Chapter 1
Introduction

1.1 The Puzzle

Kosovo is one of the youngest countries in the world. In the last few decades, its history has been turbulent, stained with blood. When the European Union Rule of Law Mission in Kosovo (EULEX) was established back in 2008 as another optimistic effort of the international community to build sustainable peace, Kosovo Albanians, the biggest ethnic group in the country, held high expectations. This is no surprise: Kosovo Albanians have endured difficult periods of violence, particularly during the war of 1998–1999, and despite being citizens of "an independent state" face the challenge of living in one of Europe's poorest countries, dogged by corruption and lawlessness. Although the second biggest ethnic group in Kosovo, the Serbs, does not agree with the Kosovo Albanians on Kosovo's future political status and oppose both its statehood of and international recognition, there is widespread agreement among them: the rule of law in this corner of South East Europe urgently needs to improve.

Professionalising the Kosovar police, customs and judiciary—EULEX's three main working areas—remains an urgent task among a handful of other challenges facing this post-conflict society (economic reconstruction and tackling poverty, for example). The early announcements made by EULEX staff were ambitious: they promised to not only professionalise the key services for democratic society to function properly, but also committed themselves to go after the "big fish" (Qosaj-Mustafa 2010, 5). Unsurprisingly, these promises of bringing the perpetrators to justice made the local population believe sustainable peace and a well-functioning democracy were within reach. Moreover, most Kosovo Albanian political parties supported the deployment of EULEX—with one exception, *Vetëvendosje!* (Movement for Self-Determination), a prominent political party that has been fiercely opposed to EULEX from the very start.

Despite the passing of months and years, only a handful of people have been processed by the courts. Unsurprisingly, the initial euphoria seen in significant parts of Kosovo Albanian society has dwindled. Further, the corruption scandals affecting EULEX itself that resonated widely in post-conflict Kosovo, leading to vigorous reactions of the locals who once believed EULEX could also heal society from other problems—not just those covered by its mandate. More fuel was added to the fire by certain prominent political figures whose political programme included harsh and constant criticism of the international community, especially EULEX.

The Kosovo Albanians' protests against EULEX often turned violent (Krasniqi 2009). One of the biggest protests took place in 2009 when rioters destroyed 28 EULEX vehicles; three police officers and one rioter were wounded. Apart from the protests, the supporters of *Vetevendosje* expressed their outrage with EULEX in different ways on an everyday basis, most notably by writing graffiti describing EULEX as an occupier that should leave the country immediately (McKinna 2013). Yet the Kosovo Serbs were almost equally opposed to the EU's most ambitious civilian mission so far, designed to be a flagship of its Common Security and Defence Policy (CSDP), having argued that the establishment of EULEX *de iure* meant recognition of Kosovo's statehood (Radio Slobodna Evropa 2008).

In a setting where the objectives of EULEX's mandate were very ambitious yet where the mission's approval among the local population has reached its lowest levels in the last couple of years, it is worth investigating why and how this all came about. The lack of an exit strategy and the erosion of its legitimacy are the two main criticisms levelled at the mission (Qehaja and Prezelj 2017, 412–416). It is thus intriguing to explore why the EU—despite EULEX's well-documented disapproval among most residents of Kosovo (both Albanians and Serbs) and the fact this civilian mission is costly yet clearly not delivering on its promises—insists on continuing this rule-of-law mission in this part of Europe.

Conversely, why is the idea of exporting the EU's standards and norms to a third country, which technically speaking is EULEX's overarching aim, so bitterly opposed on the ground? While it is true that Kosovo might be "the laboratory of the international community to test some ideas" (Zupančič 2015), due to its geographical proximity probably it is also the most appropriate space to fulfil the EU's aspirations to finally become recognised as 'a force for good' in international relations—Normative Power Europe (Manners 2002). In line with its attempt to become a global security actor, the EU's normative aspirations extend far beyond Kosovo. Yet, compared to certain other conflict or post-conflict societies where the EU has sought to establish norms (e.g. Southern Sudan, Mali, Chad etc.), Kosovo might—at least *prima facie*—be a relatively easy peacebuilding task. However, as this monograph demonstrates, this has not been the case.

1.2   The Argument in Brief

The EU's peacebuilding role in Kosovo, and the performance of EULEX in particular, have attracted considerable academic criticism in the last few years (Papadimitriou et al. 2007; Shepherd 2009; Kammel 2011; Radin 2014; Malešič and Juvan 2015; Grilj and Zupančič 2016; Qehaja and Prezelj 2017). EULEX has also not been spared of salient criticisms from 'within', when the EU itself launched several investigations to help discover EULEX's malfunctioning as an institution and the misbehaviour of its staff. One case in point is the Jacque Report published in April 2015 in response to accusations of corruption in the judicial sector made by a staff member of EULEX (Jacque 2015). The performance of EULEX and the misconduct occurring under its flag is also strongly rebuked by former staff member Andrea Capussela (2015) who argues in his book that the mission has been so unsuccessful in meeting its objectives that it is better to immediately close it down and withdraw it from Kosovo. It is no surprise that the negative sentiment surrounding EULEX—often rightful, albeit not always—also echoes widely in Kosovar media outlets on an almost daily basis (Kossev 2014; Koha.net 2017).

It is hard to dispute the fact that this, the most ambitious mission ever launched within the CSDP framework, has several problems and as such has not fulfilled the expectations of Kosovo residents themselves (Albanians, Serbs and other ethnic minorities) or the EU politicians and officials overseeing this civilian mission. This book, however, does not attempt to challenge the findings and valid allegations thoroughly researched and documented in the previously mentioned publications. But what this book does challenge is the general belief that EULEX, as part of the EU's peacebuilding project, has done nothing at all and has even played quite a positive role in building sustainable peace in Kosovo.

Thus, the central argument of this book is that certain aspects of EULEX's performance in the 10 years of its operation (2008–2017) *have helped improve* certain practices and further that the mission staff have been learning from their initial mistakes. In particular, this monograph seeks to show the EU is able to project its normative power through its peacebuilding efforts, especially in fields that are *politically unproblematic* and *hence more technical in nature* or—to use military terms—take place on the tactical level (e.g. raising standards of police conduct; improving the customs control; streamlining court procedures).

Yet one must also take into account that the mission has been operating in a very challenging environment since its inception, in both a local and international perspective. One example is the question of the non-recognition of Kosovo by EU member states, which further complicates the EU's effectiveness. It is not even expected that all EU countries will recognise Kosovo's statehood in the near future. If the other structural causes stemming from the complexity of the international community, each significantly impacting the peacebuilding project's success in Kosovo, are added to this conundrum (e.g. the role of the United States of America (USA) in Kosovo and the wider region of South East Europe; the Serbia-Russian Federation nexus and the implications for Kosovo), it would be quite naïve to

expect that a single international actor could bring several positive changes to this post-conflict society.

By arguing along these lines and given all the constraints the EU as an institution and EULEX as a 'spin-off' are facing, this book seeks to answer the following *general research objective*: what kind of power is the EU supposed to be (and 'pretends to be') in its peacebuilding endeavours in a post-conflict society in its immediate neighbourhood—the 'new-born' country of Kosovo.

The general research objective is further broken down into several specific *research questions*. First, what are the effects of the EU's attempt to normatively influence the EULEX Kosovo mission? Second, should the EU aspire to be a normative, civilian, transformative, economic or even military power—or perhaps none of these—even though the EU invests "more in development cooperation than the rest of the world combined" (Mogherini 2016, 3)? Third, is it reasonable for the EU to continue to declaratively pursue normative goals on a global scale, attempting "to widen the reach of international norms, regimes and institutions" (European Union 2016, 41), when it even struggles to build sustainable peace in Kosovo, whose around 1.8 million inhabitants represent not even 0.4% of the entire EU population? Finally, what is the direct impact of EULEX's work in its main fields of engagement: the police, customs and the judiciary?

1.3 Methodological Framework

The methodological framework of this monograph is an excerpt of a wider conceptual framework established within the extensive Horizon 2020 project IECEU (Improving Capabilities in EU Conflict Prevention).[1] It draws from an analysis of 66 interviews conducted during field trips to Kosovo and Bosnia and Herzegovina in 2016 within IECEU Working Package 2 (The Balkans). While this monograph focuses on the EU's mission in Kosovo, the data acquired in Bosnia and Herzegovina further shed light on the labyrinths of the CSDP in South East Europe.

The researchers from the University of Ljubljana, the Centre for European Perspective and the Finnish Defence Forces International Centre (FINCENT) interviewed various people from Kosovo (local staff working for EULEX, non-governmental organisations' (NGOs') representatives in Kosovo, and the international staff of EULEX in particular).[2] Some other experts were also interviewed in

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[1]IECEU 2016. Deliverable 1.4: IECEU Conceptual Framework. Available at: http://www.ieceu-project.com/wp-content/uploads/2016/11/IECEU_Conceptual_Framework_PU.pdf (27 September 2017).

[2]The principal investigator leading the research in South East Europe was Dr Rok Zupančič, University of Ljubljana (Faculty of Social Sciences, Defence Research Centre), now working at the University of Graz (Centre for Southeast European studies). The researchers Ivana Boštjančič Pulko and Nina Čepon from the Centre for European Perspective and Johanna Suhonnen from FINCENT participated in the interviewing in Kosovo.

order to ensure third-party feedback pertaining to EULEX's performance (European External Action Service (EEAS) staff; the representatives of certain armed forces' contingents deployed in the framework of multinational stabilisation forces), was obtained. A semi-structured questionnaire was used for the interviews, providing a suitable means to ensure greater richness and variety in answers, including unexpected ones. The research questions stem from an extensive analysis of academic and expert literature on EULEX and Kosovo in general, which was conducted prior to commencing the field work.

The preliminary findings from the mentioned approach were then critically evaluated at a roundtable discussion. Several experts working in South East Europe or in EU structures were invited to the roundtable in Slovenia in order to assess the findings of the IECEU researchers made during their field work in early 2016. In addition, the representatives of security/enforcement institutions (the Slovenian Armed Forces and the Slovenian Police), the Ministry of the Interior, the Ministry of Foreign Affairs, think tanks and academia participated, with the intention to evaluate the IECEU researchers' findings from as many perspectives as possible. The roundtable discussion had 24 participants and was organised according to the Chatham House rules.[3] The feedback received served as a means for validating and improving the findings of the field work.

1.4 Outline of the Monograph

Chapter 2 presents the methodological framework for studying the EU normative power in post-conflict societies through the lens of peacebuilding. To establish such a framework, it is necessary to understand the EU's aspiration to become a provider of global security since the first modest attempts of the then European Communities (EC) to contribute to international peace; the first section of Chap. 2 analyses this. The second section explores normative power as a theoretical concept and its practical 'embodiment' in the form of EU peacebuilding in post-conflict societies and explains the book's theoretical underpinnings.

Chapter 3 focuses on the EU's involvement as a security actor in South East Europe. It describes the process of the EU gradually recognising the importance of stability in its immediate neighbourhood—a region that was missing an adequate and decisive response from the EU during the 1990s when wars devastated large parts of former Socialist Federal Republic of Yugoslavia (the SFRY, also Yugoslavia)—for EU member states, South East Europe and, finally, also for Kosovo. The second part explores Kosovo's emergence as 'a security problem' from early on in the conflict in Kosovo between the Serbs and Albanians until more recent times, when the (so-called) international community decided to intervene by

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[3]The list of participants at the roundtable is available in Deliverable D2.4 "Round table—Discussion Report" at http://www.ieceu-project.com/?page_id=197 (9 November 2017).

launching a mission to help build sustainable peace—the very endeavour the EU is today leading.

Chapter 4 first illustrates Kosovo's 'appropriateness' for the EU's peacebuilding efforts, focusing on events that led to the establishment of EULEX. The chapter continues by explaining EULEX's deployment and the scope of its mandate. This is followed by the book's biggest contribution, namely its exploration of best practices, lessons identified and drawbacks in the three fields of EULEX's mandate (police, customs and the judiciary). The analysis is conducted in line with the previously established framework at the nexus of the academic literature on peacebuilding and normative power theory and intertwines three perspectives: the perspective of EU officials in Brussels, that of EULEX staff, and also the locals' perspective on EULEX.

Chapter 5 concludes the monograph. It critically evaluates the research findings and seeks to provide a few theoretical contributions for peacebuilding theories and the theory of the EU as a normative power. It also suggests possible avenues for further research.

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