of powerful external actors can have" (Paris and Sisk, 2007: 5)	**Firm international presence**: dominant international presence is necessary to maintain security and implement the resolution framework when local capacities are absent.
Duration	**Short-term:** quick fix approach does not provide sustainable peace	**Long-term:** continuous involvement by third parties runs the risk of growing resentment and hostility from the local population as a result of dependence onto foreign actors
Participation	**All parties addressed**: need to address the concerns of all groups none of the factions should be alienated for lasting solution.	**In favour of one party**: better implementation to support most democratic/collaborating party to the conflict. However, if there are many factions on the domestic arena, none of them is representative of the population.
Dependency	**Local capacity:** fostering self-sustaining peace through legitimate governance based on the local capacities.	**Foreign involvement:** Continuation of large scale aid and foreign involvement necessary for stable resolution.
Coherence	**Normative values:** support for universal norms	**Actual policy:** statebuilding on the ground might necessitate pragmatic solutions

Table 4.1, Dilemmas of Conflict Resolution, Source: Paris and Sisk, 2007.

4.4 Mapping the Components of Conflict Resolution: Three Thematic Areas

Based on the discussion above, this paper is based on a typology for systemic analysis of the EU engagement in comprehensive conflict resolution. Although the intensity and effects of ethno-political conflict are different in each case, a structured typology is deemed necessary because the 'field reality' of violence and its impact on the communities is similar (Nordstrom and Martin, 1992: 3-17). Drawing upon the wide literature on conflict resolution, the general classification for a comprehensive approach to conflict resolution covers three dimensions in this paper: *political capacity building, economic development and societal change[12]*. These pillars constitute the skeleton of EU conflict resolution in Kosovo together with conditioning factors and local capacities (see Chapter 5).

4.4.1 Political Capacity Building

The end of an armed conflict, which is marked by a cease-fire between the fighting groups, represents the beginning of a difficult process, which would last many years. Political capacity building at multiple levels of governance is generally the foremost aim of the international community at the post-conflict stage. The first aim is to fortify public security, prevent violent crime and return to violence; at a later stage this also includes state building, namely the development of state institutions working under the rule of law.

The means to achieve these aims are multi dimensional. Demobilization, disarmament and reintegration of former belligerents, maintaining order and law through security sector reform, drawing a constitutional framework, ensuring power sharing and free and fair elections are the litmus test for the success of political capacity building. This is a continuous process throughout the conflict resolution phase and constitutes the basis for the creation of a participatory strategy for conflict resolution between the locals and the international community (Jeong, 2005: 45).

Maintaining law and order is mainly implemented through security sector reform, i.e. establishing police and judiciary. In the absence of a local police force and an educated judiciary, the international community carries out the role of police and judicial experts with execution capacities and training of local forces in line with international rules. International forces do not only enhance the capacity of the local police and the judicial system through advice and training, but they also assume a monitoring function.

A case where a third party is involved in conflict resolution generally entails complex power sharing agreements at the final stage between the parties with the aim of sowing democracy at the institutional level. The goal of democratization is achieved when the host nation accepts the citizenship based on cultural rights, acknowledges the cultural diversity and adopts politics of recognition through power sharing. As developed by Lijphard (1977) and

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[12] See Miall et al, 2004; Pugh, 2000; Zartman, 2007, Glasius and Kostovicova, 2008, Voorhoeve, 2007, Jeong, 2005.

Nordlinger (1972), power sharing theory, in principle, entails a basic principle that "two or more ethnic groups have to rule the common polity jointly and take decisions by consensus. No single group can decide important matters without the consent of the other(s)" (Schneckener, 2004:25). Thus, as stated by Lijphard, this is different from majority democracy where political elites compete with each other. It is rather defined by elite cooperation and joint governance at a common state level where different communities also enjoy self-rule to various degrees[13]. Generally power-sharing agreements are accompanied with rights granted to the minority groups in terms of educational and cultural rights besides representation and self-rule.

4.4.2 Economic Reconstruction

The second dimension of comprehensive conflict resolution is economic reconstruction. Since the international community increasingly sees poverty as the root cause of conflict, it is natural that in the post-Cold War period, aid and politics have been united in order to provide a coherent policy of conflict resolution. "The present international consensus on the pressing need to manage conflict and transform societies on the global periphery in a liberal direction" is the uniting factor of aid and politics (Duffield, 2002:1051). EU conflict resolution has been built upon a liberal international approach[14], a practice based on political capacity building in line with democratization, the rule of law, and economic reconstruction through "marketization". As stated by Paris, "the liberal international approach to peacebuilding has rested on the assumption that *'the magic of the market economy* and the ballot box can be achieved merely by changing economic policy and allowing more political participation' (Paris, 1997:78).

Aid is the other tool of economic reconstruction, which is able to alter the balance between social and political groups. Aid is used as a tool for post-war reconstruction, integration of the local economy into world economic structures and development of civil society (Duffiled, 2002). When we consider that not all parties in the post-conflict stage are devoted to conflict resolution, "aid conditionality can [nevertheless] furnish political muscle to a peace process, even when dealing with the most recalcitrant of parties" (Boyce, 2002: 1027). Hence, it can provide great leverage to third parties in promotion of conflict resolution. On the other hand, there is also the risk of local dependency on foreign aid.

Within the context of the Western Balkans, the conflict resolution reflected by the Union is one of neo-liberal restructuring through "law-governed, market-oriented liberal democracies" (Demetropoulou, 2002:90), a tentative promise of integration and consent of local ethno-political groups (Turkes and Gokgoz, 2006:665). However, this assumption is criticised as being naive and false, particularly in the case of war-shattered states. Rather, the process of political and economic liberalization is inherently tumultuous and disruptive. "Marketization" is highly likely to create unequal distributions and economic hardship in the post-war society (*ibid*).

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[13] See Appendix A for detailed features of power sharing systems.
[14] Nathalie Tocci, Research Fellow, CEPS, author's interview, May 2009; See also Turkes and Gokgoz, 2006.

4.4.3 Societal Transformation

"Victims of violence and rape cannot just walk back into everyday life as if nothing happened. As we all know, in the former Yugoslavia, peace has yet to break out for many of the victims. That is why psycho-social work deserves to be a high priority in our emergency aid programmes."

Emma Bonino, 1995

The constructions of social relationships and interests, as well as the way of how these interests are pursued- whether peacefully or through the use of violence- should be addressed in the conflict resolution process. Thus, transformation of social relations from bottom constitutes the third element of conflict resolution. As stated by Miall *et. al.*, psycho-social aspects of conflict resolution "[are] not an optional extra or an idealistic aspiration separate from the other more pragmatic aspects of post-settlement peacebuilding, as it often seems to be. [They are] integral to every other enterprise" (2004:206). The importance of the human security lies at the root of this understanding. Morgan states that the human security perspective in conflict resolution is generally ignored because conflict resolution is viewed through state-centric lenses where human beings are *means* of conflict resolution and not the *ends* of the efforts (2005). Thus, besides establishing political capacities and economic development, conflict resolution activities should also focus on alleviating human suffering and development of human rights.

Thus, societal transformation aims at replacing institutionalized hatred in society with norms and values of human security and peaceful coexistence. In other words, it is a means to eliminate the cultural sources of conflict and to deconstruct "the *otherization"*. Reconciliation, development of human rights and civil society, as well as support for free media activities are in the focus of societal transformation (see 'Box 4.1' for further conceptual clarification).

Box 4.1 Reconciliation and Civil Society

Reconciliation means harmonizing of divergent stories, acquiescence in a given situation (perhaps reluctantly) and restoration of friendly relations (Miall et. al, 2004: 209, citing from Pankhurst, 1998). Inter-communal workshops are most preferred way of reconciling ethnically divided societies after war by the EU.

"In the context of regeneration and peacebuilding, the concept of civil society can be understood as building trust, cooperation, compromise, inclusion and pluralism through non-state associations of all kinds" (Pugh. 2000: 121). It is acknowledged that civil society provides public space within which political and social interaction take place between not only individuals but also state and citizens. Particular attention is paid to NGOs, media and trade unions. However, there is the risk of rapid import of civil society from abroad without historical roots within the local context. The most criticised pattern of societal change is, as Pouligny states, those foreign NGOs appear to *de facto* exclude the traditional forms of arrangements existing in the society which would participate in "a local experiment of modernity". They fail to find out "how 'bridges' between communities and groups are built which makes civil society building an elitist approach (Pouligny, 2004).

Table 4.2 summarizes the above thematic categorization of comprehensive conflict resolution.

Political Capacity Building	Economic Reconstruction	Societal Transformation
Complex Power Sharing	Humanitarian Aid and Relief	Civil Society Development
Elections	Development Assistance	Protection and Development of Human Rights
Security Sector Reform	Liberalization and Marketization	Free Media
Institutionalized relationship with the EU		Reconciliation

Table 4.2 Three Thematic Areas of Conflict Resolution

5   Method

5.1   Research Questions and Hypothesis

This study is constructed on the assumption that empirical studies are central to understand the phenomenon the researcher aims to analyze. In other words, it is assumed that there is a dynamic relationship between the theory and the empirical study used for the research. This relationship is two-fold: first, the study, based on observations, is placed within the theoretical framework adopted; and second, based on the empirical material, the researcher can either alter the theory (theory development) or validate the theory through generalizations and/or confirming previous research (theory testing).

Within this framework, the study aims at addressing two key research questions:
- To what extent/how do EU structures and capabilities provide opportunities and/or constraints for comprehensive conflict resolution? (analysis of multiple EU mechanisms and institutions for comprehensive conflict resolution policies and actions- explanatory approach),

- Relying on the first question as a broader framework, what is the **policy impact** of the EU in Kosovo conflict resolution as a case study and how is this impact shaped given the structures and capabilities available to the EU? (case study- exploratory approach)

Drawing upon the work by Doyle and Sambanis (2000), the study develops its own structural/thematic framework to answer these questions. Doyle and Sambanis state that violent conflicts share three parameters: "a political environment in which success in achieving peace depends on the degree of harm sustained, the resources available for development, and the international assistance to overcome gaps" (2000:780). Based on these broad parameters, this study discusses EU conflict resolution across the three areas of EU involvement with different instruments (referred as comprehensive conflict resolution across three issue areas of political capacity building, economic reconstruction and societal transformation, see Chapter 3), conflict conditioning factors and the developed local capacity as the three aspects affecting the impact of EU in conflict resolution area. These three parameters are interconnected and therefore shape each other (Figure 5.1).

The **policy impact**[15] of the EU in conflict resolution is defined as the area of the triangle. This paper hypothesizes that comprehensive conflict resolution, conditioning factors of conflict,

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[15] As stated by Ginsberg, "a focus on external political effects of EFP activity broadly defined- rather than on the "successes" and "failures" of the CFSP (designed to produce certain kinds of actions but not all EFP actions)- avoids judgement calls and makes more concrete what we know of the EU's effects internationally." (Ginsberg, 2001:5). That is why the author prefers using "policy impact" rather than success of the EU in conflict resolution.

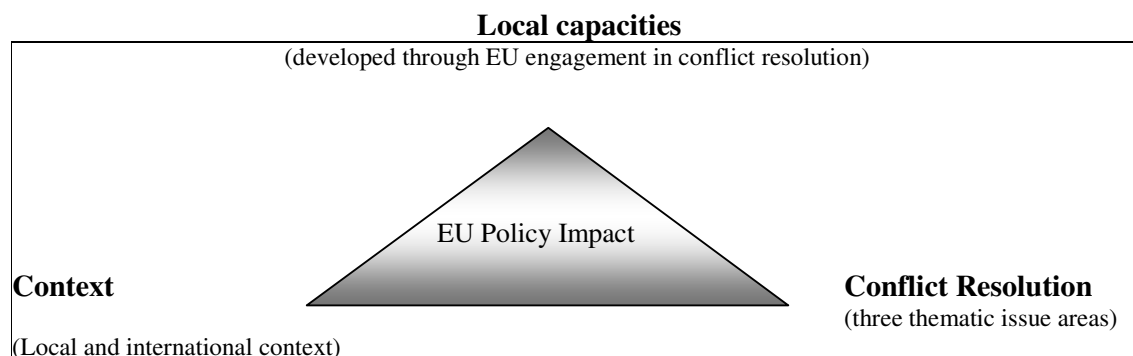and the level of local capacities developed are interrelated factors generating the policy impact of the EU.

Local capacities
(developed through EU engagement in conflict resolution)

EU Policy Impact

Context

(Local and international context)

Conflict Resolution
(three thematic issue areas)

Figure 5.1 Structure of Hypothesis

5.2 Research Design

In order to answer the research questions, the study employs a qualitative study towards the EU's role through conducting a theoretically informed, empirically rich case study method as the research design. Case study method is useful since it "allows the researcher to study a phenomenon intensively, interpret how theoretical elements are related to each other and thereby arrive at a better understanding of complex problems and dynamic process" (Bjorkdahl, 2002:32). Case study method is not only about hypothesis testing or "logic of confirmation", but also related to the "logic of discovery", namely the formation of new hypothesis and theory development (George and Bennett, 2005) (For a further discussion on case study method see Box 5.1).

Box 5.1 Advantages and Disadvantages of Case Study

Conflict resolution, state building, social transformation are difficult concepts to measure and their meanings may vary in different contexts. Case study methodology is mostly appropriate in cases when the phenomenon under study is not readily distinguishable from its context. Case study research is of advantage when the aim is to define topics broadly, to cover not only the phenomenon of study but also contextual conditions, and finally to rely on multiple sources of evidence (Yin, 1993). These three conditions are present in this study. However, because of the plethora of new possible explanations of a case or degrees of freedom problem, the researcher may tend to ignore other causal paths leading to the same outcome. Moreover, the aim and nature of case study method necessitates keeping the number of cases small. However, when the sample is small the representativeness of the cases for broader generalizations is decreased. Given the unique features of each conflict generalizability of case studies in conflict resolution field is low.

Process tracing is useful in case study research design since it allows the researcher to analyze the phenomenon in an evolutionary process by focusing on history, organizational and procedural behavior, discourses, actors, structures, and change of these over time. "In process-tracing, the researcher examines histories, archival documents, interview transcripts to see whether the causal process a theory hypotheses or implies in a case is in fact evident in the sequence and values of the intervening variables on that case." (George and Bennett, 2005:6-7). Thus, the complex causality of the broad role the EU plays with multiple instruments in conflict resolution in Kosovo can be revealed by process tracing.

The case study on Kosovo consists of two main parts within the framework of this study. It starts with a contextual analysis, namely initial mapping and identification of the nature of the conflict. This includes a brief history, causes of the conflict and up to date efforts of third parties in the conflict resolution. This part will allow the author to extract the EU's role in the process. The main part of the case study on Kosovo will single out the EU as an actor (See Box 5.2) of conflict resolution.

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Box 5.2 Unit of Analysis

Yin emphasizes the importance of defining the unit of analysis (1993:10). This allows the researcher to draw the boundaries of the study and construct the research within feasible limits. Here, the proposed unit of analysis is the EU. Although the researcher is well aware of the sub-units and divisions within the EU, the role of the EU in conflict resolution in Kosovo will be assessed in total without considering the divergent positions of some of the member states. The common focus will be the active role of the EU in resolving the conflict.

The reason for this approach is two-fold: first, analyzing the EU and position of its sub-units in one research is not feasible. Secondly, the engagement of the EU in conflict resolution is understood in broad terms. The issue is placed within the context of *European Foreign Policy*, which is the policy of all EU external activities across three pillars -the sum of 'member states' foreign policy', 'EU foreign policy' and 'EC foreign policy' (White, 2001:39). The conflict resolution activities that the EU undertakes are also conceptualized in broad 'European Foreign Policy' in order to "encompass the fragmented nature of agency at the European level and the variety of forms of action" (White, 2001: 39, also see the section on EU Foreign Policy). It is also reflected in the broad thematic areas (See section 'Mapping the Components of Conflict Resolution: three thematic areas') political capacity building, economic reconstruction and societal change), which have implications for first and second pillars of the Union.

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The analysis will be conducted using the three thematic issue areas of political capacity building, economic reconstruction and societal transformation. The preference for these thematic areas reflects the general approach in comprehensive conflict resolution theory. These issues can overlap and act across broad thematic areas. However, for the purpose of a systemic analysis of multi-level EU engagements in conflict resolution, the three areas are assessed separately. In order to analyze the role of the EU in conflict resolution, the study makes a short comparison with Macedonia and Kosovo with the aim of highlighting the impact of the EU more precisely, which would not be possible with a single case study (See Box 5.3). The analysis chapter discusses the capacities, vulnerabilities and empowerment needs of the EU, i.e. policy impact.

Box 5.3 Case Selection Criteria

The criteria defined by Yin provide the roadmap for selection of the cases (Yin, 2003:34):

(i) The case is critical for the hypotheses or theories being tested;
(ii) The case offers rich opportunities for improving understanding of the primary phenomena or processes under research;
(iii) The case has a topical relevance; and
(iv)The case is feasible and accessible.

The Western Balkans has always been the primary focus and the main stimuli for further development of instruments of EU conflict resolution since the break-up of Yugoslavia. Kosovo is chosen as the main case study among the alternatives in the region because it represents long term active involvement by the EU with multiple instruments in conflict resolution area with long term institutional arrangements in the post-conflict setting besides substantial international involvement (Bieber, 2004:2). Moreover, there is much reliable theoretical and empirical work conducted on Kosovo and Macedonia conflicts.

Although, this study will not conduct a strict comparative analysis between Kosovo and Macedonia, the latter has been the first in many respects regarding conflict resolution engagement; thus provides a reference point to analyze the development of EU in conflict resolution field. First, it was the first time CFSP tools were used for mediating the parties (Piana, 2002). Secondly, NATO and EU worked together at practical level and NATO handed over military operation to the EU Concordia, the first ESDP mission implementing Berlin Plus Agreements (Eldridge, 2002). Hence, the comparison will clarify the policy impact of the EU and reveal opportunities and constraints of EU as an actor of conflict resolution.

5.3   Data Collection

The analysis will rely on the collection of as many sources as possible related to the case study through secondary sources, namely the main academic literature. Textual analysis of briefs, policy papers and documents of EU bodies on Kosovo (when necessary Macedonia as well) reveal the EU's position, role and strategies in these conflicts and help detecting the causes of particular behavior and impact within the comprehensive conflict resolution framework.

Semi structured expert interviews (see Box 5.4) are also considered to be crucial for the further analysis of the situation and for the discovery of new features of policy impact on the ground.

Box 5.4 Semi-Structured Expert Interviews

- Bekim Sejdiu, Charge d'Affairs Kosovo to Ankara (interview conducted on March, 13, 2009, Embassy of Kosovo, Ankara, Turkey);
- Guner Ureya, Deputy Head of Mission to Ankara (interview conducted on March, 13, 2009, Embassy of Kosovo, Ankara, Turkey);
- Anna Jarstad, Dr., Uppsala University, Department of Peace and Conflict Studies (interview conducted on April, 22, 2009);
- Nathalie Tocci, Research Fellow, Centre for European Policy Studies (CEPS) (interview conducted on May, 5, 2009).

5.4 Awaiting Challenges

Conflict resolution is a complex task that needs long-term, multi level engagement comprising several challenges for researchers in this area. There is no linear process with clear start and finish. The researcher generally does not work on a completed event and with given material but has to react to new developments and refine the research design and questions during the course of the research. Thus, measuring the overall success is hardly possible during the dynamic process of conflict resolution.

A second challenge is the presence of many stakeholders, which obstructs the task of focusing on the role of only one actor of conflict resolution (the EU in this study). Actors operate in cross cutting issue areas, in collaboration or contradiction with each other, and each action has implications for another area. The role of the other actors of conflict resolution such as NATO, the US, the UN and other international organizations is briefly mentioned when necessary.

Thirdly, the EU is considered to be a unitary actor in this study for the purpose and feasibility of conducting a study on conflict resolution. However, the researcher is very well aware of the internal divisions and incoherence inherent in the EU policy-making process. Most of the member states have their own bilateral relationships with and agendas in Kosovo. However, the aim is to focus on the overall contribution of the EU in Kosovo. The conflicting agenda and priorities of the first and second pillar are mentioned in the conclusion part when the overall impact of the EU is assessed.

Lastly, the absence of interviews and data collection on the ground due to the lack of resources and limited time frame required to complete the study is an impediment for a full-fledged analysis since the lack of field study data may obstruct the understanding of the actual local context. The study aims at compensating this gap with the consideration of previous case studies from secondary sources and with data collected from news on Kosovo.

6 Kosovo: Supporting a Borderland...

"The international community should reward Kosovars for their patience in seeking self-determination, and their use of force only as a last resort, by allowing them, in pursuance with international law, to secede from their long-time oppressor and obtain the status of a fully independent country."

Korab R. Sejdiu, 'The Revival of a Forgotten Dispute: Deciding Kosova's Future'

"...nothing is more critical for the Serb people than the present struggle in Kosovo and for Kosovo...Kosovo is the most precious of Serb words. It has been paid for with the blood of the whole nation. Because of that price it is entrenched at the throne of the Serb language. Without blood it could not be bought, without blood it cannot be sold"

Matiya Bechkovich, Serb Poet, 1989 -cited in Trbovich, 2009.

6.1 Historical Background: a region of conflict *par excellence*

Kosovo has a complex history since the times of the Yugoslav Federal state. It has been a province of Serbia for most of the 20th century[16]. It is mostly inhabited by ethnic Albanians and borders Albania and Macedonia, where their fellows enjoy wide minority rights. After Tito's death, ethnic tensions began to rise throughout Yugoslavia. In Kosovo, the Albanian majority demanded being recognised as a republic. The protests often escalated into violence followed by repression. Subsequently, all autonomy enjoyed by Kosovo was removed by the Yugoslav federal state. In 1991, Kosovo Albanians held a referendum and voted for independence, which was never recognised at the federal level[17]. Throughout the 1990s, the process of alienation between the two communities of Albanians and Serbs led to the culmination of hostilities and violent ethnic conflict between the Kosovo Liberation Army (KLA) and the Serbian forces, which were ended by the NATO air campaign in 1999[18]. The air campaign forced the Yugoslav forces under Milosevic to withdraw from the Kosovo

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[16] Although Kosovo was a province of Serbia during communist rule, the Yugoslav constitutions of 1946, 1953 and 1963 provided it with the status of an "autonomous province". Under the Yugoslav hierarchical system of governance, autonomous provinces enjoyed limited self-government. The 1974 Constitution gave Kosovo even further rights and the de facto status of a Republic except the right of secession.

[17] During this period, the region witnessed a huge exodus of Serb and Montenegrin populations and therefore became more Albanian dominated in terms of ethnic population.

[18] To provide a complete historical background on the issue is beyond the scope of this study. For a complete historical narrative of the Balkans since World War II see Crampton, 2004; for the situation in Kosovo until the 1999 NATO intervention see Troebest, 1999; Malcolm, 1998; for a complete review of international efforts until 1999 see Weller, 2008.

province and Kosovo was put under international trusteeship by UN Security Council (UNSC) Regulation 1244 (see. Box 6.1 for detailed discussion of parties to the conflict).

Box 6.1 Conflict Parties and Issues

The main parties to the conflict are Serbia, Kosovo Albanian majority and Serb minority. The asymmetrical relationship between Serbia and Kosovo during 1990s was turned upside down with the NATO air campaign. After the establishment of international administration on the Kosovo's territory, Serbia lost all *de facto* authority in the region. However, the values attributed to Kosovo territory have continued on the both sides of the conflict. While Kosovar Albanians see Kosovo as the motherland for centuries, Serbia has emphasised historical ties with Kosovo territory. The territory of Kosovo is seen as the heart of Serbia with special importance for Serbian Orthodox church since the Middle Ages. This argument was mostly exploited during Milosevic era in order to mobilize Serbs in favour of violence against Albanians.

While Serbia emphasized the primacy of national sovereignty, territorial integrity and *internal* self-determination (highest degree of autonomy but not independence), Kosovo argues they have right to self-determination after years of oppression and violence. As a result, the different point of views of the parties to the conflict prevented any sustainable settlement on final status.

From the very outset, the international community has polarised between the two parties mirroring the ethnic polarization within Kosovo, while Western world has been condemning and taking action against Serbian aggression, Russia has supported Serbia, which creates the main obstacle to solve the issue under UNSC auspices. Russia clearly expressed recognition of Kosovo's independence would alter order in other parts of the world, which was realised with the Russia's unilateral recognition of Abkhazia and S. Ossetia as independent states claiming that two separatist claims have the similar situation to Kosovo.

The membership aspirations of Serbia into the EU and its pro-European government since May 2008 elections have changed Serbia's position to moderate and cooperative with the EU on the ground, however, it did not prevent Serbia to look for support from international community.

While *de facto* placing the whole responsibility of governance under an international interim administration, Kosovo remained a part of Federal Yugoslavia and the decision on the final status was delayed until undetermined future talks have taken place[19]. Resolution 1244 established a complex governance structure under the authority of the UN Special Representative of Secretary General (SRSG) who retained the full authority and final decision-making power (see Box 6.2 and 6.3 for Structure/Competences of UNMIK, KFOR and Provisional Government). The international administration in Kosovo is considered to be unique compared to peacebuilding missions launched in the aftermath of the Cold War in terms of the broad mandate of the civilian and military components and the degree of involvement of regional organizations such as OSCE and EU[20].

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[19] UNSC Resolution 1244 (1999), para. 11.
[20] Bekim Sejdiu, Kosovo Chargé d'Affairs to Turkey, author's interview, May 2009.

Box 6.2 Structure/Competences of UNMIK and KFOR

The complex system established by the Resolution known as United Nations Mission in Kosovo (UNMIK) is composed of four pillars. Headed by the SRSG, first pillar was police and justice mission under direct leadership of UN which incorporates international police force and developing local Kosovo Police Service (KPS); the second pillar was civil administration under UN including ministerial and municipal bureaucracy; third was democratization and institution building supervised by OSCE and the last pillar was under direct EU control and dealt with reconstruction and economic development (UNMIK Regulation 2001/9 of 15 May 2001). Besides civilian administration under the UN, NATO became responsible for security of Kosovo through military presence called KFOR. Its mandate is more precise compared to UNMIK: "deterrence of new hostilities, maintenance and, if necessary, enforcement of ceasefire, verification of withdrawal of all FRY troops, demilitarization of KLA, establishment of a secure environment for refugee return and the operation of UNMIK, as well as the provision of public safety" (Alfons, 2008: 342).

The whole structure is composed as a complex set of institutional design and gave birth to a quasi-independent state without final status. Published in 2003, "Standards for Kosovo"[21] included the establishment of "effective and functioning democratic institutions, enforcement of the rule of law, freedom of movement, returns, basis for a sound market economy, clarity in property rights, dialogue with Belgrade, and the transformation of Kosovo Police Service (KPS)" (Alfons, 2006:348)[22]. The UNMIK declaration was followed by the Kosovo Standards Implementation Plan developed by UMNIK and the Provisional Self-Governance in Kosovo (PISG) in 2004. However, much of the areas defined under standards were not under control of PISG and the implementation was dependent on the international community's performance on the ground, since PISG had neither competence nor capabilities to implement them. Moreover, the standards were not directly linked to independence but only to the opening of status negotiations, thus falling short of proper incentives for the implementation by Kosovo authorities[23].

In late 2005, the UNSC initiated a process for the political settlement of the issue and appointed a special envoy for future status talks. Marti Ahtisaari, former President of Finland, was appointed to the post. After establishing a shuttle diplomacy between Belgrade and Pristina, Ahtisaari submitted a comprehensive plan for the future of Kosovo in 2007[24]. It foresees a supervised independence for Kosovo, but never mentions the word 'independence', rather refers to Kosovo as a "multiethnic society, which shall govern itself democratically,

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[21] Standards for Kosovo, 2003, UNMIK, Standards were agreed between the Kosovo provisional institutions of self-government and UNMIK, and were approved by the United Nations Security Council. The Standards for Kosovo are a set of targets that Kosovo must meet in order for the talks about the future political status of Kosovo to begin. Standards were agreed between the Kosovo provisional institutions of self-government and UNMIK, and were approved by the United Nations Security Council. The Standards for Kosovo are a set of targets that Kosovo must meet in order for the talks about the future political status of Kosovo to begin.See http://www.unmikonline.org/standards/ for further information.
[22] UNMIK/PR/1078, Standards for Kosovo, 10 December 2003.
[23] "Standards for Kosovo" was criticised in many ways. Stated by the Norwegian Ambassador to NATO, Kai Eide, more concrete efforts were needed for status settlement, which would run in parallel with standards implementation (Eide, 2005).
[24] The plan was based on the previous guiding principles agreed by the Contact Group; namely France, Germany, Italy, the UK, the US and Russia. These principles were no return to the pre-1999 period, no partition of Kosovo and no redrawing of international borders in the region. See NATO Parliamentary Assembly Committee Report No. 163 CDS 07 E rev 2.

and with full respect for the rule of law, through its legislative, executive and judicial institutions".[25]

Box 6.3 Provisional Government

While the four pillar structure of UNMIK and KFOR established international presence widely, Constitutional Framework for Provisional Self-Government issued in 2001created a system of "Provisional Self-Government in Kosovo (PISG)" ,which was the local part of Kosovo governance operating under UNMIK supervision. The competencies under four pillars were agreed to be gradually transferred to PISG (UNMIK Regulation No. 2001/9 on 'Constitutional Framework for Provisional Self- Government in Kosovo'). Central authority of Kosovo has given competencies in wide range of issue areas including external affairs under the authority of SRSG since 2001. These include "economic, financial and budgetary policy; customs; trade, industry, and investment; education, science, and technology; youth, sport, and culture; health and family policy; agriculture; environment; tourism; labour; social welfare; transport; media; communication; statistics; spatial planning; good governance; non-resident affairs; local administration; and judicial affairs" (Wollf, 2008: 424). However, UNMIK Regulation No/ 2001/9 has defined a list of sensitive areas where UNMIK had reserved powers. These include "human and minority rights, monetary policy, appointment and removal of judges and prosecutors, external representation and the conclusion of international agreement on behalf of Kosovo, control over Kosovo Protection Corps (KPC), and several other policy areas" (Alfons, 2006: 342).

Serbia and Russia rejected the plan and insisted that any settlement of the status should be drawn under a new UNSC Resolution, while the international community continued its support for the Ahtisaari Plan. During the deadlock, in August 2007, the UN Special Representative (UNSR) initiated Troika negotiations between the EU, US and Russia starting a second cycle of negotiations. However, the new negotiations removed the settlement of the issue from the UN framework (Caruso, 2008:6). Meanwhile, the international community and especially the EU continuously stated that the PISG has completed its mandate and the ongoing status of Kosovo was unsustainable[26]. Kosovo restated its acceptance of the Ahtisaari Plan and seemed already on its way for independence. Elections were held in November 2007 while the Troika was still working. In December 2007 the Troika negotiations concluded with no success since the parties were not able to reach an agreement.

On 17 February 2008, Kosovo declared its independence and stated its commitment to the implementation of the Ahtisaari Plan.[27] The European Council declared Kosovo as a *sui generis* case and placed support for continued international presence and deployment of the rule of law mission[28]. KFOR and UNMIK declared their continuing presence in Kosovo on the basis of UNSC Resolution 1244.

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[25] The main framework foreseen in the Athisaari Plan comprises the creation of a constitution, state symbols, security forces, and membership of international community. After a 120-day transition period, the whole mandate of UNMIK is to be transferred to local governance. The plan also establishes a continued international mandate through ICO and ICR, a post to be fulfilled by the EUSR. The Ahtisaari Plan also introduces wide minority rights for the Serb community in terms of governance, education, healthcare and cultural and religious rights. See, UN Doc, S/2007/168 Add. 1, para.1.

[26] See EC Communication from the Commission to the Council and the EP, Brussels, Doc. COM. (2007) 663. 6 November 2006.

[27] The international community reacted differently to the declaration. While Russia and Serbia clearly stated it was illegal and against Resolution 1244, the US recognised the new state right away. On the EU side, the member states did not reach an agreement on recognition.

[28] The European Commission's 2006 Kosovo Progress Report states that "Kosovo's status question is *sui generis*, and hence sets *no precedent*" (emphasis added). This was repeated by Ahtisaari in his special report to the UNSC in 2007.

The 120-day period ended with the coming into force of a new constitution and 41 key laws for Kosovo. However, without an agreement on independence, the UNMIK did not transfer its authority to the EU, the ICO did not take the leading responsibility and the EU Rule of Law Mission (EULEX) was not deployed in a timely fashion. During this period, the division between the two communities widened further with northern Kosovo -mainly composed of Serbs- rather hostile towards EULEX and ICO. At the end of the 120-day transition, UNSG Ban Ki-Moon proposed a reconfiguration of UNMIK and a second 120-day transition period began. A new SRSG was appointed with renewed responsibilities in the negotiations with Kosovo Serbs[29]. The aim of the reconfiguration plan is that "by the end of November [2008], UNMIK should be significantly downscaled and EULEX deployed throughout Kosovo" (ICG Report, 2008:2).

For the time being, the Kosovo state apparatus has been established and works under close supervision of the EU as well as economic and other civilian establishments. EULEX is fully deployed including northern Kosovo (see map of Kosovo, north of Ibar River where the majority of Serbs live). While UNMIK and other international organizations remain on the ground, they suffer from a 'crisis of legitimacy' due to the "majority Kosovar Albanians' disappointment with UNMIK's failure to provide for stability and economic development in a long run" (Hasani, 2008:24). Although with the latest elections in Serbia, a pro-EU government was elected, the Serbian government has taken the Kosovo issue to the International Court of Justice (ICJ) for an opinion on the legal dimension of the unilateral declaration of independence.

6.2   EU on the Ground

"This is a just war, based not on any territorial ambitions, but on values. We cannot turn our backs on conflicts and the violation of human rights within other countries if we want still to be secure. We are witnessing the beginnings of a new doctrine of international community. Now our actions are guided by a more subtle blend of mutual self interest and moral purpose in defending the values we cherish. In the end, values and interests merge. If we can establish and spread the values of liberty, the rule of law, human rights and an open society then that is in our national interests too."

Tony Blair, 1999, Speech held in Chicago 'Doctrine of the International Community

The relative inability to respond to the previous crises in the former Yugoslav era and the possible destabilizing effects of the Kosovo conflict for the whole region has alerted the EU and therefore it has been engaged in the Kosovo conflict from the start. Since the establishment of the international presence in Kosovo, the EU assumed the responsibility of recovery and economic development under UNMIK Pillar IV. It has been in charge of customs, banking and privatization through administering the Kosovo Trust Agency (KTA). Besides UNMIK involvement, the EU has developed an extensive presence in Kosovo[30]. It still provides the most aid and is the mostly engaged actor in state building through advising,

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[29] The six areas of negotiations were subject to direct talks between UNSR Zannier and Kosovo Serbs: police, courts, customs, boundaries, Serbian patrimony, transportation and infrastructure. See Report of the SG on the UNMIK /2008/354, 12 June 2008.
[30] See Appendix D for a discussion of EU bodies' mandates in the Kosovo conflict resolution so far.

training, and monitoring since the declaration of independence. The EU's contribution to the whole process is firmly stated by Sejdiu as "every step we have undertaken, every progress we have made has a stamp of EU's contribution"[31]. Its role can best be defined as state building (Papadimitriou, 2007:207). The activities are dispersed across the first and second pillars of the Union and the role of the EU as an actor in conflict resolution continuously evolves further.

The Declaration of Independence was a turning point for EU involvement in Kosovo. Authorities signalled that any settlement acceptable to Kosovo would assume the EU as the key actor on the ground. In December 2007, the European Council agreed to launch a rule of law mission to Kosovo (EULEX). As stated in the Ahtisaari Plan, the EU also appointed a Special Representative (EUSR), Pieter Feith, who would also be the head of the ICO[32].

Following the independence of Kosovo, the EU has deployed its ever biggest ESDP mission. The Ahtisaari Plan was designed to work under international consent, which would provide the ground for a gradual transformation of power to the EU and local authorities. However, the plan has never gained recognition in the UNSC; the requirements of the transition period were not fulfilled and have not yet resulted in the creation of a Kosovo state capable of self-rule. There are also still many obstacles on the ground for the EU since it is engaged in a state building process of a state, which is not recognized by the whole international community[33].

6.3   Assessing the Impact of the EU

"For years, European economic and political success was unmatched by our ability to project a common foreign policy. We talked a lot. We issued handwringing declarations. (...) But only with the Balkan crisis have we begun to engage directly in conflict prevention and crisis management."

Chris Patten, 1999, Speech at the Conference 'The Development of a Common European Security and Defence Policy – The Integration of the New Decade'

6.3.1 Political Capacity Building

Only after one year of independence the Republic of Kosovo was able to establish institutional structures necessary for running a state with huge support especially from the EU. However, the main question is to what extent Kosovo has become a state comprising effective political capacities and what role the EU has played and still plays in this process of political capacity building. Overall, the EU seemed united *before* the unilateral declaration of independence. In February 2008, just before the independence, all EU members decided to

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[31] Bekim Sejdiu, Kosovo Chargé d'Affaires to Turkey, author's interview, May 2009.
[32] EU Council Joint Action 2008/124/CFSP, Rule of Law Mission in Kosovo, 4 February, 2008.
[33] The EU legalizes its presence through a broad reading of UNSCR 1244 and the request from Kosovo authorities.

take a leading role in Kosovo in order to implement the Ahtisaari Plan and despatch a rule of law mission. When Kosovo declared independence, the consensus within the EU disappeared regarding the recognition and the conduct of relations with the 'Kosovo state'.[34]

6.3.1.1 Security Sector Reform (SSR) and Rule of Law Mission

The EU presence regarding SSR in Kosovo is mainly orchestrated by EULEX. The approach of the EU towards SSR is a holistic one embracing short and long-term activities in accordance with the ownership principle (Dagand, 2008). However, given the challenging context of Kosovo and the EU's 'embryonic capacities' for SSR, the real success of the EU is defined by its implementation capacity (*ibid*).

EULEX was deployed at the end of 2008 with almost one year of delay[35]. Although it has not reached its full operational capability yet, EULEX succeeded in deploying the mission in the entire country, which has started to produce positive effects in the problematic area of Mitrovica[36]. The EU focuses on measuring the success of EULEX as much as possible. As stated by Maquire:

"A small team of international and local experts (working in the 'Programme Office') has designed a system to assess the impact of EULEX's work on the ground. EULEX staff, who are co-located with their local counterparts, will be asked a series of specific questions every month about developments in their specialist fields. Over time, they will build up a picture of changes within the local police, judicial and customs systems which will allow EULEX to accurately report the progress of Kosovo's Rule of Law institutions. These results will then be measured against the strategic objectives agreed by EU member states" (2008:16-7).

However, problems linger on the ground. Firstly, although, all member states declared that they would contribute to EULEX in Kosovo, it took a long time for EULEX to deploy and become fully operational. Secondly, Serbia and Kosovo Serbs simply refuse to cooperate with EULEX. Due to the opposition of Serbia and Serbs in Kosovo, the first months of independence proved difficult for the deployment north of Ibar. Although later the EU has convinced Serbs to deploy also in the Serb area, both parties to the conflict continue to perceive EULEX in different terms. While Kosovo authorities see EULEX as a third party supervising and enhancing independence and the implementation of the Ahtisaari Plan, Serbs maintain their position to see EULEX under the UNMIK umbrella with a status (Thomsen, 2009:6). However, the undefined status of UNMIK and other international actors necessitated reconfiguration of UNMIK's role[37]. The UNSC initiated a reconfiguration process in order to clarify the renewed role of the EU. However, Pristina was not involved in the discussions

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[34] Greece, Romania, Slovakia, Spain and Cyprus have not recognised the independence, being concerned with domestic quarrels for similar secession claims.
[35] The mandate of EULEX is defined as to "assist the Kosovo authorities, judicial authorities and law enforcement agencies in their progress towards sustainability and accountability". Its activities mainly focus on three areas: policing, judicial system and customs service. The police and customs have the task of mentoring and advising but rarely implementing. On the other hand, the judicial system is directly involved in decision making as well as training national judges and lawyers.
[36] Bekim Sejdiu, Kosovo Chargé d'Affaires to Turkey, author's interview, May 2009.
[37] The different opinions simply resulted from the difference in opinions on Kosovo's status and on the implementation of the Ahtisaari Plan. Kosovo authorities and the Albanian population accepted the Ahtisaari proposal as the starting point for the new state and embedded it into the new constitution, while Serbia and the Serb population rejected the plan and stated the only legitimate international presence is UNMIK and any change should take place under a new UNSC Resolution.

regarding the reconfiguration of UNMIK, which, from a sovereignty point of view, restricts Kosovo's full authority.

Thirdly, Kosovo Albanians conceive their constitution and the EU as the ultimate reference points in political capacity building. Kosovo opposes putting EULEX under status neutral. Also, there is still confusion regarding the impact of EULEX. Its mandate and place of deployment remain ambiguous for Kosovars. The reason is that the EU decided the scope of the rule of law mission unilaterally but once established, the interpretation of the mandate has been disputed -being neutral under an UN umbrella versus supporting Kosovo's government in establishing a state police and a judicial system.[38] In practice, the EU is neither a neural actor between Serbia and Kosovo nor assumes political leadership as stated in the Joint Action Plan.

Fourthly, the development of Kosovo police and judicial system has not taken off since Serbian municipalities established their own parallel institutions financed by Belgrade. The Serbian contributors are not satisfied with the security institutions and they refuse to serve under the Kosovo Police Force (KPS) and Protection Corps (KPC) after the declaration of independence as can be seen in 'Graph 6.1'.
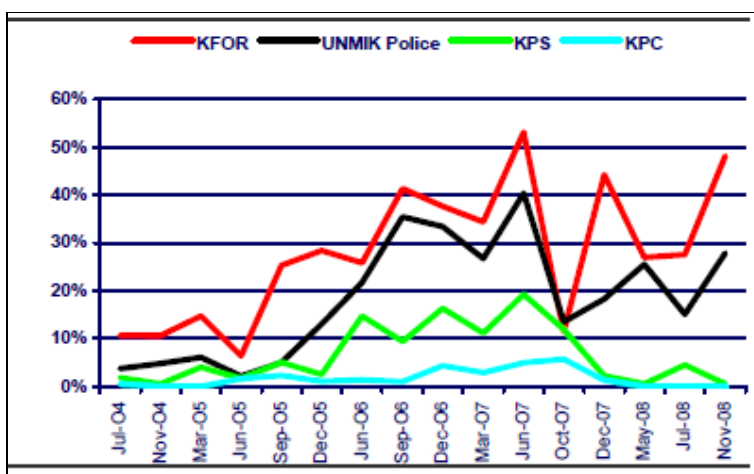
Graph 6.1
UNDP Early Warning Report, 2008, 'Satisfaction with Security Institutions- Kosovo Serb Responses'.

The rule of law mission remains more fragile than the police mission. The challenge of the absence of local trained lawyers and a legal body of law necessitate international judges to take over those functions. However, the applicable laws are divided between former Yugoslav laws and UNMIK regulations and laws, given that the state of Kosovo is still in the course of legislating laws based on the new constitution. Moreover, international judges are not aware of the local norms when they make decisions, which create further ambiguities for judges

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[38] According to the Joint Action Plan the head of EULEX receives orders from the EU's PSC and Javier Solana. However, Belgrade and the UN Secretary General see the EULEX mission as status-neutral under UNSCR 1244. EULEX, like the OSCE, will operate under a UN mandate (Deimel and Schmidt, 2009).

regarding which law applies (Schmidt, 2008:36). Moreover, there are around 50,000 cases awaiting decision (OSCE Report, 2008).

Although the court system is considered by Sejdiu to be "based on the highest democratic standards", which is "developed under the close scrutiny of the EU" and although EU standards highlight the ongoing legislative process[39], the courts continue to be the least satisfying institution in Kosovo according to the UNDP (Graph 6.2).
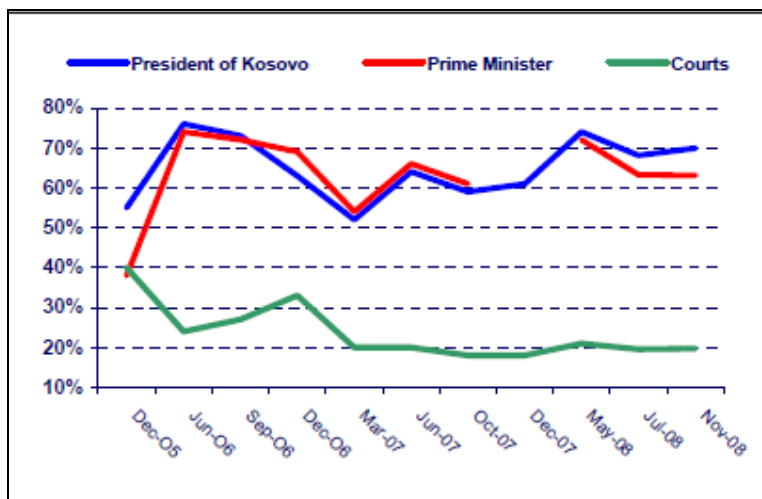
Graph 6.2
UNDP Early Warning Report, 2008, 'Satisfaction with Kosovo's Main Institutions'.

Considered together, coordination problems and context related problems affect the impact of the EULEX mission (see also Graph 6.3, demonstrating the low trust of the Kosovo people in the mission).

6.3.1.2 ICO/ICR: EU Mission without Real Impact

The Ahtisaari Plan has foreseen the creation of the International Civilian Office (ICO) and the International Civilian Representative (ICR) for a unified international engagement in Kosovo under supervised independence. Its task is to monitor and supervise the implementation of the Plan. Due to the failure to convince all parties on the Comprehensive Plan, the authority of UNMIK was not transferred to ICO/ICR after the declaration of independence. Thus, ICO/ICR was only recognised by the states which recognised the independence. EUSR Pieter Feith assumed the responsibility of ICR making the dual functions of ICR and EUSR to cause difficulties on the ground because of the incompatibility of those roles. Deimel and Schmidt describe this confusion:

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[39] Bekim Sejdiu, Kosovo Chargé d'Affaires to Turkey, author's interview, May 2009.

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"Whereas the ICR is supposed to supervise the government of the Republic of Kosovo, opinions differ with regard to the function of the EUSR in the 22 pro-recognition and 5 anti-recognition states. Basically conceived as no more than a way of coordinating EU activities in Kosovo, the EUSR function is becoming more and more important, and makes it necessary to walk a never-ending tightrope. It is supposed to promote the consistency of EU activities and as to advise and support the political process. However, some openly aired disagreements between ICR/EUSR Pieter Feith and Pierre Mirel of the European Commission concerning the leadership and steering function of EULEX shed a revealing light on the imperfection of the coordinating processes within the EU, and make the tensions implicit in the confused and impenetrable system plain for all to see." (2009:5).

Moreover, the local population is unaware of the role of ICO/ICR. Also, the impact of ICO/ICR depends on the willingness of Kosovo institutions to cooperate.

6.3.1.3 Power Sharing/Decentralization and Elections

The whole public authority can be described by three vertical layers [40] after 1999. From the very start, the presence of the international community has been complex and inclusive of local structures as understood from complex system of governance. The power sharing and the extensive rights for minorities foreseen by the Ahtisaari Plan were incorporated into the Kosovo Constitution. The constitution gives extensive rights to minorities and defines wide competences for local governance[41]. Weller states that although "Kosovo was concerned that such an approach would entrench ethnic division and a system of ethnic politics, rather than providing opportunities for interest based politics to develop across politics" (2008:673), the EU firmly stated that its support in conflict resolution would depend on the commitment to extensive minority rights and power sharing. Kosovo made concessions on the basis of the leverage enjoyed by the EU and the US and in return it would gain a final independent status and would be integrated within Europe (Weller, 2008). The implementation of the constitutional structure regarding decentralization of the Kosovo state has not been realised yet since the Serbian minority has so far not recognised the authority of the Kosovo state.

Elections and electoral system are also far from fully being developed. Five elections rounds have been conducted at the national legislative and the local levels since 1999[42], which have been evaluated democratic and free compared to other examples in the region[43], mostly due to the presence of international monitoring. However, the party structure still remains fragile for a democratic state. Although all Albanian parties and other minorities except Serbs supported independence, they are far from offering concrete programs on the future political and economic development. The Serb minority generally boycotts the elections and runs parallel elections for municipal bodies[44]. This situation has prevented the international community from establishing an effective power sharing agreement within the country.

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[40] See Appendix E for layers of governance and power sharing among the layers established since the UN mandate.

[41] See Constitution of the Republic of Kosovo, Chapter X.

[42] In terms of state structure Kosovo is divided between the region north of the Ibar River and the southern territories. In May 2008, Serbia conducted local elections in northern Kosovo and created parallel structures of local governance where international presence is ineffective. The elections were declared illegal by the international community but the elected bodies took over the local governance structures. The parallel municipalities run together with Kosovo municipalities in the north of Mitrovica, where Serb and Albanian populations live together, but the city is also divided into a northern and southern district, Strpce and three other enclaves. In the other cities, the Serb population lives in enclaves, see the Ethnic Map of Kosovo.

[43] Bekim Sejdiu, Kosovo Chargé d'Affaires to Turkey, author's interview, May 2009.

[44] According to Bekim Sejdiu, the political parties of the other minorities are fully represented in the Parliament. They participate in the elections besides fulfilling the reserved seats. Moreover, the Kosovo *Turk Demokratik*

Overall, after the independence, the EU has been involved in state building more than ever. The political situation needs to be handled within the constitutional framework considering the fact that the people of Kosovo increasingly perceive the government and the EU as the primary actors responsible for the political situation in Kosovo together with their government (UNDP Early Warning Report, 2008, 'Responsibility for Kosovo's Political Situation').

6.3.2 Economic Reconstruction

The economic development of Kosovo is likely to pose the biggest challenge to the EU. There are currently difficulties concerning the economic development of the whole country. In the south, the economy is dependent on aid from the EU. In the north, the economy still depends on Serbian financial subsidies (Tansey and Zaum, 2009:17)[45]. The local population is mostly concerned about unemployment and underdevelopment (Graph 6.4 and Table 6.1). Seen from the graph, the unemployment rate is still very high. Considering the high rate young population, there is an exigent situation to be addressed in order to create employment and welfare given the very low GDP figures compared to the rest of the Western Balkans.

Rate of unemployment, for 2001- 2007 given in %
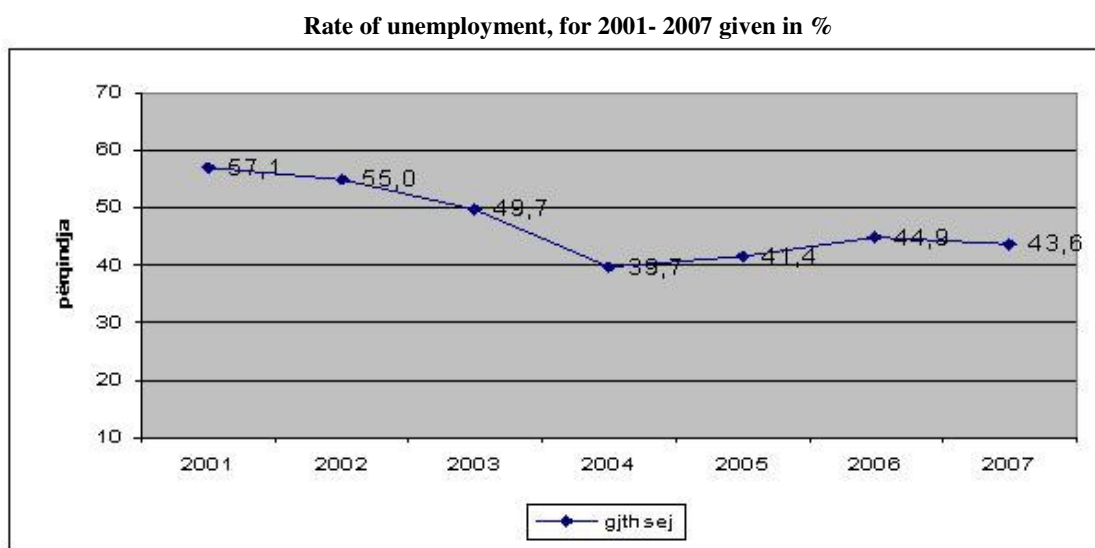
Graph 6.3 Unemployment, Source: Kosovo State Statistics Institute

Partisi (Turkish Democratic Party) is in the governing coalition -with the major political party of Kosovo. Bosnjaks and Roma political parties are also represented in the parliament). However, Serbs are divided: one segment of the Serbian community is represented with two Ministers from the Serbian political parties, the other segment has chosen to boycott.

[45] North of the Ibar River, more than 60% of income comes from Serbia, the local population has not adopted the euro as their currency and most of the officers get double salaries from Serbia and Kosovo. The economic gap between the north and the south consolidates further the *de facto* division of the country. For further discussion on the issue, see ESI, 2004 and KIPRED, 2008.

GDP Figures (2004-2007, current prices)				
Year	**2004**	**2005**	**2006**	**2007**
GDP (million €)	3.006,1	3.068,3	3.191,6	3.433,6
GDP (per capita)	1.473	1.482	1.520	1.612

Table 6.1 GDP Figures, Source: Kosovo State Statistics Institute

The main aim of the efforts related to the economic activities has been the integration of the Kosovo economy within the wider structures of the world economy in line with a liberal peacekeeping approach. From the outset, the EU has taken over the responsibility for "economic recovery and modernization of local economic structures" (Papadimitriou, 2007:233). Economic reconstruction aims at establishing the link between security and development. As acknowledged by the EU, ignorance of the importance of economic development together with the unemployed young population would cause relapse into violence[46].

The EU has earmarked around €1.5 billion euro to Kosovo (Dempsey, 2007), 550 million of which will be provided as pre-accession assistance from 2007 to 2012 besides previous aid provided under the CARDS scheme[47]. The total EU amount spent on the conflict resolution since 1999 is €2 billion. However, the main problem of the Kosovo economy is illegal economic activities, which are enabled through the maintenance of war economy and fluid borders[48]. Criminality maintains strong bonds with the economic establishment and this is not the prerogative of only one ethnicity in Kosovo, rather covers all forms of trafficking, i.e. human beings, drugs, weapons etc. Fight against trafficking is still very difficult because of the weakness of the judicial system, corruption and the endemic illegal economy in the whole region (Cady, 2008 and Chassagne, 2008). State level corruption is a big impediment for the economy. As stated by Pond:

"The record of bribes, blackmail, and threats toward international officials in Pristina by criminal networks is also discouraging. There are serious reports from insiders already about criminal investigations having been called off by Western home capitals because they cut too high into Pristina's political and business elite and might destabilize Kosovar politics" (Pond, 2008:108).

After almost ten years of presence, economic reconstruction, economic development and integration of Kosovo's economy into the world economy have not been completed yet. This is attributed to the long ambiguity regarding the final legal status and, to some extent, the controversial nature of independence. However, compared to the immediate aftermath of the war, which destroyed all infrastructure, progress has been meaningful in terms of reconstruction, trade and services. Further progress has been steadily achieved so far in

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[46] European Security Strategy, 2003 and the Council Conclusions on Security and Development 2007.

[47] The CARDS Programme is intended to provide Community assistance to the countries of South-Eastern Europe between 2000-2006 with a view to their participation in the stabilization and association process with the European Union.

[48] See Berdal and Malone, 2000 for further reading on the political economy of war torn countries.

energy, industry, foreign investment and new fiscal policy, regional economic initiatives, banking and currency stability with the adoption of euro in order to boost the economy[49].

Further progress is expected with membership in IMF and World Bank, which would play a role in strengthening resource monitoring and revenue sharing, encouraging private capital and integrating the formalised economy into the world economy[50] (Studdard, 2004). However, the EU was not able to create public sources and investment for sustainable economic growth and was not successful in eradicating illegal trade so far. For sustainable economic development, foreign direct investment and trade are the urgent issues to be addressed in the near future[51].

6.3.3 Societal Transformation: Creation of a Shared Social Space?

"We have had a bitter experience of the ethnic discrimination during the 1990s, and then the horrors of war during 1998-1999. We know how it is to feel discriminated and we would by no means tolerate to see that somebody feels marginalized or discriminated in our country, because of its ethnicity, language or religion. We start from the basic human premise that Kosovo is a home of everybody who lives there and, in turn, everybody has obligation towards the country; its law and constitution."

Bekim Sejdiu, Kosovo Chargé d'Affaires to Turkey

The last pillar of EU conflict resolution deals with the transformation of social relations between the ethnic communities through reconciliation, building non-violent relationships between former adversary groups, integration of all groups into society (Bloomfiled, *et. al*., 2003) and development of bottom-up democracy through civil society.

"One of the most fundamental challenges of post-status Kosovo will be to forge the relationship between citizen and state institutions anew" (Schmidt, 2008:31). The main point for the EU is to create reconciliation through a notion of justice for all parts of the society. As stated by Malazogu, "ethnicity as we know it today is a recent phenomenon and the conflict is a social construct nurtured by elites that thrive in conservative and conflictuous environments". For years, "ethno-entrepreneurs" found auspicious grounds to boost nationalistic feelings (2008:36).

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[49] Bekim Sejdiu, Kosovo Chargé d'Affaires to Turkey, author's interview, May 2009.
[50] At the time of writing, the IMF has offered membership to Kosovo, see www.newkosovareport.com.
[51] Private sector investment constitutes around 20% of GDP and the trade deficit remains high around 43%. Privatization earnings administered by the EU has provided short relief since 1999. However, the Kosovo Trust Agency (KTA) has reached the end of privatization of all publicly owned enterprises (Schmidt, 2008). Nevertheless, FDI, imports and exports have been steadily increasing. See ECIKS Report, 2008.

The integration of Serbs into society remains the main challenge on the ground, which can be measured by looking at the level of hostility among the communities. Despite the major efforts of the international community, coexistence is far beyond realization in Kosovo. Although return to large-scale violence has not happened since 1999, as stated by the Commission, "minority communities, mostly Serbs and Roma, face discrimination, serious restrictions in freedom of movement, access to

Graph 6.4 Interethnic Relations

education, health care, public utilities and social assistance, due to the poor quality of services and security concerns" (Progress Report, 2007:9). As shown by Graph 6.4, although the willingness to work together with the members of other communities has been incrementally increasing, the overall percentage shows that the integration of the two communities is still missing. For instance, the Serb contribution to the KPS has mostly withdrawn after Kosovo declared its independence from Serbia.
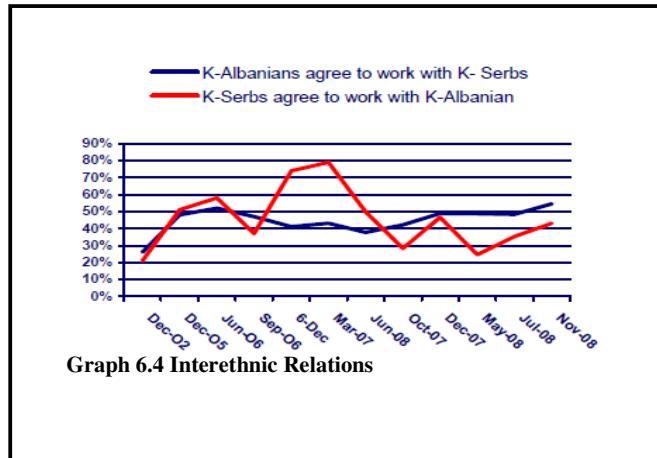
Another problem is related to the Serb enclaves in the northern part of Kosovo. They have some security concerns when travelling into Albanian majority areas[52]. Kosovo authorities continuously state that the integration of the Serb community into public life is one of the priorities of Kosovo through the granting of extensive minority rights at the local level, inclusion of minority representatives in the legislative and executive and quotas of recruitment from minority communities for public services. Kosovo state considers these efforts as one of the most democratic practices given the size of the minorities and attributes the lingering problems to the parallel establishments in Serb dominated areas. For instance, Sejdiu states that those parallel institutions commit illegal "political and economic crime" supported by Belgrade. For him, these parallel

Graph 6.5 Employment

structures are the main obstacle concerning the integration of Serbs into society[53].

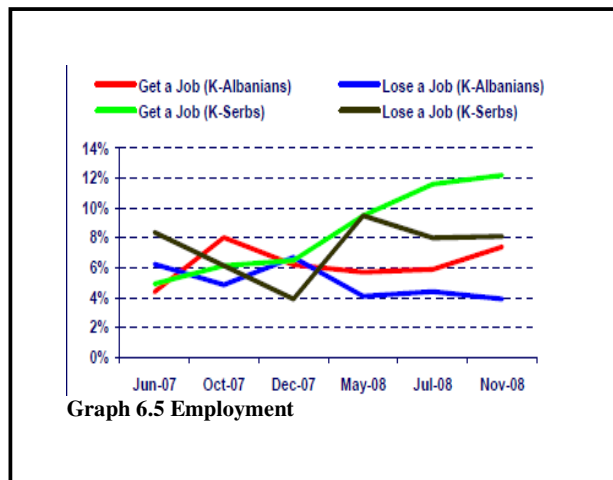[52] See New York Times, Multimedia Report: Endgame in Kosovo for a stunning explanation of situation on the ground, 2008.
[53] Bekim Sejdiu, Kosovo Chargé d'Affairs to Turkey, author's interview, May 2009.

There is some promising evidence of integration if we look at the employment among ethnic communities (Graph 6.5), showing that the Serb population has been increasingly integrated into the job market.

The reality of spatial and psychological separation of the communities necessitates further reconciliation and serious negotiations among the parties for years to come. The EU emphasises the role of civil society and NGOs as one of the focal points of societal transformation in Kosovo. Civil society has emerged strongly in post-war Kosovo, mostly through contributions from international community. "What remains ahead are challenges of institutionalization, opening the democratic process to input from civil society, and a clearer articulation of a collective identity for NGO-s in relation to the rest of society" (KIPRED, 2005:40). The Commission often emphasises the importance of civil society in the democratization process of Kosovo and works towards collaboration with societal actors[54]. However, to what extent and how civil society is willing to contribute, and whether the EU will take their input into consideration while shaping its strategy on the ground, remains vague.

Donor dependence is also a major problem in Kosovo civil society (Pouligny, 2004), which prevents indigenous civil society development. NGOs have been mostly criticised as working along ethnic lines of society. The boom in the quantity of NGOs in Kosovo does not substitute the need for an independent and self-sustaining civil society working towards common goals of all ethnic groups. The EU should aim towards creating a civil society working with all groups in order to facilitate reconciliation. Furthermore, the Union should release patron-client relations with civil society and adopt a neutral function in terms of providing ground for equal contribution of all communal groups into the developing civil society and public space.

6.4   Is the EU Moving from Rhetoric to Substance? Challenges for the EU in Kosovo

"Concluding this last episode in the dissolution of the former Yugoslavia will allow the region to begin a new chapter in its history — one that is based upon peace, stability and prosperity for all."

Marti Ahtisaari, 2007

An overall analysis of EU involvement in Kosovo across context and engagement in conflict resolution is provided in this section in order to pinpoint certain opportunities and constrains that affect the policy impact of the EU in Kosovo revealed by the analysis of the comprehensive conflict resolution involvement of the EU across three thematic areas.

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[54] For instance, in March 2009 the European Commission called on Kosovo civil society to contribute to the 2009 Progress Report.

An assessment of EU's presence in Kosovo as the main actor of conflict resolution reveals many challenges on the ground, namely; questions regarding legality of independence declaration in terms of international law, development of local capacities in Kosovo, EU's internal coherence in policy implementation and Kosovo's integration into the EU in the long run, each of which, in turn, will be discussed in detail.

6.4.1 Status Question: Falling Dominoes of Secessionism?

The legacies of war and the up-to-date engagement of the international community with different aims and instruments in conflict resolution have created a complex situation so far. The blurred independence of Kosovo in the eyes of the international community has lately shaped the context of political capacity building. The 'unilateral' declaration of independence did not bring Kosovo full integration with the international community. In October 2008, the UN General Assembly supported the Serbian proposal requesting an opinion from the ICJ regarding the legal status of the declaration of independence. For Kosovo, the issue of independence is "a reality", which is not "only a fulfilment of the just aspiration of the people of Kosovo, but it has also brought stability to the Balkans" [55] According to Sejdiu, "this is demonstrated by the fact that majority of states which were directly affected by the conflicts in Kosovo and former Yugoslavia have recognised Kosovo's independence including most of the EU members, the US and many countries in the region. The independence of Kosovo was a natural conclusion of the process of the dissolution of Yugoslavia opening another chapter in the region's history".[56]

On the other hand, the situation might have different implications for the EU. The EU has been defining its engagement within Kosovo as legitimate based on the UN mandate and the consent of the Kosovo authorities. As stated by Noutcheva, "the big dilemma underpinning Kosovo's independence bid is whether to give precedence to the right to self-determination or to the principle of territorial integrity" (2007:11). Thus, an ICJ ruling against independence would have implications for the EU regarding its internal incoherence and the international legitimacy of its status in Kosovo. First, a ruling against the legitimacy of the independent status of Kosovo based on international law will put the EU's engagement in Kosovo under question. The claims of effective multilateralism, respect for international law and norms on the part of the EU have so far been the legitimizing features of EU civilian and military engagements. The impact and legitimacy of EU foreign policy would be severely damaged at home and abroad, if the ICJ rules against the legitimacy of independence. Second, Kosovo's situation runs the risk of providing precedence for further separatist claims in the neighbourhood of the EU. By supporting the independence of Kosovo, the EU has unwillingly put itself into a debate over 'frozen conflicts' in its neighbourhood. Especially in the Caucasus, there are already claims of independence supported by Russia on similar grounds. A chain of independence declarations, needless to say, would destabilize the EU's neighbourhood.

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[55] Author's Interviews with Bekim Sejdiu and Guner Ureya, Charge d'Affairs and Deputy Head of Kosovo Mission to Ankara, respectively, May, 2009.
[56] *Ibid*.

6.4.2 Illegal Economy and Corruption

People in Kosovo think that the main problems that Kosovo faces are still economic (UNDP, 2008:4). The large economic aid for almost ten years has not resolved economic problems. The level of corruption in Kosovo can only be measured by public perception polls and media-NGO reports. However, corruption is closely linked to the absence of the rule of law and the unwillingness of political elites to deal with this embedded problem (Zogiani, 2009). According to Zogiani, the reports and cases on corruption mainly emphasize non-political bodies such as police officers, judges, etc. but not the biggest corruption cases of political figures (*ibid.*).

The EU has to organise its activities at the local level in order to "channel funds in ways that avoid Pristina based corruption" (Tansey and Zaum, 2009:18). Lack of capacity to fight corruption and insufficient application of the rule of law within the existing institutions show that democratically elected governments and institutions created after the conflict do not demonstrate that they have gained an understanding of culture and the functioning of democratic institutions. The main challenge for the fight against the shadow economy and corruption is ensuring economic development in order to "create a favourable investment climate by accelerating the resolution of property issues and creating legal security for investors" (Schmidt, 2008:30).

6.4.3 Local Capacities: *not real bottom-up transformation?*

The capacities developed by Kosovo on the way to become a state are mixed since it depends on the criteria when assessing local development. There have been significant achievements in terms of institution and legal framework building considering the fact that "everything has been started from zero". The independence has clearly brought a change in the self-perception of Kosovo regarding local capacities. Sejdiu states that "after independence the status question has been solved for once and forever", now Kosovo sees the EU as a partner to assist the country towards democratization. Rather than holding patronage relations, the membership aspiration of Kosovo to the EU and NATO is the main driving force for strengthening local capacities in Kosovo[57].

However, in terms of societal transformation, "there can be no doubt that the identification of the Kosovo Serbs with the state of Kosovo is almost nil" (Schmidt, 2008:34). The issue of northern Kosovo is beyond the current limits of the government and the handling of the situation is left to the international community. Moreover, the state level corruption caused by the illegal economy impeding on the socio-economic development cast doubts whether the EU has been successful so far in establishing a self-sustaining peace with local ownership.

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[57] Bekim Sejdiu, Kosovo Chargé d'Affairs to Turkey, author's interview, May 2009.

6.4.4 Coherence

EU member states disguised the incoherent approach within the EU by abstaining from voting in the General Assembly regarding ICJ ruling on the status of Kosovo. This situation has revealed that a common position regarding the status of Kosovo has not been settled within the Union. The lack of unanimity regarding the status of Kosovo among member states has left the mandate of EULEX and other state building efforts ambiguous. Sticking to the implementation of the Ahtisaari Plan in order to strengthen the institutional and socio-economic development of Kosovo seems the only pragmatic solution, since all members have accepted the proposal without relation to the final status.

However, the problem of incoherence is self-revealing on the ground as well. Policy-making still remains *ad hoc*, each mission has a different planning and structure (Aggestam et.al, 208:159), which prevents the accumulation of institutional memory. The unclear boundaries of the mandate between the first and second pillar and the lack of clearly defined common goal at the EU level prevent an effective policy implementation. The division between the Council and the Commission not only "reinforces compartmentalisation of policy-making" (*ibid: 160*), but also creates confusion on the ground diverting the attention of the EU away from local needs[58]. More coherence within the Union would create effective policies on the ground and would increase the chance of EULEX to engage Kosovo entirely and address immediate challenges.

6.4.5 European Integration of Kosovo

The EU has shown its commitment to integrate the Balkans into the Union through the Stabilization and Association Process (SAP), which focuses on the respect of international peace and stability, the development of better neighbourly relations, democratic principles and human rights, minority rights, international law principles and the rule of law (Ioannides, 2007:84)[59]. EU membership aspirations bear significant transformation power through the creation of new prospects for resolving the conflict and incentives for the parties to end their hostility.

Kosovo has clear expectations regarding its membership in the long term and sees this solution as the final outcome of state building and conflict resolution[60]. Kosovo authorities continuously state their goal of normalising relations with the rest of the international community including Serbia, and their focus on economic development and European integration in the future. In this sense, the EU would be the main stabilizing actor in Kosovo using integration as leverage in the long run. However, democratization and state building is a

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[58] Dr. Anna Jarstad, Uppsala University, author's interview, April, 2009.
[59] The EU has transformed its regional approach into SAP in five countries in the region, Albania, Bosnia and Herzegovina, Serbia and Montenegro, Macedonia and Croatia. Kosovo was tied into the process with the Stabilization and Association Tracking Mechanism, since it was not a recognised state in 1999 when the Commission initiated the plan. After its independence Kosovo was integrated into SAP through Europe Agreement. The overall process became contractual through a SAA with each country. SAAs state conditionality clauses and country specific compliance, See Pippan, 2004 for an excellent overview of the SAP process, the first of which was signed with Macedonia.
[60] Guner Ureya, Deputy Head of Kosovo Mission to Ankara, author's interview, March, 2009.

long process. While ensuring the long-term commitment for democratization from Kosovo authorities, the EU needs to share the burden by inserting commitments and incentives into the process. As discussed below, the 'raw' application of conditionality might not foster conflict resolution and democratization in target countries.

An analysis of EU engagement in Kosovo conflict resolution has revealed five main challenges- legal dimensions, economic and social transformation, internal coherence of EU, integration of Kosovo into the Union- for the EU to tackle, which in turn affects the policy impact of the EU on the ground. Given these challenges for the EU in Kosovo conflict resolution, Macedonia offers a good comparative case for further understanding the policy impact of EU in conflict resolution where the study turns to in the next section.

7 Drawing upon Macedonian Experience of Institution-building?

"Many do not yet understand what is the meaning of federative Yugoslavia. It does not mean the drawing of a borderline between this or that federative unit.... No! Those border lines, as I see them, must be something like white veins in a marble staircase. The lines between federated states in a federal Yugoslavia are not lines of separation, but of union"

Tito, Speech held in Zagreb, May 1945(cited in Hondius, 1964)

"… the Yugoslav idea remained a unifying ideology, not an identity, subject to a variety of interpretations. When that dream came to true at the end of the First World War, the articulation of several South Slav identities was already well advanced, yet the founders of the Yugoslav state wanted to treat them as subgroups of one nation- an ideal or an illusion?"

Pavlowitch, 2007

"The depth of the recent ethnic conflict in Yugoslavia tragically confirmed that Yugoslav nations would not have accepted the internal division of the country if this division were intended to be permanent, drawing different repercussions for their individual and group rights."

Trbovich, 2009

Considered together, two important factors differ from Kosovo in Macedonia: first, the conditioning factors of different war legacies affecting the attitude of the EU when dealing conflict resolution; and second, the different tools of engagement or the extra leverage of candidacy in Macedonia.

Bieber discusses that "dominance by one nation has been a strong feature of institutional representation during socialism in Macedonia and Kosovo" since group representation was not applied in the system of Yugoslavia (Bieber, 2004:4). Thus, "institutionalisation of ethnicity might appear to be a 'hangover' from Communist Yugoslavia (USIP, 2000:6). However, it has affected these countries differently in their post-conflict contexts. Moreover, the influx of Albanians into Macedonia after the violence in Kosovo in 1999 has changed the ethnic balance in the country[61].

Conditioning factors have been in favour of conflict resolution in Macedonia. Before the 2001 conflict, there was an informal power-sharing at the government level since one Albanian party had always been a part of the ruling coalition. Compared to the other examples in the region, the level of multi-ethnic coexistence "was advanced to a level unprecedented elsewhere in the Balkans" (Mintchev, 2001:25). Although this elite cooperation at the government level was not reflected at the local level and ethnic Macedonians and Albanians

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[61] See Appendix F for a short history of the conflict and the structure of power-sharing in Macedonia.

continued to live separately, ethnic cleansing of Albanians at Kosovo's scale did never happen.

Given the contextual differences between the two cases, the approach of the EU has been different compared to Kosovo. Because the EU was dealing with an established state, from the very start, the EU has been a facilitator and mediator between the parties in Macedonia, while in Kosovo, NATO and UN were the main actors at the beginning. The first response after the conflict erupted was the establishment of a shuttle diplomacy between the parties aiming at a balanced view between the conflicting parties. However, contrary to Kosovo, the EU preferred to address the Macedonian government and rejected any formal talks with National Liberation Army (NLA) rebellions. While condemning Albanian extremism, the EU pushed the Macedonian government to start a political dialogue with Albanian political parties as a facilitator and mediator between the conflict parties in order to prevent further escalation.

The peace agreement reflected the EU's position extensively. The parties to the Ohrid Framework Agreement (OFA) committed themselves to the constitutional amendments, legislative acts and structural reforms in order to better represent the ethnic communities. It also provided the international community, especially the EU, with a mandate to coordinate the international community's efforts. The EU approach can be defined as a dual track, where the Commission takes the responsibility for long-term police reform and the Council deals with 'urgent needs' in support of the OFA (Ioannides, 2007:82).

In 2003, the EU deployed EUPOL Proxima with the aim of assisting the development of a democratic and accountable police force[62]. In this sense, it has introduced a Western notion of policing in Macedonia. As stated by the International Crisis Group report:

"Proxima has been the only multilateral entity able to use the leverage created by Macedonian desire for EU membership and to enjoy consistent working level access. Its strength has been its ability to work closely with government entities, pressing them to talk and collaborate with each other. One of its most effective initiatives was the institution of regular meetings among officials from the public prosecutor's office and the interior ministry. By focusing on real-life situations, including legal and operational aspects of investigations, surveillance and witness protection, the two entities began to communicate and coordinate. Though still limited, this helps law enforcement authorities focus on a common objective rather than engage in finger-pointing." (ICG, 2006:9).

Proxima's implementation on the ground shows some similarities with EULEX in Kosovo namely, it was not able to tackle the problem of organized crime during the first year due to limited working hours and equipment of the staff. However, the shortcomings were addressed countrywide by expanding the geographical scope of Proxima (Ioannides, 2007:95), something not viable in Kosovo due to the opposition from some parts of the society. While the police was improved in certain ways, certain problems regarding security sector reform seem persistent in EU practice. First, corruption and political patronage is still a major problem in Macedonia -similar to Kosovo, where the judiciary suffers from unfair trials and insecurity for witnesses and court officials (Cady, 2008, author's translation).

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[62] Council Joint Action, 29 September 2003. The one-year mandate was extended for another year and then replaced by an EU Police Advisory Team that lasted until September 2006. Then, the Commission deployed a Field Monitoring team for supervising the police reforms in the country (Merlingen, 2007).

Second, although the OFA demanded a more ethnically diverse force compared to EULEX, the involvement of local municipalities concerning the selection of police officers and an overall increase in transparency and accountability[63], the EU approach of policing in Macedonia was criticized as 'imagined high standards of European policing', thus creating a hierarchy and "an unbridgeable gap between the illusive subject position of the good European copper and the really existing subject position of local coppers" (Merlingen, 2007:446). In other words, the EU practice is conceived as an 'inflated sense of superiority' in the role of a norm promoter (*ibid*: 446). The impact of the EU denotes the introduction of a Western notion of policing, i.e. inclusive of ethnic groups and accountability. However, actions without subsuming the local traditions raise questions about the sustainability of the conflict resolution efforts and undermine "the value and agency of Macedonian stakeholders" (*ibid*: 447). The "extra-legal power of the EU" (*ibid*) in running the state and transforming social practices through creating 'best practice' is likely to overshadow positive developments in security sector in Kosovo as well.

The nature of power-sharing also differs in Macedonia from Kosovo. Macedonia does not have segmented autonomy for different communities at the formal level, but the OFA supports enhanced local self-government over several issue areas, which means that the civic features of the state remain intact. Concerning Kosovo, the EU and the Kosovo constitution aim at a model of power-sharing between different entities giving extensive ruling[64], representation in the cabinet[65] and veto rights[66]. Nevertheless, both approaches can be considered similar by aiming at cross-ethnic cooperation and each community has rigid independent decision-making rights and veto powers, which creates a kind of symbiotic relationship. What makes Macedonia different from the Kosovo case is the granting of candidate status in order to ensure the implementation of the OFA, thus combining community and intergovernmental instruments in conflict resolution in Macedonia. The granting of candidate status clearly sent the message that the EU would deal with the state of Macedonia to settle the issue through agreement and would not accept a change in the territorial boundaries in favour of the Albanian minority (Novakova, 2006:111). The decision to grant candidate status to Macedonia is seen as political, i.e. not really reflecting the country's progress of newly adopted legislation, but as a further incentive for reforms. Giandomenico argues that despite the lack of capacities, "the prospect of EU membership was used as a carrot to end a conflict for the first time" (2009:91). "Overall, the country lacks human rights culture, where the civil society should play a significant role […]. The civic sector is mostly concerned with following trends in international donations, without in fact initiating forums for public debate and with no capacity to bring social changes" (Novakova, 2006:102-3)[67]. Candidate status was mostly designed as a means for further implementing the OFA and fulfilling obligations under the SAA (Novakova, 2006, Fouere, 2007)[68].

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[63] See OFA, op. cit., Annex C, Implementation and Confidence Building Measures, Paragraph 5, "Non Discrimination and Equitable Representation" and the National Police Reform Strategy, February 2004.
[64] Constitution of Kosovo, Chapter X.
[65] Constitution of Kosovo, Art. 96.
[66] Double majority applies for the adoption of legislation concerning vital interest, Constitution of Kosovo Art. 81.
[67] See Commission decisions on Multi-Annual Indicative Planning Documents for 2007-09 for FYROM, April 2007.
[68] See also Council Presidency Conclusions, 15-16 December 2005, Brussels, 15914/1/05 REV 1.

Similar to political capacity building, the economic assistance has taken the form of conditionality within the candidacy perspective in contrast to patronage relations with Kosovo. This has also affected societal relations. Although faith on the Albanian side in the reforms and the police are still low compared to Macedonians, membership of the Union is a cross-cutting cleavage for many people in Macedonia as their common future (UNDP, 2007).

In short, different conditioning factors before the war and varying degrees of war legacies in both countries have altered the way EU has dealt with conflict resolution so far. In turn, conditioning factors and EU's attitude have affected the level of societal change by creating incentives or protracted hostilities between the parties of the conflict.

7.1   What does Macedonia tell us about Kosovo?

Macedonia provides a reference point for two reasons: first, overall, conflict resolution in Macedonia highlighted the importance of civilian crisis management for the EU. Being first in terms of planning and performance, the mission in Macedonia provides a learning process and helps setting the standards of future missions. In other words, the experience in Macedonia reveals the potential shortcomings and prospects of the Kosovo police mission, and the importance of conditioning factors for conflict resolution. Second, it provides a comparative perspective for the impact of different tools employed by the EU with the aim of conflict resolution, namely EU candidacy tied to conflict resolution and the prospect of future EU membership. Table 7.1 provides a short summary of the comparison of the two cases across the three dimensions established for analysis of the policy impact of the EU in conflict resolution.

What are the implications of the Macedonian case for conflict resolution in Kosovo and the EU's impact? The case of Macedonia plays a particular role in the strength of the commitment towards the Western Balkans. Macedonia was the first major involvement of the EU in the Western Balkans and it contained elements of crisis management, post-conflict reconstruction and political commitment. But most importantly, the prospect of EU membership was loudly and clearly used as a means of stopping the conflict and "contributed to cementing the enlargement policy as a foreign policy tool" (Giandomenico, 2009:93). Candidate status was granted as an extension of the military and police missions and has also become a tool for conflict resolution. It has become one of the issues in the Council's and Solana's agenda, also showing how an area of Commission expertise has been put into the conflict resolution framework, tough the separation of grant of candidate status and start of negotiations for the country (*ibid*:96).

The further step taken by the EU in the form of granting candidate status tells that OFA, as the main tool of conflict resolution in Macedonia, was not able to create political capacities on its own. The biggest leverage the EU used is the prospect of membership as the final outcome of conflict resolution. Similar leverage has been buttressed in the whole Western Balkans with the Feira and Thessaloniki Councils. As stated by Giandomenico, the EU offers a long-term commitment for stabilization in Kosovo and in the wider region and strongly ties itself to conflict resolution with strong membership rhetoric (*ibid*).

	Kosovo	Macedonia
Conditioning Factors	*Institutionalised division of Serb and Albanian communities with continuing spatial segregation of communities *Previous oppression and under-representation of one group; *Large-scale ethnic war; *Ruled as trusteeship by international community for a long time; *Blurred status of independence; *No agreement between parties to the conflict yet; *Legitimacy of EU presence is questioned.	*Previous political culture of inclusion of minority community at state level; *Same spatial segregation of communities; *Brink of civil war; *State has never collapsed, continued to function weakly during armed conflict stage; *One state solution, no claims of independence; *Parties agreed on conflict resolution agreement with sometimes different claims regarding implementation; *No claim against legitimacy of EU presence.
EU Conflict Resolution	*Long term EU involvement across political capacity building, economic reconstruction and societal change; *Integration perspective through SAP and conditionality; *Institutional incoherence as the main problem at decision-making and policy level.	*PLUS formal candidate status
Local Capacities	*Lack of local ownership in conflict resolution process with dependency on foreign support; *Problems of corruption preventing socio-economic development; *Judiciary as the main problem.	*Police mission is the most extensive international involvement, state has never disintegrated as in Kosovo; *No shared authority with the EU at state level; *Corruption is common phenomenon in the entire region *Judiciary still weak.

Table 7.1 Comparison: Kosovo and Macedonia

Similarly in Kosovo, European Partnership in form of the SAP is clearly the motor for long-term political, economic and social stabilization. It offers positive and negative conditionality to implement the reforms and European integration in the long term. However, as shown by the Macedonian case, the membership perspective, even when granted in the form of candidate status, does not guarantee that enlargement negotiations will take place. However, integration prospect as a tool for conflict resolution should not be left to random choices and mere rhetoric by the EU. As shown in the case of Macedonia, even if a country is quick to integrate into the EU through the SAP, there is further need of guidance and clearer benchmarks for a case like Kosovo in the form of "defining as precisely as possible the steps to be taken" in order to "navigate through the jungle of EU conditionality" (*ibid*: 241-2). In other words, if the high expectations of Kosovo and the rest of the Balkans are not fulfilled in the long run, the credibility of the EU as a conflict resolution actor capable of providing post-conflict stabilization would be undermined.

8 Analysis of Policy Impact: 'An Aria from EU Variations'?

As stated in the beginning, the overall impact of the EU in conflict resolution is shaped by three interrelated factors: conditioning factors of the conflict, EU conflict resolution engagement- political capacity building, economic reconstruction and societal change-, and local capacities developed as a result of conflict resolution efforts. This section will provide an overall analysis of the EU's policy impact drawing upon the case study on Kosovo and the short comparison with Macedonia.

8.1 Conditioning Factors

8.1.1 Internal Context

The legacy of war, the level of reconciliation between groups and the previous existence of peaceful coexistence traditions are important internal factors affecting the impact of EU. In the post-conflict period these are generally not promising due to the brutal ethnic conflict in these countries, impairing the EU's effectiveness on the ground. The comparison between Macedonia and Kosovo in terms of internal conditioning factors reveals that when there is a more favourable context, agreement between the conflicting parties can be achieved easily and parties to the conflict are committed to the implementation of peace agreement. Otherwise, the shift in the internal conditions could be possible with the help of long-term engagement and 'social engineering' in order to overcome the institutionalised hatred among the groups, which has not realised in Kosovo yet.

8.1.2 Cooperation with Other Actors on the Ground: *'too many cooks spoiling the broth'*?

The tension among the international actors in Kosovo and to certain extent Macedonia is a result of a 'hands on' approach of all actors in the whole process. Vaguely defined borders for extensive international mandates create ineffectiveness on the ground. Since the EU is a latecomer in the conflict resolution arena compared to the other actors, EU and other organizations' practices might alter the outcomes or impair the tools used for conflict resolution. For instance, although transformation of competencies from UN and NATO to the EU missions has been realized to certain extent in the Western Balkans with the increasing responsibilities assumed by the EU, it is highly unlikely that this open-ended process will lead to the EU being the sole actor on the ground (Schneckener, 2002). In Kosovo, the ambiguity regarding 'who is in charge of what' creates confusion for local capacity development. The main side effect of multiple external third parties is that local parties are either constrained by

the inaction of the international community and wait until the 'foreigners' respond to certain local necessities or they hide behind the presence of the international actors and find excuses for the deteriorating socio-economic situation in the post-conflict situation[69].

An overcrowded arena and incoherence of international efforts create duplication of programmes and initiatives causing waste of time and resources. In Macedonia, the EU has been the main actor of international involvement which supported the development of relatively effective conflict resolution, whereas in Kosovo the tensions regarding authority among major international actors still need to be cleared for effective conflict resolution.

8.2   EU Conflict Resolution

8.2.1   Political Will of Member States

Consultation and coordination between member states have increasingly become institutionalized in the foreign policy field. However, the risk of putting member states' foreign policies together and agreeing only on the lowest common denominator has not been eliminated. As seen in the case of conflict resolution in Kosovo, improvements in speaking with one voice are strongly needed in order to clarify the mandate of the EU on the ground and improve the effectiveness of conflict resolution efforts. Internal agreement, when applied in a few cases like in Macedonia, has fostered to decision-making and effective implementation in conflict resolution.

8.2.2   Building Capacities

The capacities of the EU in dealing with civilian and military engagements are still developing. Although the EU instruments have developed at a tremendous pace after the Kosovo crisis, available instruments still remain in national domains with the lack of proper pooling of capacities at the EU level and of inter-operationalization of those mechanisms for effective conflict resolution. The police missions on the ground continue to pursue national priorities to some extent and insight from the field is wasted or ignored proving there is a narrow but continuing gap between capabilities and expectations (Hill, 1993). Tocci argues that in order to further develop effective capabilities and foster the actorness in conflict resolution, the EU should focus on 'doing better what it has already been doing' in the neighbourhood instead of extending its limited capacities to the other parts of the world[70].

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[69] Dr. Anna Jarstad, Uppsala University, author's interview, April, 2009.
[70] Natalie Tocci, Research Fellow, author's interview, May, 2009.

8.2.3 Coherence within EU Institutions

Coherence provides the effectiveness in using instruments on the ground towards the aim of conflict resolution, realizing goals and having real policy impact on the ground. Contradiction between the priorities and instruments of different EU institutions and lack of a common strategic goal create frictions and delays and undermine the input of the EU on the process. In order to overcome confusion and ineffectiveness, the artificial division of pillars should be bridged by regular inter-institutional links between the offices of the EUSR, the ICO/ICR and the Commission in Kosovo. Coherence within EU policies, especially towards the Western Balkans where the EU has been the leading actor of conflict resolution, is the cornerstone of the future development and success of EU conflict resolution.

8.2.4 Europeanization as a Means for Stabilization: *an exhaustive list of demandeurs*?

Against the background of fragmented structures after the conflict, the EU increasingly uses the integration prospect[71] to get the desired outcomes. This is a unique approach to conflict resolution; however, conditionality does not work in the same way as for East European Countries, since the proper incentive of future membership is not linked to a clear accession prospect (Papadimitriou, 2007; Tocci, 2008). Except Macedonia, none of the countries in the region has been granted formal candidate status. Western Balkan countries expect a clear 'paradigm shift' from a stability and reconstruction framework to membership.

However, the unwillingness of the EU to tie conflict resolution efforts to an eventual membership diminishes the role of the EU in consolidating democracy and economic systems in the region (Turkes and Gokgoz, 2006). Even more, Tocci questions Europeanization, as a proper means for conflict resolution. While conflict resolution is related with local ownership and indigenous capacity development, Europeanization is about becoming a part of decision-making and devoting state competences to the EU institutions. Hence, Europeanization and conflict resolution are not compatible and even work against each other.[72]

In short, how the EU will tackle the aspirations of membership in the region remains ambiguous. Even though it is very unlikely in the medium term, membership for Kosovo and other countries in the Western Balkans is likely to come up as the possible next step of sustainable conflict resolution, not only because the prospect of enlargement is the biggest foreign policy tool of the EU, but also because the EU is bound by its rhetoric of integration/promise to integrate of these former conflict zones into the peaceful EU-zone.

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[71] Political conditionality, namely the democracy, human rights and rule of law clauses, is the main element for the application of the economic assistance programs since the 1990s. Clearer goals have also been defined within the framework agreements including free and fair elections, non-discrimination of minorities in public institutions and absence of harassment of free media. See, for instance, 1997 PHARE Implementation Program and Council regulation No. 2666/2000 on assistance for Albania, Bosnia and Herzegovina, Croatia, FRY, and FYR of Macedonia, 2000.
[72] Nathalie Tocci, Research Fellow, CEPS, author's interview, May 2009.

8.2.5 Norm versus Interests: *an outdated dilemma*?

As stated by Tocci, "rather than assuming that the EU is a normative international player simply by virtue of its 'different' non-state nature", it is best conceptualised as an actor acting "dramatically differently in terms of goals and means at a different time and in a different environment" (2008:1). In line with the structural foreign policy approach in this study, a mere norm versus interest debate is not enough to explain EU behaviour in conflict resolution. The interests are embedded in the EU's identity and its policies of conflict resolution. In other words, "[t]here are no interests outside social norms and norm promoting agents can behave as instrumentally and strategically as other actors" (Börzel and Risse, 2007:3).

The Kosovo case is one of the main illustrations of this point, where the EU has abolished strict normative means, i.e. independence and non-intervention in terms of international law, but still continues to support normative ends of conflict resolution. In Kosovo, the EU has stretched the interpretation of international law and the UNSC Resolution in order to despatch the police mission after the independence. Although the importance of multilateralism and international rules has continuously been emphasised, non-normative means have been employed with the aim of conflict resolution and democratization of Kosovo (Noutcheva, 2007).

8.3 Local Capacities: conditio sine qua non!

8.3.1 Local Ownership

Local ownership helps mobilizing popular support for conflict resolution. The lack of public support provides two main obstacles to the process. First, it supports the spoilers, which can use the hostilities within society in order to deteriorate the inter-ethnic relations, and second, political elites will be unwilling or uncertain about implementing the reforms (Bieber, 2004:17). Ignoring the locals in the long run might delegitimize the presence of the EU and block the implementation of conflict resolution since local parties become suspicious about the intentions of the EU's presence.

The EU practices in Kosovo and Macedonia show "brings to bear on problems in poor and conflict-ridden societies, humanizes and improves the life of populations, but it also creates patterns of arbitrary domination between internationals and locals" (Merlingen, 2007:449). The engagement of the EU in conflict resolution is normally based on values and norms, namely the right to intervene to solve the conflict on humanitarian security grounds and on the consent between political elites. However, as stated by Jarstad, the local population does not elect the EU institutions on the ground and this is likely to create accountability problems in the long run[73]. In short, EU conflict resolution does not necessarily have an emancipatory nature for the locals especially when local ownership is not properly developed. The most common problems faced on the ground are cultural differences between third party actors and

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[73] Dr. Anna Jarstad, Uppsala University, author's interview, April, 2009.

locals, and the difficulty for the mission staff on the ground to tailor orientations in conflict resolution when necessary (Diehl, 1998:51-3). The biggest challenge today of the activities of EU conflict resolution is to link international and local practices and to ensure that a self-sustaining peace is underway. As stated by Jarstad, how to promote local democracy and other capacities is not properly reflected upon. Rather, the Union is interested in how to prevent a spillover of security threats into the EU zone of peace[74].

8.3.2 Neo-Liberal Agenda and Local Capacity Development

The inherent paradox in liberal internationalism when applied in the context of post-conflict stabilization impedes local capacity development; namely, the process of political and economic liberalization generates "societal competition as a means of achieving political stability and economic prosperity" (Paris, 1997:57), which could easily lead to mobilization of groups at another level. The distant communities within one state generally lack the ability to tolerate and absorb any social competition inherent in liberal democracies after the war- as in the common practice of institutionalized political expression in established democracies, where "political conflict is not merely normal, it is generally thought to be rather healthy" (Dahl, 1986:14).

Similarly, democratization and conflict resolution are not considered to be compatible. Rather, there is a dilemma between democratization and conflict resolution: after an ethno-political conflict, some groups which had mobilised for conflict have the tendency to continue to use their available networks and they have better access to resources. Democratization runs the risk of empowering domestic spoilers to return to violence or continue illegal activities[75]. Given the free environment for expression and elections, former conflict entrepreneurs might continue to act, only through different channels. For instance, the high level of corruption and illegal economy within the public institutions in Kosovo remains as a legacy of war economies owners, which have established links within the state structures today, demonstrating the risk of liberal peacebuilding.

8.3.3 Undesired Outcome: further institutionalization of ethnicity through conflict resolution

The outcomes of conflict resolution, especially power-sharing agreements, can be overemphasizing ethnicity because rigid institutional structures of representation and strict veto rights might create an unintentional institutionalization of ethnic tensions. It is related to the need to achieve political capacity building and societal transformation simultaneously. While political capacity building requires the creation of common institutions and participation from all segments of society, societal transformation is related to nation building, which refers to the fact that "parties to the conflict perceive and accept both their own group and their adversary as part of demos" (Gromes, 2009:3). In the aftermath of the

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[74] *Ibid.*
[75] *Ibid.*

ethnic conflict, the lack of unity between the groups regarding to which state they belong bears the risk of the rejection of common institutions, at least by one side of the conflict, i.e. the Serbs in Kosovo.

Thus, "under the starting conditions of ethnically divided post-civil war societies and with the objective of democratization these interactions seem to result in a vicious circle: A lack of democratic state institutions impedes progress in nation-building, while insufficient acceptance of a common state inhibits state-building. Due to this vicious circle democracy cannot evolve" (Gromes, 2009:4). The conflict resolution efforts by the EU aiming to ensure participation and representation of all groups might create further institutionalisation of ethnicity through over-representation of minorities in the legislative and executive or strict quotas of recruitment based on ethnic background in public institutions, as already practiced in Kosovo and Macedonia after the violent conflicts have eliminated. It constitutes an obstacle for releasing ethnic ties within the society.

9   Conclusion

9.1   Summary of Findings

Whether the international community likes it or not, ethnic discourse continues to dominate the political arena in the Western Balkans after almost twenty years passed since the federal states of Yugoslavia began disintegrating. While ethnicity is not an independent feature of the conflicts and generally related to economic underdevelopment and under-representation, ethnic belonging continues to matter to people when they are applying for jobs and dealing with state institutions. Absence of armed-violence is now a widely shared phenomenon in the former Yugoslav area. However, it did not bring a final solution to the previous conflicts in the region. It obviously makes the region dependent on external intervention for resolving the protracted conflicts and for assisting the political and economic development. The focus of this study, Kosovo, is the main example of how the still politicized nature of social life and ethicized political life dominate the region.

The study has aimed at analyzing the EU's policy impact on conflict resolution in Kosovo. Drawing upon the theory of comprehensive conflict resolution -embracing political capacity building, economic reconstruction and societal change- and a social constructivist conceptualization of EUFP, the study reveals that Kosovo has become an important litmus test for the development of EU conflict resolution capabilities and identity. After decades of silence, the Kosovo conflict has aroused the interest of the EU in terms of conflict resolution.

Concerned with the increased number of ethno-political conflicts in the world coupled with the inability of Europe to address previous disasters in its neighbourhood, the EU has engaged in conflict resolution across political, economic and societal lines with varying levels of impact. This approach depends on the appreciation of the link between development and security. Geographic proximity has underlined the importance of Europeanization as the most important leverage of the EU in resolving conflicts. Thus, the EU has applied eventual membership as a component of conflict resolution through SAP in Kosovo (more obvious with formal candidate status in Macedonia). The established relationship between development, democracy, rule of law, socio-economic prosperity and reconciliation between groups and security also shows that interests are embedded in normative concerns.

In this sense, "the Union is in a strong position to exert a normative influence by way of its vast number of approaches and its capability to combine attractive positive incentives with harsh negative sanctions to an extent few other actors can match" (Bjorkdahl, 2005:264); and it provides "opportunities for interaction, communication, persuasion and expert advice which in turn may contribute to change normative convictions" (*ibid*: 265). However, as stated at the beginning, when the overall policy impact of the EU as a conflict resolution actor is analyzed within the dynamic interaction between the conditioning factors, EU engagement in conflict resolution and local capacities development, the outcome is mixed which is variegated by

many challenges and future prospects. The table summarises the analysis and pinpoints the weaknesses and challenges, as well as the strengths and prospects of EU conflict resolution.

EU Policy Impact	Weaknesses/Challenges	Strengths/Prospects
Contextual Factors	-Coordination problems with other international actors -Questions regarding the legitimacy of EU involvement (such as ICJ case) -Failure to deliver agreement between conflict parties	-Becoming the leading actor of conflict resolution in the Western Balkans
EU Conflict Resolution	-Lack of political will of some member states: ad hoc decisions regarding common foreign policy -Incoherence at decision and policy-making: turf battles between Council and Commission -Need to pool and upgrade existing capabilities at EU level -Failure to meet high expectations of target countries, i.e. further integration, even membership	-Comprehensive conflict resolution: combining development and security -Available capabilities -Membership perspective as a part of conflict resolution -Co-existence of norms and interests in policy.
Local Capacities	-Local ownership -Failure to achieve societal reconciliation -Lack of rule of law and democracy development, especially for judiciary.	-Inclusive of non-sate parties integration

Table 9.1 Policy Impact: Challenges and Prospects

To summarize, conditioning factors are the most inconstant component due to the fact that conflicts are likely to demonstrate unique features of their own. Thus, conditioning factors are beyond the control of EU but still affect the overall policy impact of the EU through directly influencing EU's engagement in conflict resolution and potential for local capacity development. Hence, conflict resolution requires a long term involvement with coherent rhetoric and practice on the side of the EU. The engagement of the EU in political capacity building, economic reconstruction and societal transformation is, on the other hand, mostly defined by its internal capacities and decision making processes. Despite slight differences between Kosovo and Macedonia, the EU has displayed incoherence problems. The development local capacities is still an ongoing process in both cases where incremental steps are hindered by inherent dilemmas of general conflict resolution approach, i.e. democratization through power sharing and neo-liberal agenda. Local capacities have not yet developed to ensure sustainable peace in Kosovo and this seems to be the main obstacle for the EU's conflict resolution practice. Economic hardship, failure to introduce co-existence between the groups and vested interests in corruption and criminality, prove that local capacities are still missing. The aim of the EU as a conflict resolution actor should be to help Kosovo to govern itself and not to run the state for Kosovo.

Overall, the impact of the EU as a conflict resolution actor in Kosovo is full of constraints and prospects, and will continues to evolve as long as the dynamic interaction between local and international context; EU conflict resolution with changing commitment and instruments; and continuously developing local capacities continue to shape each other. As long as the EU enables "a conflict-habituated system to become a peace system" through an integrated

conflict resolution framework, it would be considered as effective and legitimate (Byrne and Keasly, 2000). If conflict resolution is understood within the holistic approach of transition *en masse,* it is a very long-term prospect and would neither take place before the EU settles the institutional mess and ensures political will of member states, nor before Kosovo and other countries in the region have completed democratization and conflict resolution. However, the aspirations of those countries to finally achieve conflict resolution and the Europeanization as the final solution to the conflict continue to keep the endeavour for conflict resolution within the youngest state of the international society and the broader Balkan Peninsula alive.

9.2   Agenda for Further Research

There are always some problems or limitations of the tools that we employ in analyzing and representing 'the reality'. Context-dependency of knowledge together with the acceptance of a basic reality that 'human beings can lie themselves' would be enough to summarize limitations of social science research. This study is no exception. First of all, the generalizability of this study is limited given that Kosovo is the main case study together with a short comparison with Macedonia. Secondly, the study has assessed the impact of the EU, which means focusing on only one actor among many on the ground. Moreover, the EU is characterised by internal divergences between its member states and institutions. Thirdly, the concern of the study is not a completed event and the EU's impact is being shaped continuously. Lastly, the theory employed has certain limitations. Comprehensive conflict resolution theory has some limitations of applicability to the EU. The mutual ignorance between peace and conflict studies and studies on EU foreign policy and conflict resolution is a widening gap since both fields continue to develop in terms of scholarly debate and policy-making.

In that sense, further research could look into developing a theoretical framework in order to bridge the gap between EU studies and peace and conflict studies, as the latter has wide theoretical discussions and policy relevant analyses on which EU scholars of CFSP/ESDP can draw upon. Another possible area of development is to carry the research to another level: the target countries. So far, the assessment of policy impact of EU efforts has been conducted at the EU level only. The conclusions, appreciating or criticizing the EU, have not taken the actually affected parties into consideration. There is a perceived 'lack of external perspectives in EUFP'. One of the possible consequences of ignoring target countries' perceptions could be the "deepening gap between the EU's self-image and external perceptions and increased ineffectiveness of EU foreign policy as a result of being too abstract and/or hypocritical or complacent." (Tsuroka, 2006). Consequently, the expectations on the part of third parties might diminish and the EU might lose one of the most important external stimuli of its actions abroad (*ibid.*). Thus, studies employing the horizon of target countries would not only reveal the policy impact of the EU in conflict resolution, but also provide feedback to the EU common foreign policy identity problems by addressing incoherence at the institutional and policy implementation level. Overall, conflict resolution offers a wide area of research opportunities for students of EU foreign policy.

Executive Summary

Especially after the end of the Cold War, the international community has witnessed the rising tensions within state borders between different communal groups. The so-called 'intra-state identity wars' do not have a geographic concentration and have dragged many countries into ethno-political armed conflicts. The importance of the new context of for the EU has been the increased awareness of the need for a common foreign policy in order to respond to the conflicts and prevent the escalation of instability into its domestic zone of peace. The devastating wars in the former Yugoslav Republic region have provided the long-awaited external stimuli for the EU in order to devise conflict resolution capacities and a quasi-common foreign policy identity. In this sense, given the relative inability and unwillingness to engage in previous wars in the region, the disaster in Kosovo has provided both a learning process and a test case for the EU regarding conflict resolution. It has been the turning point in its approach towards the Western Balkans as being the deepest involvement of the EU in conflict resolution ever.

Kosovo conflict resolution covers a wide area of instruments and policies across the first and second pillar. The design of the EU's involvement in Kosovo is very complex and involves almost every aspect of governance, state building, society building and economic reconstruction. Moreover, the most important foreign policy tool of the Union, namely integration prospect, has also been activated as a very long-term perspective besides comprehensive conflict resolution. Thus, in terms of the instruments and the level of engagement, the EU is the actor with the highest leverage in conflict resolution in Kosovo. After the declaration of independence, the EU is now the most desired actor on the ground by Kosovar Albanians. This situation is challenging as a research enterprise for two reasons. First, it is important to measure the impact of this shift in EUFP orientation, i.e. how the EU has affected the conflict resolution. Second, it is important to analyse the EU as a third party in conflict resolution and point to the results of its engagement evaluated within the framework of broader conflict studies. Thus, the main concern of this study is the policy impact of EU engagement in conflict resolution, how it is practiced or in other words, how the EU contributes to conflict resolution in the countries that are emerging from violent ethno-political conflict.

For this reason, conflict resolution in Kosovo has been chosen as a case study in order to analyze the impacts of a cross-pillarized way of engagement and combination of stability, transition and prospect of integration within the framework of conflict resolution. At the end, a comparison between the EU's impact in Kosovo and Macedonia is conducted with the objective of improving the understanding of how efforts by the EU contributes to conflict resolution through examining the implications, outcomes and effects of relevant EU policies and actions.

The paper is delimited to ethno-political conflicts with a focus on the post-conflict transformation and stabilisation phase. Conflict resolution is conceptualised in a holistic sense embracing all the efforts combining social, economic and political levels and activities

concerning mediation, negotiation, peace-building, state building, reconciliation and structural change. In order to nest this broad conceptualization of conflict resolution into the EU structures, EU foreign policy is also conceptualized in the broadest sense covering cross-pillar activities and all kinds of external actions of the Union. The EU is considered to be a third party to the conflict and evaluated on the grounds of its impact on resolving the conflict through various instruments.

The methodological framework for the research was designed to analyze the impact of EU conflict resolution as a dynamic relationship between three factors: conditioning factors of conflict, comprehensive conflict resolution and the level of local capacities developed.
Within this framework, the study aims at addressing two key research questions:

- To what extent/how do the EU structures and capabilities provide opportunities and/or constraints for comprehensive conflict resolution? (analysis of multiple EU mechanisms and institutions for comprehensive conflict resolution policies and actions)
- What is the policy impact of the EU in Kosovo conflict resolution and how is this impact shaped given the structures and capabilities available to the EU? (case study)

In order to address these questions, the study has conducted a theoretically informed in-depth case study with the main aim of focusing on the EU as the unit of analysis.

The theoretical framework proposes that EU studies should borrow some insight from the field of conflict studies. In evaluating the impact of the EU, the study employed the theory of comprehensive peacebuilding across three pillars: political capacity building, economic reconstruction and societal transformation. The preference for these thematic areas reflects the general approach in comprehensive conflict resolution theory and the need to address the main dilemmas of conflict resolution, because at the end of a violent conflict, there is no sign of central authority, legal order, security, economic infrastructure and peaceful coexistence of people. Besides these three thematic areas, the EU also used the membership prospect as a part of conflict resolution in the Western Balkans.

The analysis of the Kosovo case has revealed many challenges for the EU in conflict resolution. These cover the three areas related with context, EU engagement in conflict resolution and local capacities. The broad reading and selective application of international law regarding the independence of Kosovo has caused doubts concerning the legitimacy of the EU as a conflict resolution actor. It has also highlighted the internal divisions between the member states of the EU. The failure to help Kosovo to recover from the economic impasse and to tackle illegal economic activities and corruption after ten years of engagement is another challenge for the EU. The EU is also criticised that it ignores the development of local ownership and rather introduces patronage relations with Kosovo. The incoherence among the institutions due to ambiguous competences support *ad hoc* decision-making and create delays and confusion on the ground. Lastly, Kosovo has clear expectations regarding membership in the long term and sees this solution as the final outcome of state building and conflict resolution. Although the EU confirmed integration as a long-term prospect, currently it has no incentive to activate this tool and the continuous delay might decrease the impact of the EU as an actor of conflict resolution.

The comparison with Macedonia has revealed the importance of two factors in conflict resolution: the conditioning factors of different war legacies and the different status of the two countries affecting the legitimacy of the EU; and the different tools of engagement and the

extra leverage of candidacy in Macedonia. The conditioning factors have been in favour of conflict resolution in Macedonia. Compared to the other examples in the region, the level of multi-ethnic coexistence was well advanced and minorities were integrated into the governance system. The approach of the EU has been different compared to Kosovo simply because the EU was dealing with an established state. Macedonia shows that candidate status clearly matters because it provides people a common aim to work towards membership, which was made conditional upon conflict resolution. Still, problems also remain in Macedonia. The police mission reveals local ownership as a main problem in EU engagements. In that sense, the EU has to move from a top-down approach and incorporate local parties into the setting. Finally, it has to clarify the goals of its engagement.

The overall analysis of the EU and the two cases provides important insights regarding the EU's policy impact. In terms of conditioning factors, the EU is constrained by the coordination problems with the other actors on the ground. As shown in Kosovo, the undefined status of the UN and other actors restricts the effectiveness of the EU. The challenge of contested independence of Kosovo and the failure to deliver an agreement between the parties also impair the EU's policy. On the other hand, the EU is rising as the main actor of conflict resolution in the Balkans, likely to assume greater roles in its closest neighbourhood, which would provide more competence and more tools to employ for conflict resolution.

The existing EU conflict resolution structure is characterised by a lack of political will on the sides of the member states and by institutional incoherence at the EU level together with the need to further upgrade the available mechanisms. However, the extensive involvement in two cases shows that the EU has adopted a comprehensive conflict resolution approach in line with its developed capabilities. Moreover, it employs the 'carrot of membership' as a part of conflict resolution. There is still a step to be kept mind for the EU: long term failure to address the issue of membership will certainly decrease the overall impact and credibility of the EU as a conflict resolution actor as well as the incentives to comply with peace in the region.

Lastly, local capacities are yet to be established in Kosovo. Local ownership, as a common problem of all third parties dealing with conflict resolution, is deemed very important for achieving a sustainable peace. The EU seems to develop more top-down or patronage relations instead of supporting embryonic local capacities in the post-conflict setting. However, there are promising efforts of inclusion of civil society -albeit some problems- and local partners, which needs to be strengthened further.

Overall, the policy impact of the EU is shaped by the mutual relation of confining factors, EU engagement and local capacities developed which points out both challenges and prospects for the future. Considering the ongoing engagement of the EU in conflict resolution with constantly evolving roles and developing instruments, broader research drawing upon peace and conflict studies is deemed necessary. Moreover, conducting analysis at the level of target countries would be useful for filling a gap in the EU foreign policy and conflict resolution field.

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Appendices

Appendix A - EU Foreign Policy: Constructivist Perspective

The model below is a basic illustration of how the input shapes the EU foreign policy system and its outcomes. In line with a constructivist approach, which that assumes there is a continuous relation between the agent and the structure(s), the outcome will provide feedback for new inputs. This illustration provides a basic heuristic toolbox for how EU foreign policy is conceptualised within the social constructivist logic and within the scope of this paper.
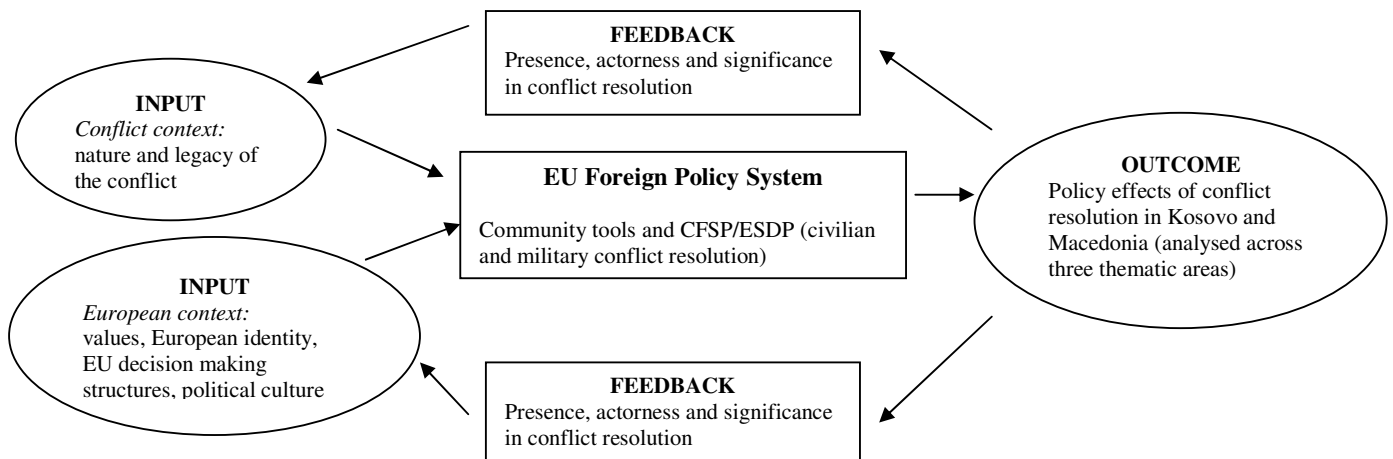

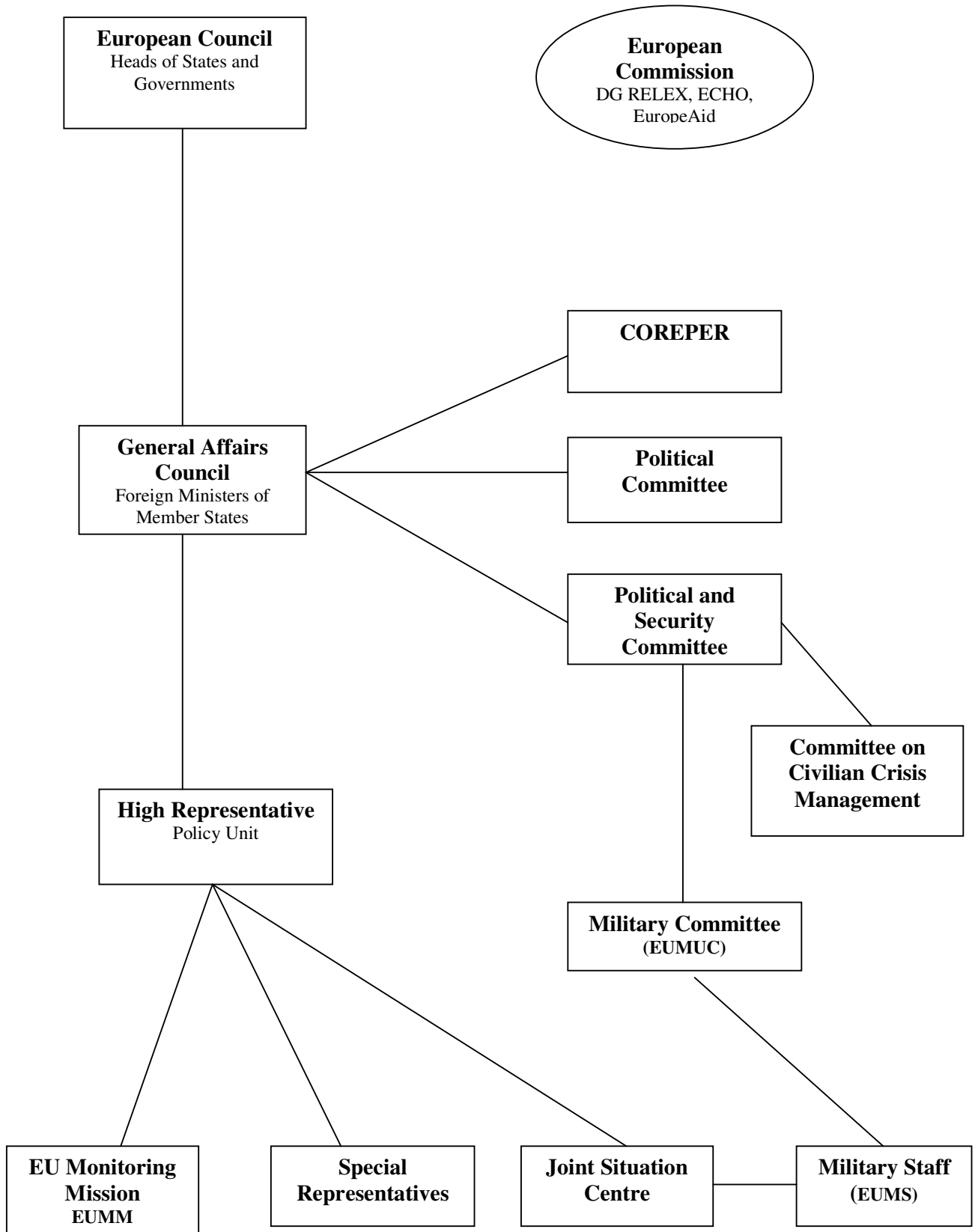Figure Appendix A.1, Adapted from Ginsberg, 2001: 23.

Appendix B - European Union Conflict Resolution Structure-Institutions

The treaty of Nice established military crisis management operations under ESDP. Like in CFSP, the member states are in control of military and civilian operations. Joint actions are decided in the General Affairs Council while the Presidency of the Council and the High Representative has the power of initiative. The Political and Security Committee follows international developments, defines policies based on joint actions and keeps track of implementation.

DG RELEX manages the Instrument for Stability (IFS), which was established in 2007 and replaced the Rapid Reaction Mechanism. It provides the first pillar component of conflict resolution. It is expected to provide assistance mediation, monitoring of the peace agreement, demobilization and reintegration of former combatants, support rule of law and civilian administration, as well as electoral support. The table below is a summary of existing EU capabilities in the field of conflict resolution. The table shows the institutional framework available to the EU for crisis management and conflict resolution.

Police Capabilities	Rule of Law	Civilian Administration	Civil Protection	Monitoring Capability	Generic Support Capabilities
Advisory, assistance and training of local police Substitution of local forces where local police units are missing due to war Integrated Police Units: pool of police at the EU level deployable in 30 days Europe Gendarmerie Forces: France, Italy, Spain, Portugal and the Netherlands	Strengthening and substituting local judiciary and legal system Pool of deployable staff in 30 days	Pool of more than 500 experts Offer basic services of administration at regional level	Assessment and coordination teams to be dispatched within seven hours; intervention teams and specialised services for civil protection	Border, human rights, general political situation monitoring	Support the work of the Special Representatives in the field of human rights, political affairs, security sector reform, mediation, border control, disarmament, demobilization and reintegration and media policy Pool of 400 personnel

Table Appendix B.1

European Council
Heads of States and
Governments

European Commission
DG RELEX, ECHO,
EuropeAid

COREPER

General Affairs Council
Foreign Ministers of
Member States

Political Committee

Political and Security Committee

Committee on Civilian Crisis Management

High Representative
Policy Unit

Military Committee
(EUMUC)

EU Monitoring Mission
EUMM

Special Representatives

Joint Situation Centre

Military Staff
(EUMS)

Appendix C - Features of Power-Sharing in Multi-Ethnic States

The basic characteristics of power-sharing in multi-ethnic societies are demonstrated below. The whole design aims at the negative and positive protection of ethnic groups. It is "negative" in the sense that they protect the minority from certain governmental policies, which would endanger the existence of the group; "positive" in the sense that they call for measures which would enable minorities to sustain their distinctiveness" (Schneckener, 2004: 25).

Power sharing executive	Proportional representation	Veto rights	Segmented autonomy	Arbitration
*Cabinets include each group in the society. *There are grand coalitions and decisions are taken by consensus in the legislative. *Presidential systems rely on the direct vote for the president.	*In all segments of the state (executive, legislative, judiciary, public service and military), there are agreed proportions/quotas for each group defined by formal agreements.	*Each group has veto rights in the decision-making process at the state level. *If overused, they can put power-sharing in a stalemate.	*Shared rule at the common state level is accompanied with self-rule based on territorial/federal type structures, or separate elections and communal chambers for the communities. *The decision making authority is delegated to the separate segments at the local level regarding the matters that are the minority's 'exclusive concern'.	* Ad hoc committees at the parliamentary level, special commissions for settling disputes or courts for impartial arbitration at the judicial level ensure the implementation of agreements.

Table Appendix C.1

Appendix D - EU Institutions in Kosovo

Name	Established in-Lasted until	Mandate
TAKFO (Taskforce for the Reconstruction of Kosovo)	1999-2000	*Administering emergency aid; *Absorbed by EAR.
EAR (European Agency for Reconstruction)	2000-2008* *Most of its activities including the administration of the CARDS Programme was transferred to the EU Liaison office in 2008.	*Humanitarian aid; *Financing projects on institution building, economic recovery and political reform; *It has become the largest EU presence in Pristina and the largest aid donor, administering the CARDS Programme in Kosovo.
EUMM (EU Monitoring Mission)	2000-ongoing	* EUMM dealt with security sensitive matters by reporting to Brussels and acted as the main channel of information on the ground.
EUSR (European Union Special Representative)- Peter Feith* *EUSR holds the mandate of ICR	2004-ongoing	*The EUSR offers advice and support to the government of Kosovo in the political process towards European integration; provides overall coordination for the EU presence in Kosovo; contributes to the development and consolidation of respect for human rights and fundamental freedoms in Kosovo.
EUPT (European Union Planning Team)	2006-2008	*Precedent for the EU Rule of law mission, established to prepare for the mission; *composed of an office of the Head of the planning team, a police team, a justice team and an administration team; *residual EUPT operation will continue to support the build-up of EULEX, mainly in the fields of finance and procurement.

ICO/ICR (International Civilian Office/International Civilian Representative)	2008-ongoing	*Appointed by the International Steering Group * ICO/ICR aims at ensuring the full implementation of Kosovo's status settlement and supports Kosovo's European integration through advising Kosovo's government and community leaders; *Works closely together with the EU presences in Kosovo: the European Union Special Representative, the European Commission Liaison Office and the EULEX rule of law mission.
EULEX (EU Role of Law Mission in Kosovo)	2008-ongoing	*The largest civilian mission ever launched under European Security and Defence Policy (ESDP); *The central aim is to assist and support Kosovo authorities in the rule of law area, specifically in the police, judiciary and customs areas.
ECLO (EU Commission Liaison Office)	2004-ongoing	*The mandate of ECLO is to deploy all enlargement tools under the Stabilisation and Association Process, such as regular reporting and European Partnership; *providing permanent technical and political dialogue with Kosovar authorities to provide sound policy advise and guidance to reform efforts; *administering substantial financial assistance (nearly EUR 2 billion to date) to build and improve Kosovo's institutions, foster socio-economic development and further advance Kosovo's regional integration; *fostering Kosovo's participation in regional and Europe-wide initiatives.

Table Appendix D.1

* Following the Declaration of Independence of the Republic of Kosovo on 17 February 2008, upon the request of Kosovo's leaders, a group of States formed the International Steering Group (ISG) on 28 February 2008. The Member States of the ISG are Austria, Belgium, Bulgaria, Croatia, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Norway, Poland, Slovenia, Switzerland, Sweden, Turkey, the United Kingdom and the United States of America.

Appendix E - Vertical Structure of Authority in Kosovo under International Authority

The central authority is composed of a directly elected Assembly. The executive is the President and the government, both appointed by the Assembly in accordance with the SRSG's consent. The court system has been designed in accordance with democratic systems at multiple levels[76]. The independent bodies included in the state system are different from the traditional state apparatus. Together with an ombudsperson they provide checks and balances mechanisms for the implementation of rules and procedures[77]. Local system governance is also divided into legislative, executive and judicial functions, and municipalities have some own budgetary competences.

After the independence EUSR/ICR has replaced the SRSG as the head of the international community in Kosovo. Furthermore, the Kosovo legislative and executive have become the main authority of Kosovo. However, the Kosovo central authority and EUSR/ICR work in close cooperation and full authority has not been transferred to the Kosovo legislative yet. The three layer hierarchical structure between the international community, the Kosovo central authority and Kosovo local authorities still continues to some extent, although Kosovo authorities continuously emphasize that they see the EU as a partner together which the Kosovo government, shaping the future of the Kosovo state together, rather than perceiving them as 'colonizer' or 'boss'[78].

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[76] Supreme Court of Kosovo, District Courts, Municipal Courts, and Minor Offence Courts.

[77] The independent bodies include the Central Election Commission, Judicial and Prosecutorial Council, Auditor-General, Banking and payments Authority, Media Commission, Board of Public Broadcasters and Housing and Property Directorate/Claims Commission (Wollf, 2008:425).

[78] Interview held by Bekim Sejdiu, the Ambassador of Kosovo to Ankara, May, 13, 2009, Embassy of Kosovo, Ankara.

International Presence UNMIK headed by SRSG			

Kosovo Central Authority	Local Legislative Assembly (directlv elected)	Local Executive President of Kosovo Government of Kosovo	Judicial System
	Independent Bodies and Offices		Ombudsperson

Municipal Institutions	Municipal Assembly	President and Deputy Presidents of Municipality Chief Executive Officer and Board of Directors of Municipality	Judicial System

Source: Wolff, Stefan, Power-sharing and the vertical Layering of Authority: A Review of Current Practices, in Marc Weller, Complex Power Sharing, 2008.

Appendix F – Macedonia

Historical Background of the Macedonian Conflict

Macedonia seceded from Yugoslavia peacefully in 1991. During the wars between Serbs, Croats and Bosniaks, the country was considered to be the best example of a post-Yugoslav state. However, mutual distrust between the conflict parties had long been present since independence in 1991, and so before the conflict broke out in 2001[79]. However, the relatively peaceful situation in Macedonia has collapsed and the ethnic relations between the Albanian minority and Macedonian Slavs have deteriorated since 2001 and brought the country to the edge of a total civil war. During the 1990s, Albanians –concentrated in the western part of the country- wanted some revisions of the constitution and demanded more rights regarding Albanian as an official language, high education and more representation of the Albanian population at the public level, as well as veto rights in the parliament. The tensions escalated when NATO intervened in Kosovo- the neighbouring country where the Kosovar counterpart of the underground Albanian National Liberation Army (NLA) had been fighting against the Serb oppression. The conflict concentrated around the border with Kosovo between the NLA and the Macedonian police and military (Scheneckener, 2002 and Daftary, 2001). The failure to secure the border between Kosovo and Macedonia has caused a spillover of the conflict when experienced members of the Kosovo Liberation Army (UCK) supported the conflict between the NLA and the Macedonia police and army.

Intervention by the EU in mediating the negotiations between the two parties- representatives from the main Macedonian parties and Albanian parties- has created an agreement on a constitutional framework giving the Albanian minority wide administrative and cultural rights. The Ohrid Framework Agreement (OFA) was signed in 2001 based on principles including the recognition of Macedonia as a multi-ethnic society to be reflected in public life and development of local level governance. The subsequent legislation ensured extensive language and educational rights for Albanians, established power-sharing and proportionality in public service.
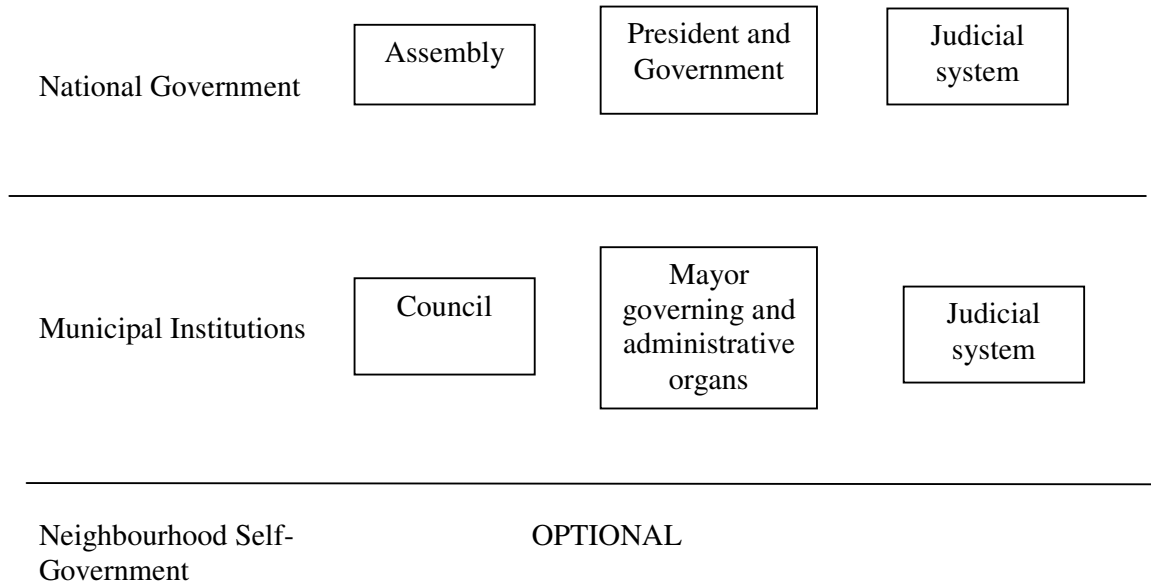
Power-Sharing in Macedonia

According to the OFA, Macedonia retains its unitary-state character with two layers of government. However, the power between the central government and municipalities is clearly separated giving extensive autonomy to the local governance. The central level government represents the legislative, executive and judiciary division. Municipalities enjoy rights over "public services, culture, education, social welfare, health care, environment, urban and rural planning, economic development, and local finance" (Wolff, 2008:427). The

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[79] Contrary to the general argument, Treneska argues that between 1991 and 2001, the rights granted to the national minorities were "better than required by international acts for national minorities' protection" (Treneska, 2004:225). The minorities had representation in the parliament, and the central government established by mainstream Macedonian parties had always included one ethnic Albanian party. However, the mainstream view is more closer to the one stated above, which is supported by the fact that the UN dispatched a preventive force between 1992-1998, the OSCE initiated measures to improve interethnic relations and the EU got involved with financial instruments and asymmetric trade preferences.

Council has budgetary powers, carries out public services, controls the governance of the administrative organs and executes public services at the municipal level and mayor acts as the executive power at the local level. The locals are also given an optional third layer where they can set up neighbourhood self-government within the municipalities. This third layer "leaves significant room to address specific local concerns in ways that are felt most appropriate by those immediately concerned" (Wolff, 2008:428). This is illustrated in the table below:

National Government	Assembly	President and Government	Judicial system
Municipal Institutions	Council	Mayor governing and administrative organs	Judicial system
Neighbourhood Self-Government	OPTIONAL		

EU Institutions in Macedonia

Name	Established in-Lasted until	Mandate
EUMM, PHARE and, humanitarian assistance through ECHO	Pre-conflict period (before 2001)	Various financial and humanitarian assistance For further information on EU involvement in Macedonia before the conflict see Hansen, 1999.
EAR (European Agency for Reconstruction)	2001-2008	Administration of CARDS In 2007, IPA replaced CARDS and other pre-OBNOVA accession support to all candidate and potential candidate countries and has been set for the period of 2007-2013.
EIDHR (The European Instrument for Democracy and Human Rights)	1999-ongoing	
Concordia First military mission taken over from NATO.	2003	Support stability and confidence building, implementing the OFA
Proxima The replacement of Proxima was due to bureaucratic reasons not ineffectiveness. The government of Macedonia did not want the presence of an institution whose mandate was crisis management. Thus, an EU Police Advisory Team replaced it.	2003-2005	Mentoring, monitoring, advising middle and senior management police officers focusing on border management, confidence building in police (Council Joint Action, 2003/681/CFSP)
EUPAT (EU Police Advisory Team)	2005-2006	Monitoring and mentoring the Macedonian police with priority in border policing, fight against corruption and organised crime, and public

		accountability (Council Joint Action 2005/826/CFSP).
EUSR In 2005 the EU combined the old position of EU Special Representative (EUSR) and that of European Commission Head of Delegation into a single individual one, thus creating a double-headed mission for more effectiveness.	2001-ongoing	
RRM (Rapid Reaction Mechanism)	2001-2002	Launching programmes in police reform.
ECJHAT (European Commission JHA Mission)	2002-2003	Supporting reform in police and judiciary, seconding experts from member states and setting key documents for reform.
ECPRP (European Commission Police Reform Project)	2004-2005	Implementation of the reform process initiated by the legislations in 2004.
Twinning maybe explain briefly what that is		Tackling organised crime

Table Appendix F.1